UNITED STATES INSTITUTE OF PEACE

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SPECIAL REPORT

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Jon Temin and Theodore Murphy

Toward a New Republic of Sudan

Summary

- Approaches to Sudan's challenges—by both Sudanese and the international community—have been fragmented and regionally focused rather than national in scope. They overlook fundamental governance challenges at the roots of Sudan's decades of instability and the center of the country's economic and political dominance of the periphery, which marginalizes a majority of the population. Such fragmentation diffuses efforts into fighting various eruptions of violence throughout the periphery and confounds efforts to address governance and identity issues.

- Ongoing processes in the future Republic of Sudan, sometimes referred to as north Sudan, continue this trend. While Darfur negotiations and popular consultations in Blue Nile and Southern Kordofan states should continue, they should eventually be subsumed into a national process aimed at addressing the root causes of Sudan's governance failures. The process should feed into, and then be reified by, development of a new national constitution. Even now the goal of these regional processes should be re-envisaged as steps toward a national process.

- Sudanese negotiations largely occur between elites. Negotiators often cannot claim genuine representativeness, resulting in lack of broad buy-in and minimal consultation with the wider population. The ongoing Darfur negotiations are a case in point. To avoid prolonging the trend, a more national process should be broad-based and consultative. It should feature an inclusive dialogue, involving representatives from throughout the periphery, about the nature of the Sudanese state and how to manage Sudan's considerable diversity.

- Southern secession in July 2011 presents an opportunity for Sudanese to take a more comprehensive, holistic approach to their governance problems. Significant adjustments are warranted by the end of the Comprehensive Peace Agreement, such as the development of a new constitution. The opportunity to initiate fundamental governance reform may be ripe because the ruling National Congress Party is under intense political and economic pressure. The Arab Spring revolts, the economic shock of lost oil revenue, and the proof of governance

failure that southern secession represents have inspired, among some NCP leaders, a belief in the necessity of preemptive change.

- Any reform of northern governance should be led by Sudanese. Perceptions that external actors are forcing change can be counterproductive. The international community can support a reform process but should tread carefully. International efforts should focus on promoting an enabling environment in which nascent Sudanese-led efforts can take root and grow. Support to constructive voices and aid to inchoate political initiatives should be available when requested.

- Supporting a national process poses a challenge for the international community as its capacity, pressure, and incentives are already distributed across the various regional political processes. Pressures and incentives are tied to specific benchmarks defined by those processes, making it difficult to reorient them toward the new criteria dictated by a national process.

Africa's largest country will soon divide in two, but the bulk of the world's attention has focused on only one side of that split. Following the overwhelming vote by southern Sudanese to secede from the rest of Sudan, the Republic of South Sudan will declare independence in July 2011. But the excitement and anxiety concerning the future of southern Sudan triggered by the successful referendum crowds out a focus on the future of the other state emerging from secession: the future Republic of Sudan.[1]

The remaining Sudan's future may be bleak. The war in Darfur persists despite multiple international efforts to broker peace. Two northern states along the north-south border are agitating for increased autonomy through the popular consultation process prescribed in the Comprehensive Peace Agreement (CPA). A peace agreement between the government and rebels in the east is tenuous. The future status of the contested Abyei area remains unresolved. The northern economy is in dire straits due to inflation, corruption, and the loss of oil revenue that will accompany southern secession. The Arab Spring revolts threaten governments throughout North Africa and the Middle East; the fall of Hosni Mubarak in neighboring Egypt sent shock waves through Khartoum, prompting an evaluation of the government's stability and ability to contend with newly invigorated demands for democratization.

Sudan's decades of instability are, by and large, the product of internal dynamics and decisions, not misfortune or outside intervention.[2] Fundamentally, successive Sudanese governments—including those preceding the current National Congress Party (NCP) government—have failed to accommodate Sudan's considerable diversity. That more than 98 percent of southern Sudanese voted to secede provides ample affirmation of this fact. These governments also have failed to offer a compelling vision of the nature of the Sudanese state, beyond the NCP's declarations that the state is Islamic and Arab,[3] which made former Sudan People's Liberation Movement (SPLM) leader John Garang's vision of a new Sudan appealing to so many. This inability, or perhaps unwillingness, to manage diversity and articulate a positive vision results in forms of governance that are exclusionary and radically unequal in their distribution of wealth and resources. For decades, political and economic power and resources have been concentrated in the country's center (i.e., Khartoum and the surrounding cities and towns in the Riverine area), to the detriment of the periphery (essentially everywhere else in Africa's largest country). This approach to governance disproportionately benefits elites in the center and often takes particularly brutal forms in the periphery, witnessed most recently in Darfur.[4]

Such exclusionary governance is ultimately unsustainable. Through tactics and maneuvering it can be prolonged for years, even decades, but it inevitably leads to resurgent conflict. The NCP had inherited this governance paradigm when it ascended to power, but

then proceeded to prolong it. The party's early attempts to use Islamism to create a national identity that could supersede and subsume the dominant tribalism and regionalism failed to change this dynamic and manage Sudan's diversity.[5] Now, even with the separation of the south removing the majority of Sudan's non-Muslim population, the so-called perfecting of the Islamist project[6] will do nothing to address the underlying center-periphery asymmetry. Thus the government's current moves to reinvigorate the Islamist project will likely be only a distraction unless accompanied by progress toward inclusive governance.[7] Fundamental changes are needed in the way the future Republic of Sudan is governed if its roughly 30 million citizens are to enjoy a more stable and prosperous future after the south secedes. A new Sudanese political compact is required.

Remarkably, governance is rarely the focus of international engagement with Sudan.[8] Instead, Sudan's seemingly endless crises are often fragmented and addressed in piece-meal fashion; in recent years, international attention has oscillated between north-south relations and the Darfur conflict. This is understandable given the urgency of finding solutions, even temporary, to these vicious conflicts that destroy too many lives. But it marginalizes any focus on ending Sudan's cycle of violence, which is driven by poor governance. A more comprehensive, holistic approach to Sudanese governance is required to break that cycle.

