

Garang's Death: Implications for Peace in Sudan

I. OVERVIEW

The Sudan People's Liberation Army/Movement (SPLA/M) leadership has acted quickly so far to regroup and reorganise, but the loss in a fatal helicopter crash on 30 July 2005 of John Garang, the only leader the movement has known in its 21 years, creates an opening for spoilers on all sides to exploit any signs of uncertainty. The country is at risk of eventually losing a peace agreement that was already looking somewhat shaky.

Garang's movement must prove it can hold together without his authoritarian hand and unmatched prestige. It is now somewhat less likely to be able to make a major contribution to resolving the war and humanitarian catastrophe in Darfur or solving the simmering problems of eastern Sudan. The odds of southern secession have increased, to the discomfort of the ruling National Congress Party in Khartoum. Key international players like the U.S., who helped broker the January 2005 Comprehensive Peace Agreement (CPA), will have to do much more to help the parties save it.

Measures are needed in three areas to stabilise the situation in the short term:

- First, the government and the SPLM must do everything in their power to prevent a recurrence of the inter-communal violence that erupted in Khartoum and parts of the South. They should increase joint efforts to appeal for calm, and the SPLM needs to have full access to the media and freedom of movement in possible hot spots in the North. The government must do more to restore law and order in the capital and ensure security forces accord due process to all suspected of involvement in violence regardless of their origin. Garang's successor, Salva Kiir Mayardit, needs to be installed as First Vice President on 9 August as the latest plans call for so the full Government of National Unity can be launched without delay.
- Secondly, the new SPLM leaders must remain united in the face of what will surely be efforts to divide them and undermine the movement. Remaking the SPLM into an open, transparent body inclusive in its decision-making was an important challenge Garang had just begun to

deal with; it is more critical than ever now that he is gone.

- Thirdly, increased public and diplomatic support for the peace agreement and particularly the SPLM is needed at this difficult time. The troika partners, the U.S., UK and Norway, have a particular responsibility. Washington's appointment of a Special Representative was important but more must be done to ensure that hard-line elements in Khartoum opposed to the CPA do not exploit Garang's death to back away from its strict implementation. The UN Security Council must react quickly to any violations of the CPA's timetable in order to keep the parties on course. The UN should move rapidly to bring deployment of its peacekeeping mission in the South back on schedule. It could also helpfully offer assistance in coordinating and facilitating investigation into the cause of the crash so that multiple inquiries do not undermine each other, and chances are maximised for the conclusions to be widely accepted.

II. THE SPASM OF VIOLENCE

Garang's death sparked violence in Khartoum, Port Sudan, and elsewhere in the North as well as the major towns of the South that rapidly escalated and evolved into interethnic fighting. Despite early evidence suggesting the crash was an accident, many southerners' suspicions were fuelled by the confusion surrounding the news as well as a recent history of mysterious deaths of political personalities.¹ Throughout Sunday, 31 July 2005, the rumour spread that Garang's helicopter was missing on its way from Uganda to southern Sudan. Late that night, almost 24 hours after it was scheduled to land, state

¹ Vice President al-Zubeir Mohamed Salih was killed in a plane crash in the South in 1998. This was also the fate of Ibrahim Shams al-Din, a hard-line Deputy Minister of Defence in 2001. In September 1993, Abu Gisseissa, the lead government negotiator who had allegedly overstepped his mandate by signing a document with Lam Akol promising self-determination to the South for the first time, also died in a plane crash in southern Sudan, together with his negotiating team. The public reacted to these deaths with much scepticism but it was never proven that they were anything but accidental.

television reported first that Khartoum airport tower had lost contact with it, then that it was safely on the ground in the South.² A government spokesman confirmed the death only the next morning. The government had failed to make any security preparations, leading to chaos when the riots began.

By Tuesday, 2 August, downtown Khartoum was mostly calm but violence continued on the outskirts, even as the SPLM leadership called for restraint and began to coordinate security with the government. According to the UN Security Coordinator, southerners from the camps for the displaced carried out fresh attacks on markets in Omdurman, while others rioted in Hajj Yousif in Khartoum North. Killings were reported of a local imam and two other northerners as they departed a mosque. Northerners spontaneously armed themselves with sticks, iron bars, and fire arms with which to guard their residences and stores. Some formed vigilante groups and attacked southern neighbourhoods, ransacking homes, killing and wounding scores, and causing residents to arm themselves for self-protection in turn. As people flocked to centres set up by the SPLM in southern neighbourhoods to receive condolences, vigilante groups attacked them, killing six people in one incident.³ In another episode in which six southerners were reportedly killed, a mob attacked a downtown school.⁴

