

# PROSPECTS FOR PEACE IN SUDAN

## BRIEFING

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### Overview

1. Once again, it is hard to discern what are substantive moves towards peace, and what is merely tactical maneuvering, amid Sudan's constantly shifting political scene. To what extent is there a real consensus emerging about the substance and form of a peace agreement? Or are the leaders of the key parties simply trying to gain tactical advantage from each initiative without any real strategy as to what they are ready to settle for in a peace agreement?

2. The key process at the moment is without doubt the engagement of the U.S. Special Envoy Senator Jack Danforth. He has succeeded in positioning himself at the centre of the processes in a skillful manner. All parties are confident that, if there is a peace settlement to be achieved, he has the clout to engineer it. While maintaining pressure for progress, he has kept the parties guessing as to his preferred process and outcomes. The outcomes of Sen. Danforth's second visit to Sudan, in mid-January, will be the crucial determinant of the prospects for peace in Sudan.

### Senator Danforth's Next Steps

3. The U.S. peace engagement is moving ahead and becoming more complex. Four 'tests' were set earlier by Senator Danforth for the two sides to test their readiness to make peace. Two U.S. teams have been in Sudan to implement a range of political and humanitarian measures associated with these steps. Senator Danforth is returning to Sudan between 7-17 January to assess progress. There has been significant progress in all four areas:

- (i) Allowing humanitarian access to SPLA-held areas of the Nuba Mountains and the establishment of a ceasefire in the region. This is where the technical teams have invested most effort. The U.S. has achieved a temporary ceasefire or stand-down of forces. Modalities for humanitarian access have been agreed. A longer-term objective is a long-term properly monitored ceasefire linked to programmes for humanitarian provision and economic rehabilitation, and further negotiations to finalise this are planned.
- (ii) Respecting a ceasefire for vaccination programmes to proceed. There appears to be agreement in principle on this.
- (iii) A cessation of aerial and artillery bombardment against civilian targets. This has been agreed.
- (iv) Action to curb enslavement, in the form of a commission to investigate cases and release people held in captivity. The mandate, composition and schedule for such a commission is under discussion.

4. On the negative side, the Sudan Government has launched ground offensives and carried out arrests and political assassinations in the Nuba Mountains. In doing so it seems to be testing the limits of deniability and testing the commitment and nerve of the U.S. Special Envoy.

5. The official signals from the U.S. are that if either side fails the test, then the U.S. will walk away. It may still do that. However, the tests are more akin to issues to obtain leverage and as avenues for engagement by the U.S. While the threat of withdrawal will be on the table, it currently seems less probable that it will be used rapidly.

6. Does the U.S. have a peace formula to propose? There are some indications that it is seriously considering a variant on the CSIS Report issued at the beginning of 2001. This would be a 'one country two systems' solution, that could be swallowed by the GoS and SPLA leaderships and—also importantly for the mediators—by Egypt and Kenya. It would involve a formula that referred to Islam and the state in a manner that allowed for the continuation of Islamic identity in the North, and to self-determination while also retaining the sovereign unity of the country.

7. The issue of the secession option will be tricky. The U.S., other IGAD partners, Egypt and Kenya are all opposed to any separation option. But, any agreement that did not include a referendum for the South with an option of independent statehood would be unlikely to gain ready acceptance among most Southerners, and some Northerners too. One Sudanese formula for including all self-determination options is, that it is important that any formula should reflect the core agreements reached by all the major parties over the years.

8. Meanwhile, U.S. Congressional moves to revitalize the Sudan Peace Act are still progress. There is an unprecedentedly broad coalition in support of the act, including all shades of political colour. The main political heavyweights—at least in terms of influence in the White House—are those on the religious right. An assertive policy from Congress is a useful stick for the Special Envoy to wield in Khartoum. On the other hand, the Congressional lobby could potentially derail peace efforts by making the Administration take an assertively partisan stance in favour of the SPLA. However, keeping the religious right in check is not part of Sen. Danforth's mandate, and it seems likely that he is proceeding with his mission with a focus on the Sudanese dimension of his task, leaving the White House to deal with the domestic angle. Whatever their standing with the Administration, the activities of vigorous anti-Khartoum activists tend to encourage the SPLA leadership to believe in the military option.

