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Sudan 2012

Scenarios for the future

Jair van der Lijn

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Abbreviations

CPA	Comprehensive Peace Agreement
GoSS	Government of Southern Sudan
ICC	International Criminal Court
IDP	Internally displaced person
JEM	Justice and Equality Movement
JIU	Joint Integrated Unit
NCP	National Congress Party
NGO	Non-governmental organisation
SAF	Sudan Armed Forces
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
UNMIS	United Nations Mission in Sudan

Preface

This report about developments in Sudan after 2011 is based on a study by Jaïr van der Lijn of the Clingendael Institute, commissioned by IKV Pax Christi and Cordaid. Its purpose is to contribute to the debate about how to stimulate peace, security and development in Sudan and to present options for international action.

The material presented in the report is based on input from a broad range of local and international non-governmental organisations, faith groups, politicians, government officials, civil society organisations and others, and was mainly gathered during workshops in Malakal, Juba, Bor and Khartoum in May and June 2009. We would like to thank all those involved in the project, in particular: the local representatives of IKV Pax Christi, Reconcile International and the al-Khatim Adlan Centre for Enlightenment and Development; the two workshop facilitators, Reverend John Okumu and Magdi El Na'im; all the workshop participants; the interviewees; and everyone who gave comments on the draft text.

We hope you will enjoy reading the report and look forward to any comments or suggestions for follow-up.

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The views expressed in this report are the sole responsibility of the author and do not necessarily reflect those of IKV Pax Christi or Cordaid.

Executive summary

The future of Sudan is uncertain. At present the international community, governments, international organisations and civil society groups are primarily focused on stimulating implementation of the Comprehensive Peace Agreement (CPA) and making sure an election and referendum take place. Consequently, little time is given to thinking strategically about the period after 2011. What will happen in 2012 is barely touched on.

This paper describes four possible scenarios for the future of Sudan, defined by two key uncertainties: 1) In 2012, will Sudan be united or will the North and South have gone separate ways? 2) In 2012, will there be a new war between the North and the South, or will there be no war? The answer to neither question is known; they both, theoretically, have two equally possible answers.

The four scenarios are:

1. The Last War Revisited? (War – United)
2. Border Wars (War – Secession)
3. CPA Hurray! (No War – United)
4. Be Careful What You Wish For: Somalia? (No War – Secession)

Five main findings have arisen from the scenario exercise:

First, it is very likely that the current situation will deteriorate and that violence and armed conflict will continue in Sudan. Conflict may be between the North and the South, and divide and rule strategies may also stimulate North-North or South-South conflict. Even if the North and South separate peacefully, they are likely to each have their own internal conflicts. In fact, even in the most peaceful ‘CPA Hurray!’ scenario, small-scale conflicts are still likely. Given the likelihood of continuing armed conflict, it may not be wise to direct all long-term attention to developmental rather than humanitarian assistance.

Second, although in theory all four scenarios are possible, the ‘CPA Hurray!’ scenario – the only one that promises a less violent future – appears less plausible. However, as it represents the most positive outcome, it is worth pursuing as a strategy, while at the same time preparing for what might happen if it fails.

Third, the organisation of free and fair elections is essential, not only to guarantee peace, but as the only peaceful way to bring about unity, as in the ‘CPA Hurray!’ scenario.

Fourth, continuous outside mediation and pressure is needed to get all parties to implement the CPA and to make unity attractive. For this to be possible, the time horizon needs to be extended beyond 2012. This is only possible to a limited extent, because the flexibility of the Sudanese system has reached its limits and deadlines, such as for the referendum, cannot be postponed indefinitely. The Sudanese need to talk about the post-2012 period, and also make the pre-2012 period more manageable by entering into discussions, for example, about what unity might look like.

Fifth, the critical difference between a successful and unsuccessful outcome will to a large extent be determined by whether the South has a stable, cooperative and confident leadership.

Introduction

The future of Sudan is uncertain. At present the international community, governments, international organisations and civil society groups are mostly focused on stimulating implementation of the Comprehensive Peace Agreement (CPA) and making sure the elections and referendum take place. Consequently, little time is directed to thinking strategically about the period after 2011. What will happen in 2012 is barely touched on.

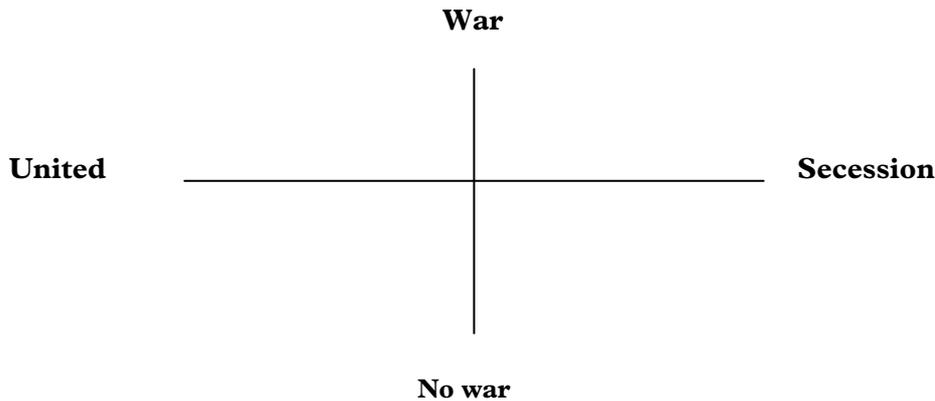
It is impossible to predict the future, but by developing a range of scenarios one can be prepared. Thinking in terms of scenarios has a number of advantages. Taking a normative approach, thinking through the main drivers and tendencies that lead towards an unwanted scenario – for example, one in which war restarts – means attempts can be made to prevent it from happening.

Scenarios can also be used as a strategic planning tool. Policies can be developed so that in 2012 everyone concerned is prepared for different scenarios. At present, most attention is directed to making sure that elections and a referendum are held, none of which may take place.

The scenarios in this paper are not intended to be a comprehensive overview of all possible futures, but rather a thought-provoking selection that cover a wide range of possible outcomes. It is, after all, very likely that none of the scenarios described will come true, but elements of them are likely to be part of the future.