A mid-day rumour on 3 August that Paulino Matiep, chairman of the government-aligned South Sudan Defence Forces (SSDF),⁵ was killed spread rapidly by cellular telephone. This and additional false claims that other southern leaders had died sparked widespread panic. SSDF elements, and Matiep's followers in particular, are much feared by northerners and southerners alike in the neighbourhoods where they are strong: Kalakla in Khartoum, Fiteihab in Omdurman, and Haj Youssef in Khartoum North.⁶ This time the government acted quickly, refuting the rumours through loudspeakers and

repeated broadcasts. Matiep spoke on national radio and television and declared his commitment to the peace process and Garang's legacy.⁷ His militia apparently played a constructive role, deploying alongside government and SPLA forces to head off what could easily have turned into urban warfare.⁸

Sudan's capital is a sprawling metropolis of three interlinked cities -- Khartoum, Khartoum North and Omdurman -- separated by the Nile and its tributaries.⁹ Together they cover some 50 square kilometres and contain six million inhabitants. During the two decades of civil war, at least two million southerners of African extraction (mostly Christian and animist), fled to their relative safety. A majority found poor shelter in huge camps on inhospitable land far from the three cities. Many, however, settled in heavily populated neighbourhoods and outlying squatter areas where they maintained an uneasy coexistence with equally destitute, predominantly Muslim northerners of African ancestry who have been heavily influenced by Islam and Arabic culture and tend to identify with the Arab world. Remarkably, coexistence largely prevailed even during the early 1990s, the bloodiest period of the conflict.¹⁰

However, already resentful of their status as second class citizens and generations of political and economic subjugation and racism, southerners targeted those whom they perceived to be "Arabs". By the end of the first day, an estimated 36 people were dead in the capital,¹¹ with countless businesses and cars burned. Mobs used the confusion to loot, and criminals took advantage of the collapse of law and order to rob private residences in several neighbourhoods that night. Southerners similarly targeted "Arabs" and northern-owned businesses and

² As reported by numerous media agencies. See, for example, "Garang's plane 'safe and sound': Sudan state media", Agence France-Presse, 31 July 2005; and "John Garang has landed safely, television reports", Associated Press, 31 July 2005.

³ "War environment in Khartoum: 80 killed after two days of rioting following Garang's death" (in Arabic), *al-Sharq al-Awsat*, 3 August 2005.

⁴ UN Security Update/Advisory, 2 August 2005, received by Crisis Group via email, 2 August 2005.

⁵ Crisis Group Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005. The report analyses the SSDF and their relationship to the CPA in detail.

⁶ Matiep's militiamen often forcibly abduct southern children for recruitment and require parents to pay ransom. Some have developed their own "courts" and "tax" systems, with the full knowledge and complicity of the government and its agents. Crisis Group interviews, 3 August 2005.

⁷ "SSDF Commander Paulino Matiep says he is 'alive and well'", *Sudan Tribune*, 3 August 2005.

⁸ The fear that Matiep's killing would trigger rioting by his followers was justified. Khartoum residents remember when two competing SSDF factions fought in 2004 over the control of a headquarters, using government-issued weapons and ammunition. In August 2005, armed rioting of some of these militiamen would have invited a response from government security forces or from the parallel and clandestine security structures of the ruling Islamist faction, turning the capital into an urban battleground with high civilian casualties.

⁹ For analysis of where implementation of the Comprehensive Peace Agreement and Sudan's political situation stood on the eve of Garang's death, see Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit.

¹⁰ No serious communal clashes occurred, although campaigns to relocate southerners displaced by the war from shanty towns in the middle of built-up Khartoum often led to serious clashes with the police.

¹¹ "Sudan govt: 36 killed in riots following VP's death", Associated Press, 1 August 2005.

shops in Juba, Malakal, and Renk.¹² The level of destruction was very high, even for Khartoum's long history of riots and violent student demonstrations.

From the beginning of the crisis, the confused government failed to deliver a strong, consistent message and was slow to mobilise tribal, political and religious leaders to appeal for calm. The use of literary Arabic in the news bulletins of the government-controlled mass media instead of local dialects and tribal languages indicated lack of urgency or sensitivity.¹³ Some of the Khartoum-based political opposition criticised the government for not deploying adequate security in the capital until after the riots were out of hand. They claimed this was deliberate in order to allow what should have been foreseeable violence to escalate and justify return of emergency laws and extra-legal practices.¹⁴ Newspapers blamed much of the violence on the slow reaction of the governor of the capital and called for his resignation.

By contrast, the SPLM acted quickly to quell the violence. It sent out a single message in Khartoum: "nothing should deter the people from the implementation of the CPA, whatever might have happened [to John Garang], and whatever might be behind it".¹⁵ However, SPLM cadres complained to Crisis Group that they received full access to government mass media only after the violence had peaked. To compensate, they fanned out to talk directly with angry demonstrators and rioters.¹⁶

The government's early failure to dampen the violence has worsened an already dangerously polarised situation among Khartoum's citizens, by rapidly intensifying ethnic and religious tensions. Although Garang's death was the catalyst, the violence reflects years of pent-up resentment among war-displaced southern communities. Khartoum's northern residents can be equally resentful towards southerners, blaming them for the dramatic growth of the capital's population and deterioration of public and social services. Khartoum welcomed the peace agreement in part because it promised to ease these pressures, which helps explain the hero's welcome Garang received upon his arrival in Khartoum from more than a million people, including a broad cross-section of the population.