9. Khartoum is confident that its cooperation with the U.S. on counter-terrorism has yielded an irreversible improvement in relations. It should be careful. Not only is there the possibility of Congressional pressure tilting the Administration's approach, but Khartoum remains vulnerable to plausible and partly-substantiated allegations concerning its possession of chemical weapons.

## **Other International Players**

10. Britain's Secretary of State for International Development, Clare Short, is visiting Sudan at approximately the same time as Sen. Danforth, as well as her Norwegian counterpart Hilda

Fraford-Johnson and a minister of state from Italy. (These visits coincide with the IGAD Summit.) This means that in January, there will be senior political figures from each of the ‘core group’ countries of the IGAD Partners Forum in Khartoum. Sen. Danforth visited both London and Oslo in December and it seems that the three will convey the same message.

11. The GoS sees these visits as an endorsement of its strategy of engagement with Europe. It is confident that aid frozen by the EU and European governments will be unfrozen. If this is achieved, then there are many in the GoS who will argue that it is no longer necessary to make concessions on human rights. The GoS is in the process of acceding to a number of international human rights conventions, including the Convention against Torture.

12. Opposition and civil society forces welcome these visits as an opportunity to deepen international engagement and make their own voices heard. It is likely that various groups will present requests to the visiting ministers asking for them to step up their peacemaking efforts. It will be worth paying close attention to the substance of these requests, because there are indications that they reflect a convergence of popular Sudanese opinion on key issues. They will warn of Khartoum’s charm offensive, and draw attention to serious human rights concerns, especially in neglected areas such as Darfur, where hudud sentences such as amputation are being handed down by the courts.

### **Khartoum’s Strategy**

13. The GoS strategy for responding to Senator Danforth is to play for time, not hurrying the processes for peace, democracy and human rights. Its chief concern is to establish a ceasefire in the oilfields. There are a number of tactics that Khartoum is utilizing to try to play the situation to its advantage, including trying to divide the Nuba and the Southerners, with one group vocally presenting pro-GoS positions.

14. Khartoum has conspicuously welcomed the U.S. involvement. It is possible that it sees a U.S. initiative as a stratagem for extracting itself from a succession of commitments it has made to self-determination which include, explicitly or implicitly, the secession option, including IGAD DoP (1994, signed 1997), Khartoum and Fashoda Agreements (1997), 14<sup>th</sup> Constitutional Decree (1998), and Djibouti Agreement (1999). It is already utilizing the U.S. engagement to stall the JLEI (see paras 27-28, below) and thereby resist pressure for democratisation. It appears that the GoS also anticipates that the U.S. initiative will finally kill off IGAD.

15. President Bashir’s New Year speech indicated a clear continuing commitment to Islamic Law and the wider ‘civilization project’ of Islamisation in Sudan. In the following days, the government established a committee to revise the constitution—consisting of party stalwarts and not including a single Southerner. At one time, it appeared that the GoS was speaking in different voices for the attention of different audiences, but with careful international scrutiny of all public statements by senior government figures, that can no longer be true.

16. As so often, Khartoum’s approach is tactically effective but has no clear strategic outcome other than a continuation of the status quo.

## **Khartoum and the South**

17. In March 2002, according to the 1997 Khartoum and Fashoda peace agreements, there should be a referendum on self-determination in Southern Sudan. This presents a problem for the GoS, as the Southern signatories to the agreements—who are mostly in government—and other Southern forces in government will see the GoS's response to this deadline as a mark of its commitment to honouring its agreements. All agree that it is not meaningful to hold a referendum while the war continues. But if the GoS is seen to casually disregard its promises, it may be the spark for serious disaffection among the Southern groups in government.

18. It is probable that the GoS response will be that a clause in the 1997 Agreements allows the Southern Council to recommend to the President that the transitional period be lengthened (or indeed shortened). This provides a convenient legal way for the GoS to postpone the referendum indefinitely. Khartoum has enough loyal Southerners on the Council to be able to initiate this strategy, though its success cannot be guaranteed. If the issue of the transitional period were to be raised in any forum, members would want to ask why other institutions such as the transitional parliament and the ceasefire commission have not been established, and might not readily accept an indefinite postponement of the referendum. Alternatively, the GoS may simply ignore the deadline entirely. In this case, it is possible that some Southern groups in government will leave and join the internal civil opposition, while others may go back to the bush and take up arms.