Methodology

This paper describes four scenarios for the future of Sudan¹ within the parameters of two key uncertainties: 1) In 2012, will Sudan be united or will the North and South have gone separate ways? 2) In 2012, will there be a new war between the North and South of Sudan, or will there be no war between the North and South? The answer to neither question is known, but theoretically they both have at least two equally possible answers.



The four scenarios built on the basis of the above cross are:

1. The Last War Revisited? (War – United)
2. Border Wars (War – Secession)
3. CPA Hurray! (No War – United)
4. Be Careful What You Wish For: Somalia? (No War – Secession)

A number of questions underlie these scenarios and are likely to determine which scenario will become reality.

- What will happen with the International Criminal Court (ICC) indictment of President Omar Hassan Ahmad al-Bashir? Will he be toppled? Will he be arrested?
- Will the elections take place? If so, will they be free and fair? What will the results be, and will they be accepted?
- What will happen with the implementation of the Abyei arbitration? Will it be accepted?
- Especially in the case of secession, will there be a further agreement on those wealth-sharing and border demarcation issues not dealt with in the CPA?
- Will the South remain united or will it be torn apart by power struggles and tribal conflicts? This will depend to a large extent on whether the South has a stable, cooperative and confident leadership.

¹ The Shell method has been applied in the scenario-building process. These scenarios are not mechanical forecasts, but recognise that people hold beliefs and make choices that can lead down different paths. They reveal different possible futures that are plausible and challenging and, as such, provide alternative views of the future. They aim to identify significant events, the main actors and their motivations, and convey how the world functions.

- What will the election strategy of the Sudan People's Liberation Movement (SPLM) be? Will it cooperate with the Northern opposition or will it stay in an alliance with the National Congress Party (NCP)?

If all these uncertainties were translated into key questions, the number of possible scenarios would be overwhelming. That is precisely why the present scenarios have been developed. The purpose of this paper is not to predict the future, which is impossible, but to assist in planning and preparing for it. By thinking through very different possible scenarios, we are able to plan better for the future. For this reason the scenarios need to be challenging, plausible and creative. They were chosen in the hope that they are instructive and that they will provoke debate about the driving forces in Sudan, the different potential scenarios for the country, and about political, development and security strategies for its future. They do not describe what we hope the future will be like, or how we think it should look; they merely present different pictures of how it might look. We may not like some of the scenarios. In fact, we might do our best to prevent them.

The scenarios were developed based on workshops in both the North – Khartoum – and Southern Sudan – Malakal, Juba and Bor. The workshops were made up of more than 100 church people, lawyers, government officials, members of civil society and non-governmental organisations, academics, journalists, members of parliament, politicians and staff of international organisations, invited by IKV Pax Christi, Reconcile International and the al-Khatim Adlan Centre for Enlightenment and Development. They were facilitated by Reverend John Okumu and Magdi El Na'im.

The lively discussions at these workshops formed the basis for the scenarios, along with a number of interviews with representatives of the governing political parties in the North and South, members of the diplomatic community and specialists on specific topics. These interviews helped to further balance the input between North and South, and between government and opposition, and at the same time provide additional background information. Finally, the scenarios are also based on extensive literature research. A brainstorm session attended by a number of Dutch Sudan experts and policy-makers in The Hague also fed into the policy options.

What follows are four scenarios for Sudan 2012, written from the perspective of 2012. For this reason, each description of the period 2009–12 is written in the past tense, as though it were history, followed by a description of the situation in 2012. For each scenario, requirements from the international community for the year 2012 are given. This is followed by conclusions and recommendations on how to better prepare for the future of Sudan in 2012.

The Last War Revisited? (War – United)

A Sudanese future history 2009–2012

Relations between the NCP and the SPLM started to further deteriorate in 2009 over, among other issues, the results of the census and the ruling of the Abyei Arbitration Tribunal. President of the Government of Southern Sudan (GoSS), Salva Kiir Mayardit, at the time ruled out a return to war, but warned that some were seeking the demise of the CPA agreement. He stated repeatedly that the South was ready for war. At the same time, tribal conflicts in the South flared up further. According to the SPLM, these were instigated by the North. In addition to this insecure situation, foreign investment was deterred by rampant corruption and a lack of the rule of law. The response to the Abyei question, other contested areas and the election strategy divided the SPLM internally between separatists and unionists. Salva Kiir only just managed to keep the party together by not publicly making a choice between either of them. The SPLM also struggled to explain to the general public that economic development could not happen at once. Many argued that the SPLM government was incapable and corrupt, and said that in the future it would not be able to provide the population with services. The Sudan People's Liberation Army (SPLA) became increasingly disorganised.

The elections in the North were won by the National Congress Party (NCP). In the South, internal divisions meant the SPLM did not win the landslide victory it expected. Parties radically in favour of independence gained ground. This further deteriorated relations between the North and the South and both sides began to make more and more threats to return to war. The border demarcation between the North and the South remained a bone of contention. In May 2010, Southern militias claimed the Heglig oil field as part of Abyei and therefore Southern territory, and insisted it would remain so forever. They clashed with nearby Sudan Armed Forces (SAF). Although these clashes were initially small-scale, due to the tense situation they sparked wider clashes. The SPLA came to support the Southern militias and crossed over into what the North considered its own territory. SAF units stationed further away intervened in what they said was a clear violation of the CPA and the Tribunal ruling.

Within less than two weeks, the Abyei situation deteriorated into open clashes between the SAF and SPLA. This in turn further escalated the political and tribal power struggle in the South. Salva Kiir was forced to step down as he was deemed too weak and not outspoken enough in favour of independence. A faction of the SPLM came into power which was in favour of a clear and open policy for immediate independence. The new leadership in the

South argued that the CPA was dead and declared Southern Sudan unilaterally independent. According to them, the North had proven it could not be trusted and would never be willing to let the South secede peacefully. In operation 'Square One', all forces representing the North in the Joint Integrated Units (JIUs) in the South were attacked in an attempt to force them to leave. In addition, the SPLA tried to obtain better positions in the disputed areas and around the border, arguing that the South knew where the border was and was only taking land that belongs to the South.