The ongoing Darfur negotiations and the popular consultation processes in Southern Kordofan and Blue Nile states are examples of the fragmenting of Sudan's problems along geographic lines. These regional processes are vitally important and should continue, but they eventually should be subordinated to a more national and comprehensive dialogue process, aimed to conclude with the development of an improved system of governance captured by a new constitution. These regional processes touch on national issues, such as federalism, wealth, and power sharing, but they do so from a regional perspective that prioritizes local over national solutions. Each of these processes also potentially sets a precedent, but too many precedents—and too many special governance arrangements for particular regions—may render the whole of the future Republic of Sudan ungovernable, a country full of exceptions and competing precedents. Because the popular consultations and Darfur negotiations are, at their core, about so many of the same issues, they should be tied together into a single conversation addressing and involving the entire north.

There are crucial unanswered questions about whether the NCP leadership has the political will to undertake the reforms needed to transform northern governance and whether progressive elements among opposition parties, civil society, and youth can amass the pressure needed to compel reform. The NCP finds itself under significant political and economic pressure resulting from southern secession. Developments in the months immediately before and after southern secession in July may yield some answers. There has been intense, ongoing debate within the NCP on the need to reform. Currently the party wing opposed to reform appears ascendant.

This report highlights some of the key challenges to governance and the nature of the Sudanese state following southern secession and suggests options for how Sudanese can address these challenges if they choose to do so. It first briefly assesses the current political landscape and the players positioned to catalyze the creation of a comprehensive approach to governance. It then examines two ongoing political processes, the popular consultations and the Darfur negotiations, which address governance issues but do so from a regional perspective, risking further fragmentation of issues and solutions. It then offers suggestions for a more national process of redefining governance that revolves around inclusive dialogue and the constitutional development process.

The Shifting Political Landscape

Gaining real insight into politics in the north is challenging.[9] Alliances shift constantly, and marriages of convenience frequently form and dissolve. Politicians—some of whom have been on the scene for forty years or more—regularly reinvent themselves and show vastly different faces to different audiences. Power is often exercised through informal networks rather than formal institutions. It is certain that the NCP calls the shots, but the party is not a monolith, and internal divisions are increasingly apparent. Some of these are over the issues examined here: whether to reform the party and its governance of Sudan, or to adhere to the status quo that has kept it in power for more than twenty years.

One understanding of the current NCP is that it is a collection of business, religious, military, and security interests that collaborate to maintain their positions and control. The influences of these various interests rise and fall within the coalition, but their mutual dependence results in most of them remaining in the coalition and protecting one another. President Omar al-Bashir and his inner circle conduct this orchestra of interests, with various subordinates rotating in and out of favor but rarely deserting the party entirely. While many doubted the party's resilience and Bashir's political savvy when he came to power in 1989, Bashir and the NCP have demonstrated impressive survival skills. The party may have been motivated by ideology early in its reign, but many agree that its overriding current goal is to remain in power, particularly because, should they leave government, Bashir and others may be subject to international criminal prosecution.

The NCP struggles to think big, or at least to agree on and implement a big strategic vision. The party and the Khartoum government—which are virtually synonymous—manage portfolios reasonably effectively, but fail to foresee and prepare for challenges over the horizon. In many ways the NCP is issue- and crisis-driven, but it fails to link issues together and address the sources of Sudan's steady stream of crises; instead, it practices governance by crisis management, and is itself the source of many of these crises. However, the failure to think big and plan for the long term may be a strategy in itself: muddling through, from deal to deal, prevents any large-scale changes that may not be in the NCP's interests while distracting from the key transformative aspects of the CPA.

The party lacks a single unifying vision and common set of values that could help it chart the way forward. Islamism has been the party's ideology, but this never has translated into a vision of successful national governance, evolving instead into an exclusionary concept for what became defined as Sudan's non-Arab peoples.[10] Sudan's struggles are closely linked with the failure of the Islamist project to change the preexisting center-periphery asymmetry. Though its Islamist credentials are discredited with many Sudanese, the NCP still sees Islamism as an important rallying force and thus seeks to preserve its ability to use Islamism by remaining (however nominally) an Islamist party with an Islamist project. One way forward may be for the NCP to find a means of crafting a more inclusive iteration of the Islamist project coupled with real governance reform, which could shore up the legitimacy of the ideology with concrete change. The risk is that it does the opposite, ramping up Islamist rhetoric to distract from its shortcomings while also appealing to Islamist-minded northern constituencies, garnering their support for the government. There is also opportunity in the NCP's governance failures. While party hard-liners fall back on the exclusionary rallying power of Islamism as a means of generating legitimacy, ignoring the need for real change, other more progressive voices in the NCP see that the party must move beyond ideology to genuine change in order to create a new means of defining the party that will resonate more broadly across Sudan's diverse population.

The NCP is confronted by an unprecedented combination of political, economic, and regional pressures. It faces blowback for presiding over the division of the country, which

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successive governments have resisted for decades. A portion of the northern population may view this in a positive light, as a final resolution to the so-called southern problem, but many are saddened by the split. Economically, the north is in dire straits, with inflation on the rise, a yet undetermined amount of oil revenue to be lost to the south, and a massive debt burden (though there are efforts in some quarters to write off large portions of this debt). Austerity measures have been implemented as the north struggles to diversify its economic base. As northern leaders contend with these domestic pressures, they also watch as revolts emerge in one Arab country after another and longstanding governments falter, with some succumbing completely.