At the end of the week, the government put pressure on religious leaders and preachers to devote Friday's prayers "to appealing for unity, calm and self restraint to

deny the enemies of peace an opportunity".¹⁷ This type of constructive intervention is necessary to prevent the still latent violence from reaching a critical mass.

Elsewhere in the country, the violence in Malakal, Upper Nile, has been of particular concern. On 1 August, random attacks on northerners killed at least ten. Rioters looted and burned northern-owned businesses in the marketplace, prompting a large exodus to Khartoum that was protected by the army and UN agencies. On 3 and 4 August, undisciplined elements of Matiep's militia, predominantly ethnic Nuer, attacked local ethnic Shiluk tribesmen and looted livestock. On 3 August, half a dozen Matiep militiamen overran a police station and rampaged through the neighbourhood, stealing livestock and other goods before the army killed four and captured one.¹⁸ Part of the motivation was to destabilise SPLM elements sent to take over Malakal from the Nuer-dominated, pro-Khartoum local government.

By 5 August, a massive deployment of the army and government security personnel had helped to stabilise Khartoum, and the situation in the south had also been brought under control.¹⁹ However, the festering ethnic polarisation, exacerbated by the violence and failure of the government to act quickly, risks shattering the chance for genuine reconciliation and undermining the CPA. The stakes could not be higher: Khartoum's former regime and the SPLM must either work together to reverse this dangerous process or it could spread throughout the country.

III. IMPLICATIONS FOR THE SPLM

Garang's leadership style was highly centralised and would have been challenged during the CPA's implementation process.²⁰ Authoritarian and, in his earlier years, brutal, he had survived numerous challenges and splits to hold the movement together

¹² Crisis Group telephone interviews, 1-4 August, 2005.

¹³ Crisis Group interviews, 1-5 August 2005.

¹⁴ Crisis Group interviews, 1-2 August 2005.

¹⁵ Crisis Group interview with SPLM official in Khartoum.

¹⁶ Ibid.

¹⁷ Republic of Sudan Radio, Omdurman (in Arabic translated by BBC Worldwide Monitoring), 4 August 2005.

¹⁸ Crisis Group interview, 5 August 2005.

¹⁹ As of Thursday, 4 August 2005, the official death toll in Khartoum and Juba was over 130, although unofficial estimates ranged much higher. "Sudan death toll rises to 130, capital calm", Reuters, 4 August 2005. Large-scale arrests of suspected rioters may also have assisted in restoring calm in the capital, although there have been reports that hundreds of those thrown into jail were southerners arbitrarily rounded up off the streets. "1,600 detained following Khartoum riots", Agence France-Presse/Sudan Tribune, 6 August 2005. Crisis Group correspondence, 3 August 2005.

²⁰ This is discussed in detail in the recent Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit.

while working increasingly in recent years to build popular support and reduce inter-communal divisions in the South. Celebrated by most southerners as responsible for the CPA, he had also earned the respect and support of many northerners, who hoped that he could stand up to the ruling group in Khartoum and extend the same rights he had won for the South to the North -- including removal of Islamic Sharia law. However, Garang built few strong civilian structures or decision-making bodies, which is a legacy the SPLM will now have to overcome.

His inauguration as First Vice President on 9 July marked the beginning of the six-year interim period set out in the CPA.²¹ Following this, the interim national constitution was signed into law, and the new institution of the Presidency was formed.²² The Presidency was to have spent the next month establishing the new Government of National Unity, which was to be announced on 9 August but now will likely be delayed for at least a week. As part of the transition process and to pave the way for the new Government of Southern Sudan, Garang had dissolved the SPLM political structures and appointed a provisional eleven-person caretaker administration for the South.²³ Once a technical committee completes the southern constitution, the new regional government can be legally formed. This had been expected to take place around 9 September.

Garang's death has pushed several of these dates back at least slightly but the risk that it could spark an internal power struggle is more serious. The leadership acted quickly to fill the vacuum and has thus far worked together to support a peaceful transfer of power. First Deputy Chairman and interim Vice President of the South, Cdr Salva Kiir Mayardit, called the former members of the Leadership Council to New Site for an emergency meeting on 1 August. By that evening, Salva Kiir had

been unanimously selected to replace Garang as SPLM Chairman and Commander-in-Chief of the SPLA.²⁴ Second Deputy Chairman Dr Riek Machar will reportedly be appointed the new interim Vice President for the South.²⁵ Salva Kiir is to be sworn in as national First Vice President on 9 August and will also become President of the Government of Southern Sudan.²⁶ All this has helped send an immediate message that the SPLM will continue with CPA implementation.²⁷ The leaders opted to adhere to hierarchy rather than re-shape the movement's power structures. Yet the appointments are not without controversy, and the risk of power struggles remains.