The strategy of operation 'Square One' did not, however, go according to plan. The SPLA met fierce military resistance from the North. Also, the 'Northern' forces in the JIUs managed to get away and became some of the many 'other armed groups' in the South. In the international arena there was little support for the Southern decision. Only the United States accepted and supported the SPLM, although Washington said it regretted the use of violence. It argued that the CPA gave the South its right to self-determination, and that in the present situation a proper referendum was not possible. Washington argued that Khartoum had lost its right to have a say in the internal affairs of Southern Sudan.

On the other hand, Khartoum's argument was that, because a proper referendum was not possible, the South could not secede. The UN Security Council was divided over the issue. Russia and China called the unilateral Southern declaration of independence an illegal act and called for an arms embargo of the South. France was also opposed, but the United Kingdom was more willing to side with the United States. The African Union unanimously deplored the Southern actions, arguing that they were in contravention of both international law and the Charter of the African Union. None of its member states would recognise the new state. Egypt fiercely opposed Southern independence, seeing it as a potential obstacle to the free flow of the Nile. Even Kenya and Uganda did not support Juba. In addition, a number of Southern politicians took up arms against Juba, as they had a lot to lose in Khartoum.

Sudan in this scenario in 2012

In 2012, the war between the North and the South is both similar to and different from the previous war. This time the SAF has no strongholds or garrison towns in the South but, as before, the North fights the war through proxies and local militias. The NCP attempts to use the lack of unity in the South and divisions in the SPLM/A to divide and rule. The SAF has close ties with the militia that were once part of the JIUs. Moreover, it supports other militias – the former 'other armed groups' and renegade SPLA groups. These groups control a number of areas throughout the South, receive aerial support, and are supplied at the border and by air as they control some local airstrips. These locations are some of the conflict hotbeds. Also, the Northern air force manages to bombard Juba every once in a while. The SPLA has collapsed and reduced to its pre-CPA size as some of the militias that were integrated into it have decided to go their own separate ways. However, parts of it are better equipped and trained due to the recent modernisation process, so it is better able to take on smaller conventional battles. In addition, Khartoum aids the Lords Resistance Army to terrorise Equatoria. The SPLM follows a similar strategy in the North by supporting the Darfuri rebels, and movements in the far north and east.

In the North, the NCP government remains firmly in power in Khartoum. The 1,500 SPLA soldiers of the Khartoum Brigade, which were stationed in Khartoum as a result of the CPA, are violently disarmed in what comes to be known as the Khartoum massacre. Conflicts in the

far north and east have resumed and Khartoum harshly represses all social unrest and struggles in the marginalised areas. The war in Darfur has escalated and, as a result, tensions with Chad have increased. A renewed offensive on Khartoum by the Justice and Equality Movement (JEM) might be possible, and the SPLA plans an attempt to combine forces and capture Khartoum simultaneously from the South.

The situation with regard to civil liberties and human rights has deteriorated in both the North and the South. For example, press freedom has decreased as a result of tightened censorship. The economy is negatively affected, as are services such as education and health, because resources are allocated to the war. The South suffers as a result of weak, overarching nationalism and power struggles that coincide with tribal conflicts. Many in the South blame the North for their own discord, accusing it of bribing Southerners to take their side. Governance by the GoSS disintegrates and falls back to the SPLA, leaving the population without any voice and ending any attempts at democratisation. Insecurity and lawlessness prevail, leaving bandits and cattle raiders to thrive. The food situation becomes deplorable. Oil continues to flow – except when the SPLA carries out armed raids. As most of the oil fields are under the control of Northern forces, most of the oil revenues are again channelled to Khartoum, and the Southern economy crumbles. As the insecurity and humanitarian problems in Southern Sudan worsen, refugees pour into Uganda and Kenya.

Suggestions and policy options for the international community in this scenario in 2012

The unstable situation in the South no longer allows development assistance to be effective in that region. The international community can do little more than react, try to restart a political process and provide humanitarian relief. The best anyone can do is try to manage the conflict and prevent it becoming worse. The main policy options are:

- providing training to leadership so that decision-making is better informed and better substantiated
- conflict management and resolution between the different southern tribes, to prevent and manage conflicts and to stimulate southern unity
- mediation between the North and South
- establishment of a humanitarian corridor from the North to the South
- providing humanitarian assistance to meet basic needs, including food, medicine and shelter
- providing a limited peacekeeping presence to protect civilians and humanitarian assistance under Chapter 7 of the United Nations Charter
- supporting civil society to strengthen Southern unity
- supporting civil society and political opposition to ensure good and accountable governance in both the North and South.

Border Wars (War – Secession)

A Sudanese future history 2009-2012

Before the referendum of 2011, the South became increasingly disgruntled. Southern politicians increasingly accused the NCP of a policy of non-implementation of the CPA. The census results were renegotiated, but many southerners believed the numbers were still far from the truth. The South made more and more threats to secede, if needed by force and without a referendum. The result was a growing mistrust between the Northern and Southern elites and populations. The election campaign was rough, with many accusations from both sides. Inflammatory speeches led to polarisation and Southerners closing ranks against their common enemy. Although tribal issues and power struggles had been played up during 2009, these were now pushed onto the backburner. In the end, the NCP won elections in the North, while the SPLM managed to unite ranks and gained an overwhelming majority in the South. The referendum result in the South came as no surprise – it chose independence.

In the Abyei referendum, the local population voted to become part of the South. Fearing that after Southern independence other areas might also opt for secession, the NCP elite was unwilling to let the South go. Since 90 per cent of Khartoum's oil revenues came from wells in the South and Abyei, it could not afford to lose these.

Polarisation between the North and the South meant that they had not discussed important issues and neither side had come to an agreement about the future after the referendum. The (border) status of Abyei and a number of issues around the contested areas of Blue Nile and the Nuba Mountains/Southern Kordofan had not been resolved. The citizenship and ownership status of Northerners in the South and Southerners in the North was not properly dealt with. Also, issues such as the national debt and ownership of government organisations and companies were unclear.