The medley of pressures may encourage NCP leaders to engage in meaningful governance reform, but this is far from certain. The NCP is engaged in heated internal debate concerning the benefit of genuine reform. Those in favor argue that the ruling party needs to articulate a new vision for the future Republic of Sudan. For them, the south's secession proves the failure of the Islamist project, as does the continuing crisis in Darfur. The possibility of getting out in front of the Arab Spring by taking proactive steps[11] and the coming change in government structure after southern secession[12] both lend immediacy to the argument. Lacking its previous oil revenues, they say, the north cannot ignore the economic price of continuing or potentially starting new armed conflicts driven by the existing political dynamic. For this group, change is not optional but essential to the party's survival. Another NCP camp, however, favors the status quo. Change is risky, they argue, and where the political opening may lead is unpredictable. Other northern political forces are weak and the Sudanese street is manageable; the threat of the Arab Spring is negligible.

The divergence of views and resulting lack of agreement have opened space for a number of concurrent initiatives resembling nascent national dialogue, none of which is grounded in a solid mandate by the NCP leadership based on partywide consensus. The issue of succession to party leadership further complicates these differences. The NCP senior strata are jockeying for pole position in a post-Bashir party following the announcement that the president will not contest the next presidential election.[13] The camps break down largely into supporters of the current second vice president, Ali Osman Taha, and the presidential advisor Nafie Ali Nafie.[14]

The traditional northern opposition parties—most notably the National Umma Party[15] and the Democratic Unionist Party (DUP)—are weak. Each is led by a longtime figurehead[16] who has resisted handing the party reins to a younger generation. Consequently, many see these parties as being out of step with the current political realities. They performed relatively poorly in the flawed 2010 elections, with each boycotting to varying degrees but gaining little political traction as a result. There have been efforts to form an opposition coalition including Umma, the DUP, the Communist Party, Popular Congress Party (PCP), and others, and commitments made to negotiate as a single opposition entity with the NCP but simultaneously Umma and DUP have pursued their own parallel negotiating tracks with the NCP to discuss some degree of power sharing following southern secession. Many opposition supporters in the future Republic of Sudan, especially among the youth, are resigned to the likelihood that one or both parties will eventually cut a deal with the NCP benefiting senior party members but preserving much of the status quo.[17] The PCP, the product of a split within the NCP in 1999, is openly encouraging the overthrow of the government, but many are suspicious of the motives of its leader and former Bashir mentor, Hassan al-Turabi; rumors of back-channel negotiations between the two only heighten wariness.

An important factor in northern politics is the SPLM-Northern Sector. While the majority of SPLM supporters are southerners, the party enjoys a substantial following in the Blue Nile and Southern Kordofan states on the northern side of the north-south border, with the Sudan People's Liberation Army (SPLA) drawing many troops from there. The SPLM also has supporters elsewhere in the north, especially in and around Khartoum, and its presidential

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candidate in the 2010 elections, Yasir Arman, performed reasonably well despite officially withdrawing soon before the vote. The SPLM is going through its own reorientation, with the northern sector set to spin off from the rest of the SPLM and possibly operate under a new name. The northern sector leadership faces some crucial decisions about the party's future trajectory, including whether it will be a largely regionally based party, focusing on Southern Kordofan and Blue Nile, or aspire to effect change across the north in a way the SPLM never did during the CPA interim period. If it chooses the latter, the party may prove to be a force in northern politics. But to achieve this, its political partnerships will need to expand beyond its traditional ideological fellows (such as the communists) to the more influential Umma and DUP. Arman is trying to popularize the concept of a new south in the north—a union of marginalized, peripheral populations that can challenge the center— which suggests an attempt to broaden the party's horizon. However, there is little precedent in Sudanese history to suggest that peripheral regions can unify around a common cause for an extended period of time.

But perhaps the greatest force in northern politics will be the same force at the center of much of the ongoing change in the Middle East and North Africa: youth[18] and civil society. Both have been marginalized, coopted, and manipulated to varying degrees, but show impressive resilience. Youth within the political parties feel constrained by sclerotic leadership. Those affiliated with the NCP, who are probably the most organized of Sudan's youth, have recently been agitating for change within the party as they search for opportunities to take on leadership positions. A similar dynamic plays out within the younger cadres of the main opposition parties. As in other countries in the region, Sudan's population is relatively young, with an estimated 70.6 percent of the population, including southern Sudan, under the age of twenty-nine[19] and hungry for employment opportunities and political inclusion. Tech-savvy youth have organized several small demonstrations in Khartoum and elsewhere. Civil society in the north is underdeveloped and often accused of being politicized, in part because the political space is so narrow that some politicians retreat to civil society. But it is growing in competence and influence, and needs to be included in any dialogue about the future Republic of Sudan.

The Problem of Individual Processes: Missing the Forest for the Trees

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A dialogue about the future of Sudan is impeded by the habitual treatment of Sudan's problems in isolation from one another, even if the problems have a common cause. This leads to fragmented responses from Sudanese and the international community and limits the ability of northern political actors beyond the NCP to gain traction. An inventory of current peace agreements and special protocols shows the extent of the trend: they include the CPA between the SPLM and the government of Sudan, which includes special provisions for the border region of Abyei, the northern states of Southern Kordofan and Blue Nile, and the national capital area in Khartoum; the largely defunct Darfur Peace Agreement; and the often overlooked Eastern Sudan Peace Agreement.[20]

All the agreements have a particular regional focus. The CPA comes closest to articulating a national agenda and vision for democratic transformation throughout Sudan, but as opposition politicians frequently observe, it is not truly comprehensive because it is an agreement between only the government of Sudan and the SPLM. Nor does it address Darfur or eastern Sudan in any meaningful way. The vision of democratic transformation over the course of the six-year interim period was scuttled early on, and may have died with John Garang, the former SPLM leader. Assertions that the CPA has been fully implemented show little grounding in reality, especially when it comes to the agreement's democratic transfor-

mation agenda. In retrospect, the CPA in many ways was adapted into a regional agreement for governing the south and north-south relations during the interim period[21]; the southern leadership viewed the CPA's provision for the southern referendum as by far its most crucial component, and made little effort at national reform.