Salva Kiir, the respected long-time deputy to Garang and former military chief of staff, had a high-profile clash with Garang in November-December 2004 over the lack of transparency and consultation in decision-making.²⁸ Although partially resolved, tension remained between the two leaders. A Dinka from northern Bahr-el-Ghazal, Salva Kiir is well liked in the SPLA and broadly seen as a man of integrity. A key participant in earlier negotiations, his direct involvement in the talks that produced the CPA ended shortly after the interim Machakos Protocol was signed in July 2002.

He will find it difficult to match Garang's political and diplomatic abilities. Lacking his predecessor's political savvy, extensive international and domestic contacts, and unquestioned control over all activities of the movement, he is unlikely to govern in Garang's autocratic manner. If he proves to be more open, transparent and inclusive in governance and decision-making, much as he had been asking of Garang over the past ten months, that will be all to the good.

Riek's advancement is more controversial. He split from Garang and the SPLM in 1991 and bitterly fought against them, only to return after a high-profile reconciliation in 2001. Riek played a key role in mediating the Garang-Salva Kiir dispute in late 2004, re-earning the trust of some former colleagues in the process. Importantly, he is a member of the Nuer, the largest tribe in the South after the Dinka. Relations between Dinka and Nuer were strained throughout the civil war, at times erupting into

²¹ For a timeline of CPA deadlines, see *ibid*, Appendix B.

²² Under the terms of the CPA, the institution of the Presidency includes the President and the First Vice President. Under the new interim national constitution, the Presidency was expanded to include the First and Second Vice Presidents. With Garang's swearing in, former Vice President Ali Osman Taha, Garang's main negotiating partner, became the Second Vice President.

²³ On 19 July 2005, Garang dissolved the National Liberation Council, the SPLM parliamentary body created by the 1994 SPLM Convention, and the SPLM Leadership Council, a sixteen-man executive body that had been its main decision-making forum since 1999. Garang also appointed ten interim governors to unify the SPLM and government administrations in the South ahead of the formation of the Government of Southern Sudan and appointed Cdr Salva Kiir Mayardit as interim Vice President of the South. "Garang appoints Southern states administrators, advisors", Sudan News Agency, 18 July 2005.

²⁴ Katie Nguyen, "Sudan's SPLM names Salva Kiir as Garang's successor", Reuters, 1 August 2005.

²⁵ Riek's appointment has been reported in numerous media sources and called "highly likely" by SPLM officials but has not yet been formally announced.

²⁶ "Garang's successor to be sworn in on Tuesday", Reuters, 7 August 2005.

²⁷ Both Salva Kiir and Garang's widow, Rebecca, publicly re-stated the SPLM's commitment to the CPA in their eulogies at Garang's funeral in Juba on 6 August 2005.

²⁸ For more on this division, see Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit.

open fighting. Having a Nuer deputy to Salva Kiir may help appease those in the South who might otherwise have sought to manipulate unhappiness with an all-Dinka top leadership. Like Salva Kiir, Riek was an outspoken critic of Garang's centralised decision making and will now have his chance to prove his commitment to a different style.

Salva Kiir and Riek will also have the opportunity to reach a compromise with the government-aligned southern militias who operate under the umbrella of Matiep's SSDF and are one of the key potential spoilers in the South. Initial talks between Matiep and Garang earlier in 2005 did not go well, but both Salva Kiir and Riek have historically been more open to South-South Dialogue than Garang and have better ties with these militias.²⁹ The unsuccessful negotiations between the SPLA and the SSDF in June-July were hampered in part by the personal animosity between Garang and the SSDF leadership. Riek was brought into them specifically to liaise with the SSDF delegation.³⁰ Salva Kiir did not attend the last round of negotiations. He and Riek need to continue to pursue reconciliation with the SSDF as a top priority, in order to facilitate voluntary integration into the SPLA and help stabilise the South. The early SSDF reaction to the SPLM succession has been positive, and Salva Kiir used his eulogy at Garang's funeral in Juba on 6 August to call for inclusiveness and for the other armed groups in the South to join him and work together for peace.

The SPLM has also lost its chief ideologue and visionary. Garang personally negotiated much of the CPA and had a unique stature among northerners as a national politician. A CPA weakness is that it grants power to the institution of the Presidency at the expense of lower-level bodies. Garang had the knowledge and moral clout to negotiate directly with the regime. With so many decisions yet to be made and so much power resting in the Presidency, it is far from certain whether Salva Kiir or any other SPLM official can continue to safeguard and control the implementation of the agreement and win the respect of President Bashir and Vice President Taha.

One of Garang's greatest national assets was his perceived support for a united "New Sudan", based on equality, secularism and democracy -- in sharp contrast to the widespread demand for independence among most southerners, including within the SPLM. His vision of a "New Sudan" gradually gained credence in the North, where many elites came to embrace it -- including his calls for southern self-determination -- and even join the SPLM or align with it within the National Democratic

Alliance (NDA).³¹ Yet, despite the central place the southern self-determination referendum holds in the CPA, many northerners, both within the National Congress Party and the opposition, remain opposed to an independent South.