One month after the referendum, the South declared independence. The SAF, having already positioned forces and tanks on the border, crossed the ceasefire lines just two days later. They invaded areas in the South where large groups of people from Northern tribes were living, arguing that they were protecting them. Khartoum claimed that the majority of the population in these areas had voted in favour of unity. The SAF met with a relatively well trained and equipped SPLA, which had turned itself partly into a conventional army, with three tank battalions. As a result, the Northern troops were not able to penetrate far into the South.

Sudan in this scenario in 2012

In 2012, the frontline between the SAF and the SPLA forces fluctuates in the oil rich borderlands. Although the North is possibly better equipped and trained, the Southern forces are much better motivated. They want to defend their country, while in the North support for the war is waning and body bags are feared. There is a belt of so-called flashpoints along the border. Conflicts are fought in, among other regions, Abyei, Nuba Mountains/Southern Kordofan and Blue Nile.

The fighting in Abyei is carried out directly by the Northern forces and is the scene of some big tank battles. The bulk of the fighting outside Abyei, however, is done by militias. The Khartoum government uses militia from tribal groups such as the Misserya to fight groups it dismisses as bandits, such as the Nuba, who are not part of the newly independent South, but no longer want to be part of what is left of Sudan. In Abyei, the Misserya also fight the Dinka Ngok. Islamic militant groups have joined Northerners who believe that Sudan should remain one united Islamic state. As a result, the conflict is increasingly drawn along religious lines. The North may be in a better military position, but the South is supported by the United States and the European Union. Also Uganda, Kenya and Ethiopia support the secession as it was carried out in accordance with the CPA. Even Egypt considers recognising Southern independence.

In the North, the NCP remains firmly in power. It is still a divided party, but the nationalistic hawks are in charge and have rolled back civil liberties acquired under the CPA. They believe the North should not grant independence to any part of Sudan because it might set a precedent. Accepting the South's independence, for example, might lead Darfur to choose the same path. The war in Darfur has intensified as the Darfurian groups try to take advantage of the situation. Although tensions in the far north and east increase, security forces are able to control these. The nationalists in Khartoum are tough on Southerners still stuck in the North. Nationalist groups terrorise Southerners in Khartoum, leading to many casualties. Parts of Khartoum where most Southerners live have become ghettos, which Southerners cannot leave because militias and thugs guard the access roads. The only protection Southerners have is from SPLA soldiers of the Khartoum brigade. Many try to escape to the South; others have no way of leaving as they are trapped. Southern Sudan declares itself a democratic multiparty federation and is relatively stable. It has introduced its own currency – the South Sudanese Shilling and English has become the national language. Juba is relatively safe, and is only hit by air raids every once in a while.

Nevertheless, the new country is severely hampered. There are still high levels of insecurity, and not only in the border areas. This is because the new government has to direct all its attention to the war and is therefore less able to ensure law enforcement throughout the country. Social violence and banditry thrive and cattle raiders often go unpunished. Like the North's, the South's economy is severely affected by the fact that the fighting takes place in the oil-rich borderlands. As oil production has come to a standstill, both countries' revenues have shrunk to just a small percentage of what they could be. Despite this economic downturn, in the South there is some interest from investors, but many are put off by the high levels of corruption.

This scenario is not likely to be a lasting one. If the SPLA manages to resist the Northern troops, the situation is likely to develop into 'Be Careful What You Wish For: Somalia?'. If it is not, the situation is likely to become 'The Last War Revisited'.

Suggestions and policy options for the international community in this scenario in 2012

The relative short-term stability in the South allows for some development assistance and capacity building to take place. At the same time, humanitarian relief is needed in the border areas as well as in parts of the North. The international community may also try to manage the conflict. The main policy options are:

- providing training to leadership to ensure better educated and better substantiated decision-making
- providing development assistance in its broadest sense in the more secure areas including: support for education; development of health care infrastructure; rehabilitation of physical infrastructure; and improving local water supplies and food production
- support for repatriation of refugees, resettlement of internally displaced persons (IDPs), their reintegration into local communities, and for the rehabilitation and reconstruction of the areas they can and want to return to
- providing humanitarian assistance to meet basic needs, including food, medicine and shelter
- support for and monitoring of future elections
- providing a peacekeeping presence to protect civilians, mainly in the border regions behind the frontline, and humanitarian assistance under Chapter 7 of the United Nations Charter
- establishment of a humanitarian corridor from the North to the South
- mediation between the North and the South
- strengthening of governance structures in the South to enhance the GoSS capacity to deliver services to its population
- supporting civil society to strengthen Southern unity
- supporting civil society and the political opposition to ensure good and accountable governance in both the North and the South.

CPA Hurray! (No War – United)

A Sudanese future history 2009-2012

During the second half of 2009, aware of the importance of the implementation of the CPA for the whole of Sudan, the international community became more active. In an effort to keep the CPA on track, the United States, the United Nations, other members of the Assessment and Evaluation Commission (AEC) and the Inter-Governmental Authority on Development (IGAD), started a mediation process. Looking back, this process started with the Washington DC meeting at the end of June 2009, after which Scott Gration became increasingly involved as moderator. In combination with international and regional – Egyptian, Kenyan and Ugandan – pressure on the Sudanese parties to stick to their agreement, this created a new momentum for the peace process. It resulted in the December 2009 Nairobi protocol, in which a number of important dates were rescheduled and further confidence-building measures were put in place. The protocol contained, among other issues, further arrangements and funding for the demobilisation of large parts of the SPLA, including comprehensive demobilisation packages, training of the remainder to become a professional army which in the future could be integrated with the Northern forces, and agreements on the depoliticisation of the SPLA and SAF. After the signing of the Nairobi protocol, the Security Council decided to defer the Bashir case before the ICC. As agreed in the Nairobi protocol, the peace process at first focused on the organisation of free and fair elections, which were rescheduled for January 2011. The referendum was rescheduled until after the rainy season in November 2011. Part of the protocol was for the United Nations Mission in Sudan (UNMIS) to play a greater role in organising and providing security for the elections. In addition, the UN was given the enormous task of monitoring the elections and making sure that they were free and fair.

