



PRINCETON N. LYMAN
E-mail: plyman@usip.org

JON TEMIN
E-mail: jtemin@usip.org

Pathway to National Dialogue in Sudan

Summary

- Sudan urgently needs to embark on a national dialogue and reform process that is led by Sudanese and supported by the international community.
- The process should be broadly inclusive, involving elements of the current regime, Islamists, and all armed and unarmed opposition groups.
- Any meaningful process will be lengthy, likely requiring years to complete. If a genuine, inclusive process is underway, elections in 2015 may need to be delayed.
- The African Union High-Level Implementation Panel has a critical role to play in advocating for and guiding such a process.

Introduction

Two years after losing a quarter of its people and territory, Sudan remains in turmoil. The secession of South Sudan in 2011 did nothing to resolve Sudan's longstanding internal conflicts. Since then, President Omar al-Bashir's regime has been challenged by an armed rebellion whose confidence is growing and deepening internal divisions, punctuated by plots to overthrow him by elements of the army. Now is the time for Sudan to embark on a genuine internal dialogue and reform process that leads to a broad-based, democratic government willing to pursue meaningful reconciliation among Sudanese.

But how to initiate that process remains as difficult as ever.

There is a growing international consensus that efforts to resolve Sudan's multiple internal conflicts – from the war in Darfur that has raged for more than a decade to renewed violence in Southern Kordofan and Blue Nile states – individually, in a piecemeal fashion, have failed. Instead, there is increasing recognition, at least among the regime's opponents and some in the international community, of the need for a more comprehensive approach to Sudan's internal conflicts that addresses critical issues of governance, managing diversity and reconciliation.

While there are ongoing and rather vigorous discussions in different camps of the Bashir regime about the need for change, these debates have not extended to include opposition parties or armed groups fighting the regime. Moreover, the president and his inner circle will be loath to enter into any process that might end in their demise, especially given the International Criminal Court indictments of Bashir and some of his top lieutenants, who face the prospect of trials in The Hague if they leave office. How to convince the regime to engage in a meaningful dialogue and reform process, while simultaneously addressing their self-preservation concerns, remains a central, unsolved riddle.

“Now is the time for Sudan to embark on a genuine internal dialogue and reform process that leads to a broad-based, democratic government willing to pursue meaningful reconciliation among Sudanese.”

Implementing National Dialogue and Reform

One place to start is to focus on the principles that should underpin any national dialogue and reform process. Foremost among them is that any process must enjoy broad participation, based on the recognition that all facets of Sudanese society have a right to participate in the process. This includes Sudan's Islamists, who are part and parcel of Sudan's political fabric and are legitimate participants in any process. It also includes elements of the current regime, which retains the support of a segment of Sudanese society, especially those who have profited economically during its reign.

Participants also need to include the armed opposition, currently led by the Sudan Revolutionary Front (SRF), a union of the Sudan People's Liberation Movement-North (SPLM-N) and the three main Darfur-based rebel movements. The SRF's rhetoric espouses a peaceful resolution to Sudan's crises, but their actions call that commitment into question, as exemplified by their attack in Northern Kordofan only hours after the conclusion of initial talks with the government in April. The subsequent breakdown in talks was a setback, and such maneuvers often politically empower government hardliners resolutely opposed to negotiations. If the SRF is going to participate in a political process, they need to develop a stronger political component of their operations, which have so far been heavily skewed toward military objectives, and honestly evaluate their unified commitment to peaceful change. If that commitment is genuine, there should be international assistance, in the form of training and capacity building, to help the SRF transition toward being a political participant in Sudan's future. Khartoum will resent such assistance to their armed opponents, but it is critical for a peaceful dialogue process.

A consistent failure of past negotiations in Sudan is that they most often involve only the belligerents: the government and armed rebels. For a national dialogue process to succeed, both traditional opposition political parties and civil society have to be involved in a meaningful way. This will likely make the process slower and more complex, but it will also make any agreements more durable. Complicating matters are divisions within these unarmed groups, especially among the opposition political parties, just as there are divisions within the SRF. This is another area in which external assistance and facilitated discussions among the opposition may be able to help smooth the path to national dialogue.

In order to initiate any dialogue process, there will need to be some modest confidence-building measures among prospective participants, especially between the regime and SRF. One step could be a cessation of hostilities in Darfur, Southern Kordofan and Blue Nile (a goal that many diplomats have worked for in the past two years, to little avail). The trade-off at the heart of any cessation could be for SRF elements to suspend their military efforts and put their weapons beyond use (as the African National Congress did during negotiations in South Africa) in exchange for being allowed to operate freely as one or more political parties. This trade-off is more likely to succeed than simply demanding that the SRF first disarm. Such an understanding could have important implications on the ground – humanitarian organizations have not been able to access many desperate groups in Southern Kordofan and Blue Nile for some time – as well as encouraging the SRF to focus more on its political operations.