These conflicting dynamics leave the SPLM caught in a difficult position between prioritising unity and making decisions based on the overwhelming southern demand for independence. Because the South has a wealth of natural resources and the bulk of the developed oil infrastructure, there is a real danger the National Congress Party will seek to torpedo the implementation process if the self-determination referendum seems destined to produce a vote for independence. Garang's credentials as a unionist gave him unique credibility to reassure northern politicians that voluntary unity was possible if governance in Khartoum could be sufficiently reformed, while securing and supporting the southern self-determination referendum.

On this crucial issue, Garang is simply irreplaceable. Salva Kiir is perceived as a secessionist, although since his elevation he has publicly supported the possibility of a united Sudan.³² Several prominent southern SPLM leaders, such as Pagan Amum, Nhial Deng Nhial and Deng Alor, have strong ties with the North and the NDA and like Garang have been considered unionists. However, they lack the national legitimacy Garang had earned. Garang transcended the South, and because he was such a good politician, he had helped sell the SPLM nationally. The signing of the CPA, the transformation of the SPLM into a political party and Garang's triumphal return to Khartoum triggered a swell of support in the North, with thousands applying to join the movement in the capital and the northern and eastern states, forcing it to cope with rapid expansion.

There is a danger that Garang's death will dampen that enthusiasm and restore the perception that the SPLM is primarily a southern political movement, a trend its tactics late in the CPA negotiations seemed to confirm. The movement's northern elements, particularly the branches in the Nuba Mountains and Southern Blue Nile, were already disappointed with what the CPA delivered for

²⁹ For more on these negotiations, see *ibid.*

³⁰ Crisis Group interview, 18 July 2005.

³¹ The National Democratic Alliance is the umbrella organisation of Sudanese opposition movements, based in Asmara. Its members include the SPLA, the SLA, and most northern opposition groups.

³² "We have to give unity of our country a chance and then to see how attractive it will be to southerners so that they join into it. I am also committed to that unity until the other side proves otherwise", Salva Kiir interview on BBC Radio, 2 August 2005. Salva Kiir also re-confirmed his commitment to the vision of a "New Sudan" and its voluntary unity, through the exercise of a southern self-determination referendum, in his eulogy at the Garang funeral in Juba on 6 August 2005.

their areas. Without Garang, the SPLM will be increasingly hard pressed to sell itself as a national political movement, rather than a southern regional movement with a few high profile northern members.

The district of Abyei, which South and North both claim, was one of the most divisive issues during the negotiations, and it is a potential flashpoint in the immediate aftermath of Garang's death. The recent report of the Abyei Boundary Commission defined the area broadly, stretching well north of the Bahr el-Arab (River Kiir), and well east of Abyei town, to the Upper Nile border.³³ The report was met with threats of violence by the elements of the Misseriya community who continue to view the Abyei agreement, with its built-in referendum to choose between joining the North or South, as a zero-sum game in which they risk losing their traditional grazing routes to the Dinka and ultimately to an independent South.³⁴ Although the parties agreed the Commission's decision would be binding, President Bashir has stated publicly that he disagrees with it,³⁵ and hard-line elements in Khartoum may seek to use the Misseriya as proxies to destabilise the region and scuttle the CPA, particularly as the Commission included the region's oil areas within Abyei's boundaries.

Many Ngok Dinka, the inhabitants of this region, have senior SPLM positions and were close to Garang. Those relationships made negotiating the Abyei issue more difficult, as Garang had little room to manoeuvre and had to satisfy their demand for the historically promised (but never implemented) referendum.³⁶ That many senior Ngok Dinka in the SPLM who shared a special relationship with Garang will not necessarily enjoy the same support from Salva Kiir could emerge as a fault-line if tensions in Abyei continue to heat up. The Ngok Dinka and Misseriya communities must receive assurances that

their land and grazing rights will be guaranteed irrespective of the referendum's outcome.³⁷

IV. IMPLICATIONS FOR THE GOVERNMENT OF SUDAN AND THE NORTH

With Garang's death, President Bashir and Vice President Taha have lost the new ally on whom they were counting to help buoy their domestic support base. Nevertheless the partnership between the National Congress Party and the SPLM should continue in the short term.³⁸ The former has too much to lose if the agreement breaks down quickly. The power-sharing structure established by the CPA has helped it consolidate its hold on power in the North, while marginalising and containing the political opposition. Moreover, Garang's death has not affected the internal and external guarantees -- the SPLM's maintenance of its army and the involvement of the international community, respectively -- which underpin the stability of the peace agreement. Although full implementation ultimately poses a threat to the old regime, the need to fend off international pressure over Darfur and its domestic fragility dictate that the National Congress Party will continue to support the CPA as long as those threats remain.³⁹

Not all in the North share these calculations, however. In the eyes of many Islamists, Garang's advocacy of a secular New Sudan was a great threat to Sharia law. The CPA (which already completely revoked Sharia in the South), the interim constitution, and the SPLM's pending entrance into a Government of National Unity confirmed their fears that its application would be severely diluted in Khartoum and the rest of the North. They may see an opportunity

³³ Abyei was defined under the CPA as the traditional territory of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905. The Abyei Boundary Commission defined this as a broad area stretching from the borders of Bahr el-Ghazal, east to the border with Upper Nile, and north to the villages of Umm Sakina, Turda and Edd Dibekir.