In the spirit of the late Dr. John Garang, the SPLM decided to cooperate with the Northern opposition. Initially, it joined forces on the basis of the so-called Juba process, in which the SPLM aligned itself with the 17 smaller Northern opposition parties in the Alliance of Opposition Parties. As this conglomerate was supported by a significant part of the population, the Umma Party and the Democratic Unionist Party (DUP) read the signs on the wall and joined in a so-called Rainbow Coalition. At first this coalition was very unstable and disagreement was common, but it managed to stick together. In spite of the many logistical and security difficulties, the elections were a great success. The number of registered voters was much larger than expected and the turn out was very high at 89 per cent. In a joint statement, UN Secretary-General Ban Ki Moon and US President Barack Obama called it a victory for democracy. The SPLM and its partners in the Rainbow Coalition won the election

with 55 per cent of the votes. This unexpected positive result for the coalition boosted its cohesiveness. The South was only able to get this result by rallying behind the unity policy of the SPLM. On the other hand, with 45 per cent of the votes, the NCP became the largest Sudanese political party and felt legitimised as a result of the elections.

Following the example of Nelson Mandela in South Africa after the end of the Apartheid regime, the rainbow coalition decided that in order to prevent further violence it was necessary to include the NCP in a new Government of National Unity. International pressure from China, Russia and the United States on the NCP to accept the deal, and to live with Bashir being vice-president rather than president, was enormous. In the resulting negotiations, Western donors like the USA, UK and Netherlands blocked a solution for a long time. They were slow to accept that in return for the cooperation of the NCP, they needed to strike a deal in which Bashir's case before the ICC was dropped. In the end, however, they gave in. Although a number of both NCP and SPLM members opposed their parties cooperating in the new Government of National Unity, enthusiasm for another war among both the SPLA and the SAF waned. Although the leadership of both armies tightened discipline, unfortunately there were a number of small-scale violent incidents caused by power struggles and ethnic conflict. Bashir accepted the power-sharing deal and became Vice-President behind the first Southern president of Sudan. On 4 January 2012, the new Constitution of the Federal Republic of Sudan came into effect and replaced the Interim National Constitution.

Sudan in this scenario in 2012

In 2012, according to its new constitution Sudan is a democratic federation in which the North, the South, the East, Darfur, Kordofan and Khartoum share their wealth and power. The major rebel movements in Darfur, including the JEM and most Sudan Liberation Army/Movement (SLA/M) factions, stick to a ceasefire and negotiate their terms of the El Fasher Peace Agreement. Only some smaller factions stayed outside of this process, as to them violence and banditry appeared more lucrative. According to the Constitution, all parts of the country now enjoy a power-sharing deal and are represented in the Khartoum government. All the marginalised areas are entitled to a piece of the cake. Although sharia law still applies to Muslims in the Northern states, Sudan as a whole is a secular federation. The federal government intends to impose strict anti-discrimination regulations to make sure that everyone is treated equally before the law and in daily life. Fundamental freedoms and human rights are guaranteed in the new Constitution. The SPLA and SAF are to be integrated into the Sudanese National Armed Forces and preparations for this are in process.

Although many nationalist members of the Northern elite (including the NCP) perceive this new Sudan as a defeat, most NCP members settle for second best. One of the most important reasons for this is that, as a result of the sustained peace, the Sudanese economy is expected to grow rapidly and the Northern elites are already in a good starting position. Their economic interests prevail over their political hopes. Guarantees by the new government that all properties and possessions will be safe assures them that their future economic positions will not be threatened. In fact, there is ever-closer mercantile cooperation between parts of the Northern and Southern elites, which is more important than their divergent political agendas. Moreover, the political power of the NCP does not diminish overnight. Based on its history of having nearly been 'the State', it still holds many important positions and maintains a grip on the government. As a result, it could be said that Sudan is still not fully democratic, but for the moment most Sudanese can live with the situation. Members of the Rainbow Coalition and

most NCP members have sufficient trust in the road ahead. Some of the more nationalist and Islamist Northern elites are, however, not willing to join in the peace process. They commit small-scale violent attacks and plant bombs. At the same time, governance is far from efficient. As the government consists of a variety of strange bed fellows, decision-making is a time-consuming effort.

Sudan is establishing friendly and good relations with its neighbours and international partners. One of the main spearheads of the government is strengthening education and the fight against illiteracy in the whole of the country. In addition, strict laws against corruption and nepotism, and policies to ensure accountability, are being put in place. The overall security situation has improved since the new Constitution came into force, and plans for voluntary civil disarmament are being made. Nevertheless, tribal conflicts – especially in the South – flare up every once in a while. Some smaller opposition groups in the South still strive for independence as they would have gained more power and wealth in an independent South. They make optimal use of the increased freedom. The federal government is, however, working with organisations such as the United Nations Development Programme (UNDP) to strengthen security and the rule of law. It is hoped that if government control is strengthened, these smaller groups will give up and that the planned voluntary civilian disarmament will have a better chance of success as civilians will no longer need to provide their own security.

The present improved security situation already attracts more foreign investors who are surveying the Sudanese market in search of business opportunities. Oil production is increasing and new fields are being searched for. Except for mainly the Khartoum area, the Sudanese economy is still very poor but, in this more stable situation, economic development is much more likely. Due to the first foreign investments, the introduction of policies to empower local traders and a number of development projects, further dividends of the new-found peace are likely to become clear soon. Expectations are that in the referendum, which after the elections was rescheduled to take place in 2013, Southerners will choose unity as they will find it more attractive. Some even talk of postponing the referendum indefinitely as they argue it is a waste of money. The question of whether and how to organise the Abyei referendum is not yet solved.

Suggestions and policy options for the international community in this scenario in 2012

The improved security situation throughout the whole country allows the international community to be proactive in developing the country and helping to build capacity. However, a lot of trust building is still needed, as is a need for conflict management and prevention. The main policy options are:

- providing development assistance in its broadest sense in the more secure areas including: support for education; development of health care infrastructure; rehabilitation of physical infrastructure; and improving local water supplies and food production
- support for repatriation of refugees, resettlement of IDPs, their reintegration into local communities, and the rehabilitation and reconstruction of the areas they return to
- continuous support for the newly formed Government of National Unity
- stimulation of trade with and foreign direct investments in Sudan
- monitoring of human rights and the rule of law, and implementation of agreements under the CPA and subsequent agreements

- support for and monitoring of future elections
- providing a continuous, though lower scale, active peacekeeping presence throughout the country under Chapter 7 of the United Nations Charter
- security sector reform, both in the North and the South, to ensure a united and well-functioning security sector
- support for voluntary civil disarmament
- conflict management and resolution between different tribal groups, to prevent and manage future conflicts
- strengthening of governance structures in the South to enhance GoSS capacity to deliver services to its population
- supporting civil society to strengthen Southern unity
- supporting civil society and political opposition to ensure good and accountable governance in both the North and the South.