None of Sudan's regional agreements or protocols effectively address fundamental governance issues. The CPA aspires to address some of these issues, but falls well short in implementation. The current agreements largely reflect the government's disposition toward the conflict at that time—an urgency to settle, the strength of the parties—rather than a rational evolution of criteria for determining the degree of devolution. The negotiating parties frequently bargain out of self-interest, in the worst case treating governance negotiations (power sharing) as a vehicle for their own entry into government. Furthermore, the regional agreements distract from a more national focus. When they touch on national issues, such as degrees of federalism and autonomy, they do so only from a regional perspective. They address fundamental governance issues in a partial, insufficient manner, with specificities to the region in question. When such agreements focus only on specific regions, they can produce negative consequences by infringing on the substance of issues that are national in character. National-level questions demand national-level approaches, tackling the issues comprehensively and at once, not piecemeal.

Two ongoing regional processes risk perpetuating the trend of partial solutions if not included as parts of a greater whole: the Darfur negotiations and the popular consultation processes in Blue Nile and South Kordofan states. Each is described in further detail below.[22]

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Darfur Negotiations

Common visions of a Darfur political settlement comprise a mix of local and national issues, with the predominant focus on the larger national issues: wealth and power sharing.[23] Because Darfur's woes are primarily a result of the Sudanese center-periphery dysfunction, a Darfur peace agreement can only be a partial solution. But, as with popular consultation, by addressing a greater problem in piecemeal fashion, Darfur-specific negotiations complicate matters. Darfur deserves special compensation, but political redress should be based first on an analysis of what specifically is required in Darfur to restore normalcy, and second on what should be part of a greater renegotiation of the Sudanese political compact. For the moment the two are conflated, confusing peacemaking efforts in Darfur and distracting attention from the necessary comprehensive process.

An exhaustive cataloguing of the Darfur issues under negotiation is beyond the scope of this report, which instead focuses on elements relevant to the argument for a more national process. It is possible to divide the issues under negotiation in Darfur roughly between those of a local and national character. The local issues are more complex and less suited to resolution in large international fora, but they are of greater relevance to the Darfur population, whose primary interest is a return to normalcy, security, justice, and compensation. They include the intertwined issues of land administration, security for returning displaced communities, and the status of the traditional authority structures severely affected by the war. Justice and compensation round out the package; less essential to hard security on the ground, their impetus is the moral and psychological necessity of recognizing wrongdoing.[24] This aside, these demands have been invoked so often that they reverberate as rights among the population, making it impossible to jettison them.

International negotiations have gravitated toward demands of a national-level character. Various rounds of rebel-government talks center on reconfiguring wealth and power sharing, invoking Darfur's percentage of Sudan's total population as justification for an increased

share. The result is an inversion of efforts. Local demands and issues should be the focus of Darfur peacemaking efforts. Successful conclusion of the local process would allow Darfur to participate in the national-level dialogue to address its concerns with wealth and power sharing as well as Darfur's internal boundaries.

Popular Consultation

An afterthought for much of the CPA interim period, popular consultation is increasingly a focus of attention. Chapter Five of the CPA, dealing with the resolution of the conflict in Southern Kordofan and Blue Nile states, defines popular consultation as a "democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile States on the comprehensive agreement reached by the Government of Sudan and the Sudan People's Liberation Movement."[25] If those views suggest that citizens of either state see shortcomings in the CPA, the relevant state legislature "shall engage in negotiations with the National Government with the view of rectifying these shortcomings."[26] The CPA provides little additional detail on the popular consultation process, though the legislation governing popular consultation, passed acrimoniously in late 2009, provides some additional guidance.

Many in the two states view popular consultation as a mechanism for negotiating stronger state rights and a greater degree of autonomy from Khartoum.[27] Consultations in Blue Nile state have proceeded relatively smoothly, in part due to generally positive NCP-SPLM cooperation at the state level and significant international support. Through April 2011, 112 citizen hearings were held, involving more than 70,000 state residents. But largely due to the delay in state-level elections, there has been little progress in Southern Kordofan state outside of preparatory activities, including civic education about the process focusing on the state and locality levels. While every other state held elections for governor and state assembly in 2010, elections in Southern Kordofan were postponed due to disagreement over state census results. They were finally held in May 2011, but as of this writing, the popular consultation process in the state had barely gotten off the ground.

The principles behind popular consultation—listening to citizen demands, transparency, inclusivity, and renegotiating center-periphery relations—are laudable. As has been argued elsewhere,[28] if popular consultation is a constructive process in these two states, it could be a model for citizen engagements and inclusive decision making for the whole future Republic of Sudan.[29]

A More Comprehensive Approach: Advancing the Process

To make comprehensive national dialogue and reform a reality, the NCP must be convinced to lead; the realpolitik of the moment leaves no alternatives. The most effective argument for persuading NCP leaders to engage in genuine reform is likely that it increases their chances of political survival, with the Arab Spring revolts providing some evidence of an alternative: in two neighboring countries, lack of or inadequate reform has imperiled governments.[30] Important economic benefits may also be realized if increased international investment in the economy is a product of reform. Some in the NCP rightly see the urgent need for revenue diversification, which could happen if investors grow more confident that Sudan is politically stable and can be convinced that its market is worthy of investment. Fundamentally, the NCP should embark on a reform process out of its own rational interests.

Much is made of providing incentives to the NCP. Normalizing ties with the United States is important to the NCP, but it has a jaundiced view of the U.S. administration's ability to deliver, given that multiple branches of the U.S. government must be dealt with to make

normalization a reality. Incentives that support the ailing economy may be particularly attractive at this stage, but whether the international community can mobilize a critical mass of these incentives (such as increased international investment), or the NCP will find them credible, or hold up its end of any incentive-based agreement, are open questions.