³⁴ See "Dr. Nafei Ali Nafei: Report of Abyei Boundary Commission not binding for government" (in Arabic), Sudaneseonline.com, posted 29 July 2005.

³⁵ Statement by U.S. State Department official in Washington, 2 August 2005.

³⁶ For analysis of the Abyei question, see Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit., as well as Crisis Group Africa Briefing N°14, *Sudan's Other Wars*, 23 June 2003; Crisis Group Africa Report N°65, *Sudan Endgame*, 7 July 2003; and Crisis Group Africa Report N°73, *Sudan: Towards an Incomplete Peace*, 11 December 2003.

³⁷ Crisis Group has argued there are two ways to help stabilise the situation in Abyei: "First, leaders from the Ngok Dinka and Misseriya should sit together and attempt to find a mutually acceptable solution. Secondly, the government and the SPLM should begin informal talks in preparation for the Abyei referendum, which is to be concurrent with the South's self-determination referendum. The parties should examine potential solutions, such as giving the local Ngok Dinka and Misseriya dual citizenship should Abyei join an independent South and guarantees for Misseriya grazing rights so that the Commission decision and, ultimately, the referendum, do not become winner-take-all matters", Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit.

³⁸ The National Congress has stressed this in public announcements. See "Sudanese ruling party welcomes new SPLM leader", 2 August 2005, available at http://www.sudantribune.com/article.php3?id_article=10942.

³⁹ For more on this, see Crisis Group Report, *The Khartoum-SPLM Agreement*, op. cit.

in the wake of Garang's death to reverse this by playing on the instinctive fears and distrust that decades of war and bitterness have sown between northerners and southerners.

Indeed, there is some indication that spoilers with an Islamist agenda may have been working behind the scenes on 2 and 3 August, at the height of the disorder. Leading columnists in Khartoum newspapers pointed to an alleged orchestration of calls from the minarets of several mosques in heavily populated neighbourhoods for residents to arm themselves against approaching southern raiders. These inflammatory warnings proved spurious, as did others sent to many cellular subscribers, but they may have contributed to an escalation of violence against southerners.⁴⁰ Who the authors were remains a matter of speculation, but several extremist Islamist factions have aired similar calls publicly.

25 members of a government-sponsored "Sharia Association of Religious Scholars and Preachers" issued a fatwa around the time of Garang's return to Khartoum that labelled Muslims who joined or collaborated with the SPLM, even for commercial purposes, apostates. It characterised the SPLM as bent on defeating Islam and Muslims and condemned even renting it premises for offices or residences. The fatwa was clearly a reaction to the surge of support among many Muslim northerners for the movement following the signing of the CPA and its transformation into a political party. Some imams used this fatwa to launch diatribes against the SPLM from their pulpits in the weeks before Garang's death. The government, which confirms imams and pays their salaries, adopted a relaxed attitude. The fatwa triggered denunciations by opposition groups, leading journalists and some religious scholars. The SPLM's own Islamic Council issued a rebuttal based on the Qu'ran and other Islamic teachings.⁴¹

Members of the ruling Islamist faction and other Islamists who reject the CPA are organised in a "Forum for Just Peace", which advocates positions such as self-determination for the North so that northerners can rule themselves under Sharia laws. Established and led by Al-Tayeeb Mustafa, an uncle of President Bashir and State Minister at the Ministry of Information and Communications, the Forum sought to use the rioting of southerners following Garang's death to throw oil on the fire, calling on northerners to form self-defence brigades to protect their honour and possessions. It appealed to imams and Islamic scholars, who exert considerable

influence in northern society, to mobilise northerners for that purpose.⁴²

Opposition and civil society groups reacted strongly to this appeal as "racist". To counter it, some 30 opposition parties and civil society organisations joined with the SPLM in a "Committee for Social Peace" and set up branches in the neighbourhoods most affected by the violence. The Committee demanded and obtained from the government full access to the mass media to air calls for reconciliation and preservation of social peace and also pressed mosques to help contain ethnic animosities. Its aggressive lobbying is credited for the government's decision to issue all imams with a mandatory sermon calling for reconciliation at Friday prayers on 5 August, a day before the Garang funeral.⁴³