Be Careful What You Wish For: Somalia? (No War – Secession)

A Sudanese future history 2009-2012

At the end of 2009, although the CPA was implemented to a large extent, the glass could easily be perceived as half empty rather than half full. To the population of Southern Sudan, unity did not seem attractive. The North hoped to gain as much as possible by driving a hard bargain, and so lost any goodwill among the Southern population. In the South, politicians stirred the masses with public statements about how the CPA was not being implemented and how the North could not be trusted. They were also trying to get as much as possible out of ongoing negotiations about implementation of the CPA. Although many of them were actually in favour of unity, they failed to explain the advantages to the population. In the election campaigns of 2010, it would in fact have been political suicide to talk about the benefits of unity. Instead, politicians all spoke of how, after independence, they would be better able to work for education, health and sanitation.

In the referendum, an overwhelming majority – 91 per cent – of Southern Sudanese voted for independence. UN Secretary-General Ban Ki Moon noted when the results were announced that “both parties had the responsibility to make unity attractive and both parties failed.” This result did not, however, come as a surprise. For a number of years, it had been a public secret that the South was likely to vote for secession. In the lead up to the referendum, as this new reality came nearer, both national and international actors started to anticipate the result. The international community, for example, tried to increase the capacity of the GoSS to prepare it for the daunting task ahead. National actors also started to anticipate possible outcomes, as they knew that in both the North and the South the power balance and status quo was about to change drastically. In the two years running up to the 2011 referendum, tribal clashes escalated. These clashes were further intensified by power struggles between Southern politicians aligning themselves for future positions. The GoSS, for example, was claimed to be increasingly a Dinka organisation, which did not listen to other tribes. Disagreements between the different factions of the SPLM and smaller Southern Sudanese political parties, combined with tribal issues, were affecting the stability of Southern Sudan. Towards the referendum, the Darfur conflict intensified in the North. Furthermore, in the Kordofan, east, far north and contested areas, high intensity conflicts erupted. The peace agreements that had held up to then were broken because groups in the so-called marginalised areas felt that, without the support of the South, staying under the rule of Khartoum would no longer bring any benefits. Khartoum was losing its grip over the North – but trying to maintain unity and keep as much of the country together as possible – and was unable to resist the Southern secession. In

addition, the majority of the Riverine Sudanese did not want their young men to fight in the South any more.

The result of the Abyei Arbitration Tribunal ruling was that the main Abyei oil fields remained in the North, which gave the North some breathing space with regard to the loss of oil revenues. Khartoum agreed to part with the South in peace in order to focus its efforts on maintaining power and stability in the North. The South got a democratic constitution on the basis of a federal system, in which freedom and equality were two important notions. Without a common enemy in the North, however, the South was no longer able to maintain unity. The situation exploded on Independence Day when, during his independence speech in Juba, the newly sworn-in president Salva Kiir was assassinated. From that moment on, tribal conflicts and chaos tore the newly-born country apart.

Sudan in this scenario in 2012

In 2012, the Republic of Southern Sudan is in chaos. It has gained control over its resources as it no longer needs to share them with the North, but struggles internally over these new spoils. Its government is in the hands of the SPLM, but only those members who believe in the unity of Southern Sudan and only under the rule of one particular tribe. The government-controlled area is not much larger than Juba. The rest of the country is torn apart by warlords and tribal militia. There are tribal clashes between, for example, the Dinka and the Equatorians, the Lou Nuer and the Jikany Nuer in Upper Nile State, and between the Lou Nuer and the Murle in Jonglei State. Most of the militia leaders and warlords were once part of the SPLM or SPLA, but they broke away as they either feared for the safety of their own tribes or felt they could gain more on their own. The origins of many of the tribal conflicts lie in the leadership playing the tribal card in the hope of controlling power, wealth, oil and other resources. The SAF has largely withdrawn from the borderlands, where disputes over land have escalated rapidly. The three contested areas – Blue Nile, Abyei and the Nuba mountains – are the battleground between the Northern and Southern tribes. Occasionally, the Northern tribes receive aerial support from Khartoum. Groups such as the Dinka Ngok and the Misseriya try to provide for their own security and clash frequently with each other and other groups.

Khartoum is still stronger in other parts of the North than in the borderlands, but it is weakening there too. The SAF is losing further control over Darfur, which has descended into absolute chaos. It struggles – alongside the Popular Defence Forces and militias – to maintain control over northern Kordofan, which is suffering under spill-over effects from the Southern and Darfurian chaos. At the same time, conflicts are also flaring up again in the east and the far north as the changed balance of power gives rebel groups a reason to take up arms again. Khartoum is struggling to maintain control but appears to be losing ground. The NCP is increasingly directing its attention to the northern Nile valley, where it can direct the scarce services and investments it still has to its Arab-Islamic constituency. This is a formidable task, however, because – either by choice or by necessity – millions of migrants, IDPs and refugees from the Northern periphery and the South are stuck in this NCP stronghold. In Khartoum, there is a fear that these groups, or other Northern elites that are not part of the NCP, may stage a coup. Security is therefore heavier than ever. The NCP cooperates with those in power in Juba as both power centres face similar problems and have similar interests.

The whole of Sudan, both the North and the South, has become insecure. As a result, investors are moving away. Oil production has stopped because the violence, insecurity and chaos are highest in the oil-producing areas, and the oil pipeline has been destroyed in numerous places by rebel groups. Farming is next to impossible. Despite its progressive constitution, equality, justice and liberty are still a long way away in the Republic of Southern Sudan. Although the Northern constitution is less progressive, the security and human rights situation in the North is slightly better. As a result, many new cohorts of people have become internally displaced, and surrounding countries such as Egypt, Ethiopia, Kenya and Uganda have received a huge influx of new refugees. The UN High Commissioner for Refugees (UNHCR) has called it the largest humanitarian disaster since the Second World War.