Equally important will be detailed preparations for the dialogue process and reaching a broad consensus on the agenda, scope and authority of the process before it starts. This will take time, possibly a year or more, but is essential. Quiet shuttle diplomacy between participants can help to narrow the gaps between them, as can informal "Track II" dialogues led by NGOs, some of which are already underway and can help smooth the transition to a more formal "Track I" process. During this pre-

dialogue period, central questions will need to be addressed: Does the dialogue establish principles on which a follow-on political process proceeds? Or does the process itself draft a new constitution? Is an interim authority needed to administer and govern during part or all of the dialogue processes? How are the results integrated into law and policy and ultimately implemented? What mechanisms can be put in place to ensure transparency and to build trust that leaders are making decisions for Sudan, not just for their own self-interest? How will citizens be informed of and consulted on dialogue topics and decisions that are made? Outsiders can offer suggestions for addressing these questions, and there are multiple examples of dialogue processes elsewhere that can be used as models, but ultimately these questions need to be grappled with and answered by Sudanese.

If all the necessary groups engage in a dialogue process, it's unlikely they will reach a full consensus given the long history and deep divisions between them. If this is the case, Sudan should borrow the concept of "sufficient consensus" from the prolonged negotiations to end apartheid in South Africa. Those negotiations also involved many participants and various interest groups, who were unlikely to reach broad agreements, but it was understood that "sufficient consensus" would be achieved if the two dominant negotiating parties – the African National Congress and National Party – were in agreement. Sudanese will need to agree what combination of parties may constitute "sufficient consensus" in their context.

Sudan's political calendar presents another complication, as nationwide elections are scheduled for 2015. While it is possible that a dialogue process could be completed within two years, this seems unlikely given the many obstacles to such a process and breadth of issues to be discussed, combined with the fact that successful dialogue processes elsewhere have taken several years, if not more, to yield meaningful results. Elections in 2015 should not be viewed as an immovable end point in the process, nor should the regime be allowed to use them to legitimize their rule through flawed elections, as was the case in 2010. Instead, if there is a genuine national dialogue process underway, one that is participatory and gaining momentum, then a delay in elections for a maximum of two years should be considered.

External Assistance for Internal Change

It is unlikely that the Sudanese parties will be able to initiate and sustain a national dialogue process on their own. The necessary external oversight and support should come primarily from the African Union High Level Implementation Panel (AUHIP), an ad-hoc body established by the African Union in 2010 and chaired by former South African president Thabo Mbeki. The AUHIP has focused most of its efforts on mediating negotiations between Sudan and South Sudan on difficult post-secession issues, with some notable successes. The AUHIP's mandate was recently extended until January 2014, but it should refocus its attention toward Sudan's deep internal divisions, which President Mbeki has expressed an interest in working to address (in his most recent interim report, Mbeki writes "the AUHIP proposes to engage with each government [of Sudan and South Sudan] on its agenda of democratization and constitutional reform.") The AUHIP should serve as a guide and advocate for a dialogue process, with the full backing of the African Union Peace and Security Council, whose members should be eager to stem the tide of never-ending Sudan crises on their agenda. President Mbeki and the AUHIP can be particularly helpful to the detailed preparations and "pre-dialogue" needed prior to the start of the process, especially given his close involvement with the dialogue and reform process in South Africa in the 1990s. To allow President Mbeki and other AUHIP personnel to focus on dialogue and reform in Sudan, the AUHIP team will need to be expanded and a subsidiary mechanism to the AUHIP should be established to oversee implementation of agreements reached by Sudan and South Sudan, which should not be subject to constant renegotiation.

ABOUT THIS BRIEF

This brief analyzes prospects for genuine national dialogue and reform in Sudan. Ambassador Princeton N. Lyman is a special advisor to the president of the United States Institute of Peace and the former United States special envoy for Sudan and South Sudan. Jon Temin is the director of the Horn of African program at the United States Institute of Peace. The views expressed here are those of the authors, and do not necessarily reflect the views of the U.S. Institute of Peace, which does not take policy positions.

There are, however, limits to what outsiders can contribute to internal dialogue and reform processes. The African Union has little history of supporting internal political change on the scale needed in Sudan. It can be a facilitator, agitator and provider of technical expertise, but ultimately the role of outsiders is to create the conditions for Sudanese to lead a process themselves, and to help stretch the imagination of decision-makers when possible. If the process is not led by Sudanese, then it will quickly lose credibility and be open to accusations of foreign meddling – one of the regime's favorite critiques.

Any dialogue process will also need to address the elephant in the room, the International Criminal Court (ICC) indictments of President Bashir and some of his top lieutenants, in order for Sudan to eventually normalize relations with the international community. If a broad-based, democratic government emerges from a dialogue and reform process it may be in a position to negotiate with the ICC to try suspects in Sudan, or through a joint process with the ICC. If a credible dialogue process is underway, then the United Nations Security Council can consider a temporary deferral of the indictments through Article 16 of the ICC's founding Rome Statute. But ultimately, justice considerations cannot be sacrificed.

If a genuine dialogue process takes hold, those both directly involved with and observing it will need to show patience and a tolerance for the inevitable ebb and flow of the process. The greatest threats will be if the regime tries to manipulate it for its own purposes, or scuttles it entirely if it starts to head in an unfavorable direction. Strategies to respond to both threats will need to be prepared. Although the chances of an inclusive national dialogue and reform process playing out may be modest, it is the best path forward for a country that finds itself short of good options. Without such a process, Sudan has little chance of breaking its destructive cycle of instability.



UNITED STATES
INSTITUTE OF PEACE

2301 Constitution Ave., NW
Washington, D.C. 20037

www.usip.org

USIP provides the analysis, training and tools that prevent and end conflicts, promotes stability and professionalizes the field of peacebuilding.

For media inquiries, contact the office of Public Affairs and Communications, 202.429.4725