To embark on reforms, the NCP's short-term concerns for survival should be addressed. NCP leaders sometimes articulate two red lines sacrosanct to them: the legitimacy of their rule and sharia.[31] The NCP's opponents should reassure the party that, in the short term, regime change is not intended if party members engage in a meaningful national dialogue and reform process, which should include in its agenda methods for making the next elections more fair and legitimate than the 2010 elections. The dialogue should be about how the future Republic of Sudan is governed, not who governs. Concerning sharia, it may be advantageous to shift the conversation from whether or not sharia is the source of legislation to what type of sharia is under consideration, as there are many different variations, and to whom sharia applies.

The reform process should be nationally designed and driven, not internationally imposed, with the designers representing a wide array of interests well beyond the NCP. The NCP may reject what it perceives as any external infringement. The natural counterpoint, that the NCP proactively launch the initiative and then shape any international engagement, resonates with the pro-dialogue NCP camp, but may elicit skepticism from the international community. Initiating the process is partially about creating the right conditions and incentives, but is also intertwined with methodology. A key question concerns how a national process can encompass existing processes—the Darfur negotiations and popular consultations—and angle them toward a single destination.

It is unlikely that the NCP will decide whether to reform and what methodology to use, and then proceed. This complicates matters, as a neat sequencing from the process perspective begins with intra-NCP consensus on the need to open a dialogue, with the next step being an exploration of the dialogue's contours with actors outside the NCP. More likely, and consistent with the current state of play, various exploratory tracks will launch without internal NCP consensus and with competition among the strands. This competition may constitute a form of natural selection, with opposing camps shutting down inchoate initiatives, leaving only the most credible to progress. But this survival of the politically fittest does not guarantee that the best initiatives survive. The result may instead be counterproductive, as rivalries obstruct progress on all tracks, delaying or terminating any hope of progress while burning the hands of those involved. If party consensus is achieved, but in opposition to reform, then these exploratory tracks have almost no prospect. Instead, pursuing such initiatives will grow more risky, perhaps causing all such activity to desist.

Two Views on Process

In practically shaping a national process, there are at least two options for the initial step: a top-down, elite-driven approach and an unofficial consensus-building tack.[32] The latter takes a soft approach to exploring positions among the main political actors by working with second-tier, proxy figures. Think tank representatives, senior but formally semi-dissociated individuals, and others could meet without the commitment and high stakes that a meeting of principals entails. The informal environment would allow for an exploration of ideas and positions to be communicated back to the principals. Hopefully, the common ground and trust generated would prove sufficient to create the confidence necessary for the main players to formally engage.

The former approach prioritizes the need for the direct engagement of power and the main actors. Dealing with proxies, this approach implies, risks a process not anchored in reality. The

bona fides of the proxies are in question and the principals may disavow the process (though proponents of the other approach may argue that this is a selling point). Instead, the way forward would be to build consensus directly among the most powerful established political actors. There is a sequencing envisaged here that would mirror, to a degree, the current bilateral talks. The first step could be an NCP-Umma accord, then NCP-DUP, possibly followed by NCP-SPLM-Northern Sector, with the smaller northern parties following suit.

Regardless of how the process starts, it is crucial that once a general consensus is established at the higher levels, the process broadens to embrace civil society and other sectors, potentially drawing on the popular consultation model of conducting large-scale consultations. These need to include the entire periphery, including representatives from the east and far north, because so many northern Sudanese are not represented by any of the elites. When this occurs, three core principles should be paramount. First, the process should be participatory, meaning that many Sudanese from a variety of backgrounds have an opportunity to participate and express their views. Second, it should be inclusive, meaning that northern Sudan's considerable diversity is represented, and people not captured by the Arabic-Islamic paradigm are included. Third, it should be transparent, meaning that citizens have access to the grassroots discussions and an opportunity to follow and understand the process. Inevitably, some of the elite-level negotiations will be conducted in secret, but when the larger population is engaged, the discussions should be accessible to all.

If the process fails to be inclusive, it risks missing out on the real political capital that could be accrued. Given the major opposition parties' weak popular constituency, large swaths of the population, including the burgeoning youth sector, risk being marginalized from the process. If increasing popular enfranchisement and thereby government stability is a major goal of the process, there is little point if it remains an elitist process and the means of engaging the broader population are sidelined. Those in the NCP who recognize this may debate the sequencing and timing of such an outreach, but agree on the importance of a popular consultation–type outreach at some point. Without that component the process will fail to be legitimate, making it ultimately irrelevant.

Third-party facilitation of the process is also in question. The pro-reform NCP camp recognizes the need for facilitation, as it is a party to the process and so cannot simultaneously be an impartial arbiter. There is a gulf of trust that a third party can help bridge. But NCP skeptics reflexively distrust external mediation; having been subject to many mediations in the past, they see it as a concession of sovereignty to grant only under duress. The debate around seizing the initiative thus comes back into play, with those favoring it arguing that the international community and facilitation can be used to their benefit if the NCP acts as the initiator.

The normative determinants of a suitable third party are its impartiality and knowledge of the context. Securing acceptability among all the parties is difficult and may only be achieved by demonstrating even-handed, competent action. The current reality is that nonacceptance by the NCP would be a nonstarter. Among potential facilitators, the U.S. government's support will be important, as always, but it is likely not positioned to play a facilitating role, given the current roadmap that governs U.S.-NCP relations and the lack of trust in both directions. The United Nations Mission in Sudan (UNMIS), with its uncertain future and the hangover of NCP antipathy linked to its role in the CPA, may find itself in a difficult position. Norway and the African Union High-Level Implementation Panel (AUHIP) may have the proper profile and political track record. Nontraditional facilitators with decent relations with both the NCP and the opposition also may be considered, such as Ethiopia, South Africa, the Intergovernmental Authority on Development (IGAD), or one of the Gulf states. Regardless of which organizations play what roles, the international community will need to remain exceptionally unified in its support of a comprehensive national process.

If increasing popular enfranchisement and thereby government stability is a major goal of the process, there is little point if it remains an elitist process and the means of engaging the broader population are sidelined.