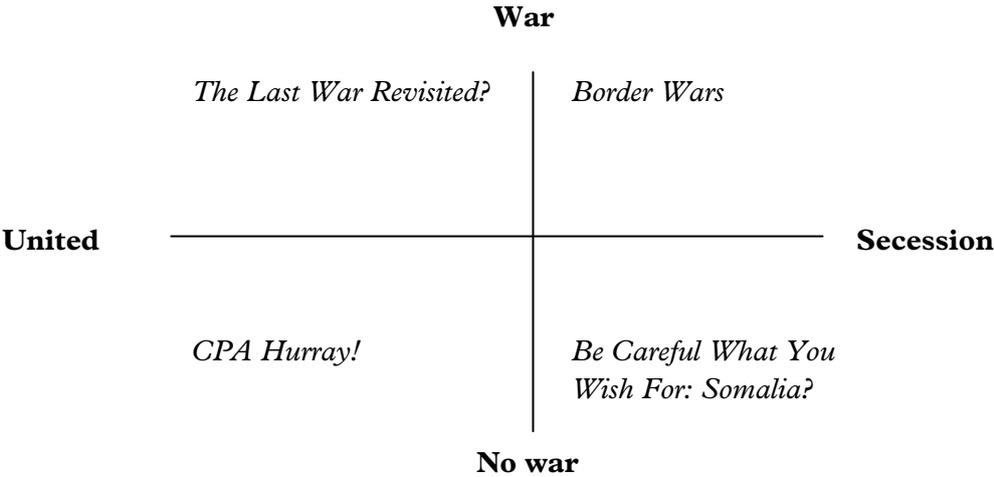
Suggestions and policy options for the international community in this scenario in 2012

The unstable situation in the South – and to an increasing extent also in the North – no longer allows development assistance to be effective. The international community can do little more than react and provide relief. The best anyone can do is try to manage the conflict and prevent it from becoming worse. To these ends, the main policy options are:

- providing training to leadership to ensure better educated and better substantiated decision-making
- providing humanitarian assistance to meet basic needs, including food, medicine and shelter
- a limited peacekeeping presence to protect civilians and provide humanitarian assistance under Chapter 7 of the United Nations Charter
- conflict management and resolution between the different tribes, to prevent and manage future conflicts
- strengthening of governance structures in the South to enhance GoSS capacity to deliver services to its population
- supporting civil society to strengthen Southern unity
- supporting civil society and political opposition to ensure good and accountable governance in both the North and the South.

Conclusions

The four scenarios described above intend to give a picture of how Sudan might look in 2012 in the four different quadrants of a cross determined by the two key uncertainties: 1) In 2012, will Sudan be united or will the North and South have gone separate ways? 2) In 2012, will there be a new war between the North and the South of Sudan, or will there be no war between the North and the South?



Main findings

First, it is very likely that violence and armed conflict will continue in Sudan, and that the present situation will deteriorate. The conflict may be between the North and the South, and may be fought through the use of divide and rule strategies which also stimulate North-North or South-South conflicts. If the North and South separate peacefully, they are likely to each have their own internal conflicts. In fact, even in the most peaceful ‘CPA Hurray!’ scenario, small-scale conflicts are still likely. Given the likelihood of continuing armed conflict, it may not be wise to direct all long-term attention to development rather than humanitarian assistance.

Second, although in theory all four scenarios are possible, from an outsider’s perspective the ‘CPA Hurray!’ scenario – the only one that promises a less violent future – appears less

plausible. As a strategy, it is worth pursuing, while at the same time preparing for what happens if this strategy fails.

Third, the organisation of free and fair elections is essential, not only to guarantee peace, but as the only peaceful way to bring about unity, as in the ‘CPA Hurray!’ scenario.

Fourth, continuous outside mediation and pressure is needed to get all parties to implement the CPA and to make unity attractive. In order to be able to do this, the time horizon for the parties needs to be extended. This is only possible to a limited extent, because the flexibility of the Sudanese system has reached its limits and deadlines, such as for the referendum, cannot be postponed indefinitely. The Sudanese need to talk about the post-2012 period, and also make the pre-2012 period more manageable by entering into discussions, for example, about what unity might look like.

Fifth, the critical difference between a successful and unsuccessful outcome will to a large extent be determined by whether the South has a stable, cooperative and confident leadership.

Reflections on the scenarios

It is remarkable how much similarity there was in how the different groups participating in the workshops in Malakal, Juba, Bor and Khartoum described each quadrant. Most differences were merely in accent and emphasis. For example, groups in the South described ‘Be Careful What You Wish For: Somalia?’ as a more peaceful, ‘fantasy’ scenario. But in response to the question whether there would be conflicts in that scenario and, if so, between whom, existing internal southern conflicts always entered the debate.

In theory, all four scenarios are equally possible. In practice, the likelihood of each scenario was regarded differently in the North and the South. In the workshops in the South, the participants deemed a renewed war between the North and the South next to unavoidable. Their argument was that the North would never let the South become independent and that war would be the result. At the same time, Southerners found it hard to imagine that the South could freely choose unity. As a result, they argued that ‘Border Wars’ especially, but also ‘The Last War Revisited?’, were the most likely scenarios. At the same time, they preferred a scenario of secession and no war, while hoping that the South remains united. The scenario ‘CPA Hurray!’ was deemed a very beautiful but unrealistic dream.

In the North, a renewed war between the North and the South was regarded as less likely. It was argued that the North is war weary and that most Arabs no longer want to send their sons to a far and distant part of the country with which they have little in common. They argued that ‘Be Careful What You Wish For: Somalia?’ is a very likely outcome, although they clearly preferred ‘CPA Hurray!’, which they saw as a romantic but possible scenario. In fact, many argued that all efforts should be directed at ensuring that ‘CPA Hurray!’ becomes a reality, because the other options should not be regarded as viable alternatives. In government-related circles, the ‘CPA Hurray!’ scenario was clearly preferred, although they hoped for a large stake for the NCP.