The Popular Congress Party (PC), led by Hassan al-Turabi, has a vested interest in exploiting the violence to weaken the National Congress Party, by which it has been persecuted since it split away several years ago. The PC, which has been linked to the Justice Equality Movement, one of the Darfur insurgent groups, and was allegedly behind two coup attempts in Khartoum 2004, is keen to see the demise of the current government. However, it considered the SPLM and Garang as allies and credited Garang with successfully persuading President Bashir to release Turabi from detention. The latter memorialised Garang as "the man around whom all the political forces and the Sudanese have built a consensus for the first time in Sudan's history...his departure will greatly affect the issues he has raised and on which the Sudanese have agreed with him".⁴⁴

Though the SPLM always faced a difficult choice whether to try to succeed as a national movement, working for peace in Darfur and the East, or concentrate on the South, the absence of Garang makes the former less likely. Opposition politicians and civil society activists are depressed: they had counted on Garang as a counterweight to the National Congress Party -- particularly its security clique -- and to contribute to a more open and free political environment in Khartoum and the rest of the North. The National Congress Party is not unhappy to see a weakened SPLM on the national stage and be freed of the prospect

⁴⁰ Crisis Group interviews, 1-5 August 2005.

⁴¹ Mohamed al-Hassan Ahmed, "Extremism of Islamists and southerners' irresponsibility threaten Sudan's peace" (in Arabic), *al-Khaleej*, 1 August 2005.

⁴² "Brigades led by an official; relative of the president calls on them to mobilise against southerners" (in Arabic), Sudaneseonline.com, posted on 5 August 2005.

⁴³ Crisis Group interviews, 1-5 August 2005. See also, "130 dead final toll of confrontations; calls to form brigades to defend northerners; Bashir appoints [Salva] Kiir his deputy; and 'centralised sermon' to stave off strife" (in Arabic), *Al-Hayat*, 5 August 2005.

⁴⁴ "Widespread disturbances in Khartoum; Northerners respond to southerners' reaction; Imams declare Jihad..." [in Arabic], *al-Hayat*, 3 August 2005.

of running against Garang for the presidency in four years but it recognises that chances of southern secession have increased. Fearing the loss of much of the country's oil, the security clique may try to exploit Garang's death to undermine SPLM cohesion with the aim of delaying CPA implementation and shifting blame to the former rebels.

Though in public Garang stressed his determination to resolve the wars in Darfur and the East, his ability to change policies would have been limited. He would likely have been too consumed by the South to exert himself fully and push the parties towards an agreement. Nevertheless, the international community had high hopes for Garang and Taha to reprise their roles on the CPA and help negotiate a Darfur deal. Salva Kiir has publicly declared his desire to help oversee an end to the Darfur conflict⁴⁵ but he will find himself in an even weaker position than Garang to influence government policy there.

Garang's death will likely affect the internal dynamics of the largest rebel group in Darfur, the Sudan Liberation Army (SLA). He was close to Abdel Wahid Mohammad el-Nur, its chairman and perceived to back his Fur tribe, the largest in Darfur. Although Garang's support was less than believed by Abdel Wahid's opponents, it was a factor in the dispute with Minni Arkoi Minawi, the Zaghawa Secretary General of the SLA, over direction and leadership. Abdel Wahid may now have less SPLM help, and power dynamics are already shifting, as the movement seeks to unify ahead of negotiations with the government.⁴⁶

The Beja and others in the Eastern Front have similarly lost a key moral supporter and source of pressure on the National Congress Party to negotiate. Salva Kiir will have his hands full and will most likely expend little political capital on the East. The violence in Khartoum and Juba and the larger threat to the CPA caused by Garang's death has pushed the conflict in the East even further down on the international community's Sudan agenda. Both these factors will reduce pressure on the government to talk. Consequently, the Eastern Front may feel compelled to use violence to force Khartoum to the negotiating table.

V. REGIONAL IMPLICATIONS

Implementation of the CPA and a stable Sudan are strategic priorities for Sudan's neighbours, particularly those in the regional forum which helped to negotiate the agreement.⁴⁷ It is hoped that peace will have a positive impact on the whole region, by helping to secure porous borders and diminishing the ability of rebel movements like the Uganda Lord's Resistance Army (LRA) to operate in Sudan.

Garang made clear during the trip to Uganda just prior to his death that neutralising the LRA would be a top priority for the SPLA and the new Government of Southern Sudan. The combination of a reduced presence in the South of the national army, which has supplied the LRA since the mid-1990s, the imminent deployment of the UN Mission in Sudan (UNMIS), and a strengthened, professional SPLA was expected to push the LRA eventually out of southern Sudan altogether and hopefully lead to an end of the Ugandan conflict. In earlier interviews with Crisis Group, both Salva Kiir (then SPLA Military Chief of Staff) and Oyai Deng Ajak (his newly appointed successor) confirmed that they considered it a priority to deal with the LRA, which continues to attack and victimise southern Sudanese as well as Ugandans.⁴⁸ Garang's death does little to change this. Indeed, Salva Kiir publicly stressed that the "SPLA can't and won't tolerate the LRA presence in the South" in his eulogy at Garang's funeral. The confusion surrounding Garang's death and questions about Uganda's vigilance with regard to the crashed helicopter could produce animosity between some in the SPLM and the Ugandan government but it remains in the movement's interests to secure the border with Uganda and expel the LRA from the South.