Ultimately, whichever approach is adopted, and whether or not there is outside facilitation, the dialogue process should feed into the development of a new constitution. The future Republic of Sudan will need a new constitution to replace the interim national constitution soon after southern secession, as many provisions in the interim constitution will no longer apply and have already been repealed.[33] The document produced will be the foundation for governance for the foreseeable future.[34] As mentioned above, this report argues for a reorientation of political efforts in the future Republic of Sudan from diffuse local processes toward a single primary track, which should lead to a new constitution. Embarking on this national process is a political choice. The only existing trigger for the process is the constitutional review called for in the CPA. Of course, only Sudanese can make the decisions associated with any dialogue and reform process. It is apparent, however, that reforms should address several key issues, so that an important opportunity is not missed. Those issues include the nature of the relationship between the center and the periphery and the degree of federalism to be employed; the role of sharia in the future Republic of Sudan—not only whether it is a source of legislation, but which form is to be employed and to whom is applies; diversity in Sudan, and how it can be managed; democratization and agreement on the timing and conduct of the future Republic of Sudan's next elections at various levels; and implementation of agreements, ensuring that they are not selectively implemented but implemented in their entirety.

Managing the Existing Processes

If a comprehensive reform approach is to move forward, it raises the question of what becomes of the ongoing regional processes. This report cautions against continuing to address national-level issues through separate processes, as this diffuses efforts into fighting various eruptions of the center-periphery dynamic throughout the periphery.

In the case of Darfur there are further rationales for creating a single reform process. The rebels ostensibly representing Darfur in the Doha negotiations do so with ever-increasing dubiousness. The splintering of the rebels and the implications for their representativeness are well known. Less debated, though equally important, is the question of apportioning power through securing a seat at the table, in the (understandable, given the current war) absence of a democratic process. The most recent negotiations in Doha focus on two issues, currently at an impasse, that are presented as requisite to peace in Darfur but of a national character. The first is the redrawing of Darfur's administrative boundary, creating a single region out of the present three states, which is a priority for the armed movements. The second is demands for power sharing and a dedicated vice president who must hail from Darfur.

There is a comprehensible logic behind the desire for a single region for Darfur. It strengthens Darfur's bargaining power with the center, limiting the possibility of a diffusion of its electoral bloc, and centralizes the region's government (and therefore increases its national weight) rather than spreading it thinly with individual ties between each state and Khartoum. The government counters that creating a single region for Darfur sets a precedent that will ignite a chaotic chain reaction: observing Darfur's increased autonomy—or, for that matter, the increased autonomy of Southern Kordofan or Blue Nile—will inspire other northern regions to demand the same, leading to a spiral of increasing negotiations with different actors. There is a fear in Khartoum that devolution is only the first step toward secession. Some believe that the greater autonomy of Darfur, Southern Kordofan, or Blue Nile re-creates—though not identically—the trajectory of southern Sudan.

Given the above, we argue that the Darfur peace process should be re-envisaged and ultimately made subordinate to a larger northern process. Efforts toward peace in Darfur should not seek to fix only Darfur's ailments but aim to create the conditions by which Darfur can participate

in a national dialogue on governance of the future Republic of Sudan. Issues particular to Darfur should still be addressed separately. The important issues of returns, traditional authority, justice, and compensation are specific to Darfur and essential. They cannot be completely isolated from issues of a national character—there is no such clean division—but they are more local than national. The question of the region of Darfur, and the issues of power and wealth sharing, should be a national discussion, with the referendum on Darfur's administrative status postponed.[35]

To participate in the national dialogue, Darfur must make major strides. It is arguably the furthest behind in its ability to participate by virtue of the ongoing hostilities and the lack of agreed-upon representation and mechanisms for consulting with the wider population. Current leadership structures are contested between the new leaders—that is, the Darfur rebels and the camp leaders—and traditional authorities. Somewhere in between is the local government, nominated through flawed elections in 2010, which does not enjoy sufficient popular support to act on Darfur's behalf. Thus, Darfur requires most immediately a cessation of hostilities, which could create an environment conducive to the next step: establishing means of widespread consultation, resulting in a mechanism for representation in a national process. The popular consultation methodology may be instructive in this regard. The future of Darfur's rebel movements and other emergent and existing leadership lies in reconfiguring them as political players. Ideally, the process to resolve the local-level issues will conclude before Darfur engages in a national process. But should this prove too ambitious, scope and capacity should be reserved to allow for some concurrency.

Careful handling of the shifts in Darfur's politics and political position is essential. The ceiling of expectations has been raised through the Darfur Peace Agreement signed in Abuja in 2006 and the Doha negotiations. Redirecting focus to the national dialogue is possible but subject to blowback. If goodwill and serious efforts are not exerted in the first stage of settling local Darfur issues, the chance for a wider national process will be lost. This caveat aside, there is a growing awareness among Darfuris that the solution lies in broadening the vision of reform. Seizing this opening with a deft touch and strong commitment could be enough.

The same careful handling is required with the popular consultations. Regardless of the outcome, it will be important that the consultation process and the states involved in it are not isolated or excluded from national processes, especially regarding constitutional development. Many of the issues being negotiated in popular consultation—power sharing, wealth sharing, natural resource management, land, security, antidiscrimination measures, and sharia—are not unique to the two states but of great concern to every state. As with Darfur, seeking to address these issues only in the two states will rankle other peripheral states and their populations, particularly if concessions are made to the two states that are out of reach for other states. Such an outcome may be acceptable to leaders in Southern Kordofan and Blue Nile states, and even to some of the Khartoum leadership, but it will only perpetuate the trend of fragmentation that produces partial and ultimately insufficient agreements.

That the central government is not obligated to adopt the recommendations that will conclude the popular consultations is often lamented as a shortcoming.[36] But viewed with the primary aim of consolidating Sudan's varied processes into a singular national process, the open-endedness of the consultations is beneficial.[37] Rather than acting as another local process encroaching on national issues, it can be a vanguard for the methodology of broad-based citizen consultation, and its conclusions can be taken as a more advanced stage of the national dialogue that other regions will take part in eventually.