In the North, a fifth scenario (a second one in the United and Peace quadrant) was identified, on the basis of a third key uncertainty – will there or will there not be elections and a referendum? In this scenario, called ‘Stagnation’, the elections and the referendum never take

place because the elites in power in Khartoum and Juba have little to gain from them, and prefer the present situation to continue. The Sudanese and international actors would muddle through, continuing to ‘band aid’ the Sudanese system together. There would be close cooperation between the Khartoum and Juba-based elites. Although the country would formally still be one, in the North, marginalised areas – such as Darfur – would rebel against Khartoum, while in the South the marginalised areas would fight the Southern centre, Juba. Again, this scenario is very chaotic and violent, partly because ever since the signing of the CPA the parties have been muddling through and using ‘band aid’ solutions to keep the process on track. As a result, the system has lost most of its flexibility and few further adjustments are possible within the context of the CPA framework. Deadlines become increasingly more difficult to meet. With CPA implementation becoming more and more patched together, continuing with a muddling through and ‘band aid’ approach might end up with the patient having passed away. Some parts of the Southern elites, especially, will not accept further muddling through. Although this scenario is certainly plausible, it was decided not to describe it further because – in its essence on the ground – it is not very different from ‘Be Careful What You Wish For: Somalia?’.

Recommendations

The policy recommendations are arranged in two groups:

1. how to reach the most positive future and
2. how to be best prepared for 2012 with the most robust policy options.

Policy options to reach the most positive future

- Post-2012 negotiations are needed now. Whether the country stays united or not, negotiations on its future cannot be avoided. It is important that, with a sense of urgency, both the North and the South start to think about how – in each scenario, but especially in the secession scenarios – the State is divided. What will independence look like if that is the result of the referendum? Does it mean full independence or is it a form of far-stretching autonomy? What will happen during a transitional period? How long will that last? What to do with the Sudanese national debt? What to do with the State assets? What to do with international treaties? Where will the border be drawn? What to do with Sudan's resources. How will oil revenues and resources be divided? Et cetera. Through such talks, the time horizon of the parties can be extended to beyond 2012, without necessarily moving deadlines, such as that set for the referendum. This might make the pre-2012 period more manageable.
- Elections must be as free and fair as possible. This will lay the basis for a future democratic Sudan and allow for a change in the political status quo through voting. International assistance will be needed, and the elections monitored by a neutral international actor to ensure that the results cannot be questioned and are accepted.
- The election results should not be seen as a winner-takes-all outcome. A power-sharing agreement – which includes the NCP and the SPLM in a future national government – must be drawn up, preferably before the elections. Inclusive governance on the basis of consensus is much more likely to yield peaceful results in Sudan than exclusivity.
- Voter education is of eminent importance, not only for the elections, but also for the referendum. Voters need to be able to better understand the consequences of their choices.
- An active international mediation approach to ensure negotiations on CPA implementation is needed. New momentum for the peace process has to be created by, among other measures, international pressure on the parties to implement the CPA and to make unity attractive. Confidence needs to be built between the parties and current dynamics need to be changed. At present, negotiators and politicians threaten negative

consequences if their wishes are not fulfilled. As a result, mutual confidence is negatively affected. Abstaining from threats, and looking at opportunities rather than threats, enables confidence to be built and for an end to the current negative spiral of accusations.

- Support for the unity of the South is important to prevent the most chaotic scenarios. The Southern Sudanese leadership needs to be supported to become more stable, cooperative and confident.
- Support for those Northern opposition parties that are willing to cooperate with the SPLM is needed, to balance the NCP and to allow for a potential coalition.
- The dilemma between a peaceful scenario and ICC prosecution of Bashir may have to be faced.
- Quick impact development to show the dividends of peace is needed to make the price of war higher and therefore less desirable.
- To support education for the broader population, so that they can not only develop the general economy and their own lives, but also better comprehend the intentions of their leaders and critically question them.

Robust policy options to be prepared for the future

With regard to policy planning, each scenario has its own requirements of the international community. A robust policy option is one that serves in three out of the four scenarios. Such an option is a relatively safe bet in order to be prepared for the future. However, other policy options should not be discarded. With regard to options that may only work in one particular scenario, there should be enough flexibility to switch to them if the future of Sudan is going in the direction of that scenario.

In order to be best prepared for 2012, the international community is required:

To prepare for providing humanitarian assistance, including meeting basic needs through the supply of food, medicine and shelter, because most scenarios foresee continued violence, in some cases even worse than before. It is therefore better to be prepared for the worst.

- To prevent and manage future conflicts by preparing for conflict-management and resolution activities between the different tribes and politicians. This requires a quick reaction to warnings of violence in the South, a focus on the security of the population, and control of small arms rather than forced disarmaments. A regional approach to deal with the threat of the Lord's Resistance Army is also required.
- To provide training to leadership so that they are able to make decisions on the future in a better-educated and better substantiated manner.
- To provide an active peacekeeping presence under Chapter 7 of the UN Charter in all four scenarios to protect civilians and enable humanitarian assistance. The only difference between the scenarios is that in one case it is mainly needed in the border areas, while in the others it is needed throughout the country. Also, in one scenario the operation may continue at a lower intensity.
- To strengthen governance structures in the South to enhance GoSS capacity to deliver services to its population.
- To support civil society to strengthen Southern unity.
- To support civil society and political opposition to ensure good and accountable governance in both the North and the South.

Two additional remarks have to be made:

- One may wonder whether further support for the JIUs is wise. They have not become the elite units they were meant to be. In fact, in three of the four scenarios, the Southern militias representing the North are likely to become 'other armed groups', which may further destabilise the South. In addition, they are not needed to ensure the fourth scenario, 'CPA Hurray'. Support for the SPLA as a whole, directed at integration into a national army, would be better but it may not be politically attainable.
- Moving deadlines may be needed to buy more time. At the same time, it creates incentives for the scenario 'The last war revisited?', in which the South no longer believes in the implementation of the CPA and declares itself unilaterally independent. Ways must be found to extend the time horizon in different ways.