Uganda's President Yoweri Museveni did not attend the funeral in Juba on 6 August, and the Khartoum government is known to be displeased at some of his statements about the crash. Anxious to avoid any blame for Garang's death in his personal helicopter, Museveni defended the condition of the aircraft and raised the possibility of foul play while paying respects at Garang's casket in Yei on 5 August.⁴⁹ He has launched an investigation into the crash in conjunction with the SPLM and a third, unidentified, country. At the same time,

⁴⁵ Katie Nguyen, "S. Sudan head meets U.S. envoys, seeks Darfur peace", 3 August 2005. Salva Kiir publicly reiterated his resolve to finding a just solution in Darfur and the East while speaking at Garang's funeral.

⁴⁶ The African Union-led Darfur peace talks resume in Abuja on 24 August 2005. The divisions within the Darfur rebel movements will be examined in a forthcoming Crisis Group briefing.

⁴⁷ The Inter-Governmental Authority on Development (IGAD) provided the regional forum. Eritrea, Ethiopia, Uganda and Kenya were the key countries involved in the negotiation process. They, with Sudan, Somalia and Djibouti, collectively form IGAD.

⁴⁸ Crisis Group interviews, 2004-2005.

⁴⁹ Museveni says Garang death unclear, as Kiir declines to comment", Agence France-Presse, 5 August 2005.

Khartoum has announced establishment of a national investigative commission, which is also to operate jointly with the SPLM, and the SPLM has called for an international investigation. Multiple investigations risk undermining each other and producing public confusion.

Garang's death could have significant implications for Sudan's quarrelling eastern neighbours, Ethiopia and Eritrea. Both have played major roles in the Sudanese conflict. While Ethiopia's relationship with Khartoum has warmed over the past few years, Eritrea continues to host and support the SPLA, the umbrella NDA opposition group, and the Eastern Front and Darfur rebels. Its backing for the Eastern Front and the Darfur rebels in particular demonstrates sustained determination to overthrow the National Congress Party regime by force. Khartoum has repeatedly rejected offers of mediation by regional powers, and the Eritrean government claims that Khartoum refused a request for President Isaias Afworki's plane to travel through government-controlled airspace so he could attend Garang's funeral. Eritrea's foreign and defence ministers reached the event only after a long detour.⁵⁰ Garang had been expected to help moderate this enmity by pushing for just political solutions to the two conflicts and working to convince the Eritreans that the CPA would lead to a fundamental change in Khartoum. This task could now be more difficult.

UN might also usefully seek to bring the stakeholders together in a single process to investigate the fatal helicopter crash and coordinate the technical inputs of third parties to ensure that the ultimate findings are widely accepted.

Donors need to follow through on the pledges they made at the Oslo Conference in April so peace benefits are felt quickly on the ground. It will be particularly important to work closely with the SPLM to build the institutional capacity of the new Government of Southern Sudan, focusing on establishment of transparent budgetary mechanisms for the management and disbursement of oil revenues. The better relations Salva Kiir and Riek enjoy with the government-allied southern militias constitute an opportunity to encourage renewed efforts in the South-South dialogue so as to reduce the possibility of factional fighting during the transition period.

The new U.S. Special Representative, Roger Winter, and his troika counterparts need to be active full time in this critical period. The Abyei flashpoint deserves their particular attention. The recommendations of the Boundary Commission require international support so they can be implemented as soon as possible and incentives provided for those who perceive themselves to have lost out in the process of establishing the border.

Nairobi/Brussels, 9 August 2005

VI. IMPLICATIONS FOR THE WIDER INTERNATIONAL COMMUNITY

The death of Garang means that the help of key states, international organisations and donors in consolidating the CPA is more important than ever. Mostly this is less a matter of new measures than of ensuring that attention to Sudan is maintained and what has been promised is done. It is particularly important in the next days and weeks, however, to make clear to Khartoum that any manipulation of the situation to promote renewed violence, including through support to renegade southern militias, would be strongly opposed and viewed as a violation of the CPA.

The UN mission in Sudan (UNMIS) should speed up its deployment of peacekeepers in order to assist in expanding peace and security throughout the South, Southern Kordofan and Blue Nile states. The target for achieving initial operational capacity throughout the South has already been moved back from July to September. It must not be allowed to slip further. The

⁵⁰ "Khartoum bars plane carrying Eritrean delegation to Garang's funeral from crossing Sudanese air space" (in Arabic), *al-Sharq al-Awsat*, 5 August 2005.

APPENDIX A

MAP OF SUDAN



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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

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

The Crisis Group Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by Lord Patten of Barnes, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates sixteen field offices (in Amman, Belgrade, Bishkek, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Port-au-Prince, Pretoria, Pristina, Quito, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir,

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