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Conclusion

Northern Sudan is at a turning point. Its leadership needs to articulate a vision of what the country will look like in the years to come, something that goes beyond the rhetoric of its

Islamic, Arab character. Former South African president Thabo Mbeki has suggested that such a vision could be more African in orientation:

> We hold firmly to the view that northern Sudan is no less "African" than southern Sudan, and that Islam is a religion of Africa, just as the Arabs of Sudan and the Mahgreb are people of Africa. As pan-Africans we are proud of the achievements of the Arab and Muslim civilizations on this continent, which we regard as an integral part of our heritage.[38]

Sudanese and international efforts should focus on addressing the central issue of governance through a process of national dialogue that leads to a new constitution. To achieve this, existing processes and finalized agreements cannot be ceased or disavowed. But a new conceptual approach can be adopted that would see its final product as national reform. To do this requires a shift in ongoing local processes. These processes—Darfur negotiations and popular consultations—should no longer be seen as self-contained, nor should their conclusion be viewed as an end in itself, but rather a step that allows people from these regions to participate in the greater national dialogue. To get there, these processes should be divided into two levels: on one level, the local issues necessary to address in order to create conditions for Darfur, Southern Kordofan, and Blue Nile to participate in a broader national dialogue; and on the other level, issues of a national character to be dealt with in that national dialogue.[39]

The benefits to the above approach are many. From the government's perspective, agreeing to concessions is more logical if they are made at the national level and understood to be singular and final. Making concessions once and comprehensively ends the fear of precedent setting and one-upmanship with each successive local process. Agreeing to a single region in Darfur is not the same as agreeing to reform the number of states and their administration. Confident that the process addresses the issues finally, the government need not hold concessions in reserve. The concern that another region's war will demand further negotiations is abrogated. A comprehensive approach creates incentives for the future Republic of Sudan's disassociated peripheries to engage the center and interact with each other, building a base for national unity, instead of turning in on themselves and only confronting the center in hostility.

However logical the national approach may be, significant challenges await. Time is short prior to southern secession in July. Leaders in Blue Nile, and to a lesser extent Southern Kordofan, may be eager to conclude some popular consultation agreements before July. Darfur requires significant progress to be stable enough to engage in a national approach. Developing the means for its political representation in the process will depend on whatever agreement is reached on the rebel-government track. It remains uncertain whether the NCP would genuinely engage in a comprehensive national process and dialogue. Hard-line elements may stand in the way and increasingly appear to be doing so. But the alternative to a more national approach and a new political compact—continued fragmentation of issues and more firefighting in the periphery—only condemns the future Republic of Sudan to further instability.

Making concessions once and comprehensively ends the fear of precedent setting and one-upmanship with each successive local process.

Notes

1. In this report, *future Republic of Sudan* refers to the existing Sudanese state following the secession of southern Sudan; it is also frequently referred to elsewhere as *north Sudan* or *northern Sudan*.

2. Though, as elsewhere in Africa, the colonial borders created a challenging mix of ethnic polities to unite into a nation.

3. Even if such assertions are only meant to placate a certain northern audience.

4. The African Union Panel on Darfur reached a similar conclusion in its seminal 2009 report, writing that "the roots of Darfur's crisis lie in a history of neglect of the Sudanese peripheries, dating from colonial times and continuing during the years of Sudan's independence. The crisis in Darfur is a manifestation of Sudan's inequitable distribution of wealth and power." See African Union High-Level Panel on Darfur (AUPD), "Darfur: The Quest for Peace, Justice, and Reconciliation," AUPD, October 2009, available at http://www.sudantribune.com/African-Union-Panel-on-Darfur-AUPD,32905 (accessed May 19, 2011).

5. The center-periphery pattern of governance in Sudan is well illustrated in Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Currey, 2003).

6. This view is less espoused in the NCP's public statements but has been communicated via interviews with some NCP interlocutors and by Sudanese figures close to the NCP.

7. Examples include new calls for the more complete implementation of sharia and the definition of the cultural identity of the north as essentially Islamic and Arab.

8. As discussed below, the CPA made important efforts to address governance in Sudan, but many governance-related provisions of the CPA were not fully implemented.

9. For a detailed description of the current northern political landscape and an in-depth description of the NCP, see International Crisis Group, "Divisions in Sudan's Ruling Party and the Threat to the Country's Stability," Africa Report no. 174, May 4, 2011, available at http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/174-divisions-in-sudans-ruling-party-and-the-threat-to-the-countrys-future-stability.aspx (accessed May 19, 2011).

10. The National Islamic Front's original Islamist vision did not ignore governance for a singular focus on religious ideology. In their view, Islamism was meant to provide a complete package of government, including social and economic provisions. But over time, most elements of this vision faded, leaving behind a government with a veneer of ideology that it lacked in practice.

11. Sudan may be less likely to witness Arab Spring revolts for several reasons, among them the loyalty of the intelligence services to the government, the general supremacy of the intelligence services over the military, and the relative lack of strength and organization among the opposition.

12. Southern members of the Government of National Unity and national assembly in Khartoum will lose their positions upon southern secession, requiring those positions to be filled or a shake-up of northern governance structures.

13. "Sudanese President Bashir Won't Run for Election Again in 2015, Party Says," Bloomberg, February 21, 2011, available at http://www.bloomberg.com/news/2011-02-21/sudanese-president-bashir-won-t-run-for-election-again-in-2015-party-says.html (accessed May 19, 2011).

14. International Crisis Group, "Divisions in Sudan's Ruling Party."

15. There are also several splinter Umma parties.

16. Sadiq al-Mahdi for Umma, who twice served as prime minister, and Muhammad Osman Al Mirghani for the DUP.

17. There is already some dialogue among northern political elites concerning the way forward. At the time of writing, negotiations between the NCP and Umma as well as the DUP continue, albeit fitfully. But the northern opposition is torn between existential expediency and loyalty to higher principle. Rather than focusing on the need for national governance reform, less altruistic deals may be under discussion. Weak showings in the last elections drive the opposition's analysis that, lacking a strong constituency, bilateral deals with the NCP could be the best way forward. The substance of these talks is shrouded in secrecy. If they tend toward the narrow interest of the parties involved, then they likely include positions for opposition figures in the government. A second topic is the future of the national assembly. Details emerging on this issue outline two scenarios under discussion. One sees the appointment of seats resulting from a bilateral deal, with a number of seats apportioned to the northern opposition. To accompany the inflation of numbers, some have suggested increasing the assembly seats from the existing 450 to 600. Another scenario leaves the apportioning of seats to be determined by coming elections at a yet undefined date.

18. In Sudan, people under thirty-five years of age are generally considered to be youth.

19. U.S. Census Bureau, "International Data Base," available at http://www.census.gov/ipc/www/idb/informationGateway.php (accessed May 19, 2011).

20. Dealing with each conflict in isolation may be a government strategy, so as to better control the negotiation process.

21. Mahmood Mamdani has characterized the CPA as "power-sharing without democratization." See Mahmood Mamdani, "Africa: South Sudan—Rethinking Citizenship, Sovereignty and Self-Determination," May 5, 2011, available at http://allafrica.com/stories/201105060738.html (accessed May 19, 2011).

22. It is not a focus of analysis here, but another ongoing process and potential venue for discussing the future of northern Sudan is the negotiation between the NCP and SPLM on postreferendum arrangements mediated by the African Union High-Level Implementation Panel for Sudan, chaired by former South African president Thabo Mbeki. Those negotiations focus largely on the details of dividing one state into two, such as sharing oil revenue, citizenship rights, and border management. Some of those issues, especially economic issues, will bear significantly on the future of the north.

23. Commensurate with the immensity of the war's carnage, the ceiling of demands has been elevated; the normative consensus almost unconsciously forming is that the severity of suffering can only justify negotiation at the highest level.

24. The issue of compensation also has an important practical element, as funds would facilitate the return of the displaced families.

25. See the text of the Comprehensive Peace Agreement (CPA), 74, available at http://www.usip.org/publications/peace-agreements-sudan (accessed May 19, 2011).

26. See the CPA.

27. Some residents of both states see popular consultation leading to a referendum on joining the Republic of South Sudan or even becoming an independent country, but there is no provision for that outcome in the legislation and little appetite for such a result outside the states. Of particular concern is the host of armed elements present: both states are home to a volatile mix of Sudan armed forces, Popular Defense Force militias, SPLA troops, and other allied militias.

28. See Jason Gluck, "Why Sudan's Popular Consultation Matters," USIP Special Report no. 260, November 2010, available at http://www.usip.org/files/resources/SR260%20-%20Why%20Sudan%27s%20Popular%20 Consultation%20Matters.pdf (accessed May 19, 2011).

29. But there are many questions about whether Khartoum will make meaningful concessions to the two states, citizens' expectations can be managed, and armed elements can be kept at bay. The process is based on the constitutional review process employed in Kenya and can be a model for creating a national constitution. These consultative processes have proved to be important to reconciliation and national consensus building elsewhere. They can also, of course, be problematic if the government is not seen to be responding to popular will.

30. Of course, one could learn the opposite lessons: that a crackdown, not reform, maximizes the chances of staying in power.

31. Zuleikha Abdul Raziq, "NCP: Abyei to Remain with North," Sudan Vision, March 29, 2011.

32. If intra-NCP consensus emerges beforehand, the first option—elite-level dialogue as a beginning—will be the avenue of choice for the party.

33. A transitional constitution could be put in place to buy time for a process of developing a permanent constitution, as is the plan in southern Sudan; or northern leaders could try to move straight to a new permanent constitution. In either scenario, there is an opportunity to use the constitutional development process as a vehicle for dialogue about the nature and trajectory of the future Republic of Sudan. But to be effective, that dialogue will need to include a diverse array of participants.

34. Sudan's current constitution, the Interim National Constitution of the Republic of Sudan, is generally a fair and progressive document that makes important commitments to democratization and human rights. But the implementation has not lived up to the promise of the document, as is often the case in Sudan.

35. At the time of writing, the government is planning to conduct the referendum on Darfur's status in July and has proposed creating two additional states in Darfur, as opposed to consolidating the existing three states into a single region.

36. There are, however, provisions within the popular consultation legislation that allow for international arbitration if there is no agreement.

37. Technically, the popular consultation processes are supposed to end by the conclusion of the CPA (July 9), but there seems to be a general acceptance that they will go beyond that date.

38. Thabo Mbeki, "Sudan in Africa: A Vision for the Future," January 5, 2011, available at http://blogs.ssrc.org/ sudan/2011/01/05/sudan-in-africa-a-vision-for-the-future (accessed May 19, 2011).

39. Of course, it should not be only these three regions participating in national dialogue but every region of the future Republic of Sudan, including the east and far north.

Of Related Interest

- *Oil in Sudan* by Jill Shankleman (Special Report, June 2011)
- *Why Sudan's Popular Consultation Matters* by Jason Gluck (Special Report, November 2010)
- *Civic Education and Peacebuilding: Examples from Iraq and Sudan* by Daniel H. Levine and Linda S. Bishai (Special Report, October 2010)
- *Local Justice in Southern Sudan* by Cherry Leonardi, Leben Moro, John Ryle, Martina Santschi, and Deborah Isser (Peaceworks, October 2010)
- *Scenarios for Sudan's Future, Revisited* by Jon Temin and Jaïr van der Lijn (Peace Brief, August 2010)
- *Improving Natural Resource Management in Sudan* by Paul Sullivan and Natalie Nasrallah (Special Report 242, June 2010)
- *Scenarios for Sudan: Avoiding Political Violence through 2011* by Alan Schwartz (Special Report, August 2009)