19. A second proposal gaining favour among Southerners in Khartoum is for the provisions of the Khartoum and Fashoda agreements—specifically the provision for self-determination—to be included in any principles for a comprehensive peace agreement, with the Southern signatories to these agreements represented separately from the GoS in the peace forum. The rationale for the latter is that Khartoum prefers to put together its own delegation of Southerners opposed to self-determination, led by figures such as Second Vice President Prof. Moses Machar and Minister for Animal Resources Dr Riek Gai. (Gai accompanied Ghazi Salah el Din to Abuja to block the Nigerian facilitation in November.)

## **Southern Political Consensus**

20. It is probable that the Nigerian facilitation of the Southern Political Forces Conference has died. However there is still strong Southern support for such a process. Southerners recognize the importance of a process hosted and sponsored by a state, rather than a civil society or NGO-led process, which would not have the authority to ensure the participation of all. While the Nigerians have lost some credibility because of the failure of Abuja, they are still a potential host. Another possibility favoured by some Southerners is the U.S., and it is likely that some Southerners will present this option to Senator Danforth.

21. The main lesson of the aborted Abuja process is that any serious peace initiative should be predicated on Southern political consensus. Trying to mediate a settlement without including the whole range of Southern political and military forces is likely to be very problematic.

22. Although the SPLA leadership is reluctant to see any process of Southern political consensus proceed, it will have little option but to go along with it. Immediately following

the postponement of the Abuja meeting, Dr Garang was privately saying that he had instigated the blocking of the initiative. This was not correct, and it quickly became evident that whoever was responsible for the blocking was not popular among the Southern rank and file. Hence Dr Garang instead, correctly, laid the blame at the door of the GoS. If the Abuja meeting were to be revived or an alternative floated by the U.S., then the SPLA would agree.

## **The Nuba Mountains**

23. The Nuba have achieved a political profile undreamed of even a few years ago. In the immediate term the results have been very positive, in terms of a partial ceasefire and the provision of aid. However the Nuba's high profile presents a severe challenge to the GoS and a lesser, though still significant, challenge to the SPLA.

24. The GoS has never wanted to admit the existence of the war in the Nuba Mountains and has only reluctantly conceded humanitarian access. It is using various stratagems to continue to pursue its agenda. One is to continue military action including an army offensive in the Korongo area south of Kadugli, and assassinations of community leaders in the SPLA-held areas. (Judge Agostinho el Nur Shamila was killed in November and another community leader avoided a similar attempt on his life.) This sends a signal to the Nuba that the GoS still retains its unchanged objectives in the region. Second it has actively tried to recruit Nuba political and community leaders to its cause. In mid-December, President Bashir addressed a meeting of Nuba leaders in which he tried to obtain support for a resolution against 'foreign intervention' in the Nuba Mountains. Most of the organized Nuba parties—including the General Union of the Nuba, the Sudan National Party (of Prof. al Amin Hamouda) and the Free Sudan National Party (of Rev. Philip Ghabboush)—supported the U.S. ceasefire and humanitarian initiatives. These three are organized under the umbrella of the 'Solidarity Group.' A smaller group, headed by retired Brigadier Ibrahim Nayel Edam, former member of the 1989 Revolutionary Command Council, agreed to oppose 'foreign intervention'. As a result it is likely that Senator Danforth will be greeted by a GoS-backed anti-U.S. Nuba demonstration, and (if it is given permission to proceed) a larger, popular pro-U.S. demonstration. The Solidarity Group is also likely to request that the Nuba are separately represented in any peace forum.

25. The GoS is asking the people to oppose the U.S. 'intervention' in the Nuba Mountains but has not made available any details of the ceasefire and humanitarian access agreements. In this context it would be advantageous for the U.S. mediators to make public the contents of agreements, once they have been endorsed by the parties. There is strong rationale for confidentiality during negotiations, and an equally strong case for transparency following agreement. This helps with wider 'ownership' of agreements, as well as allowing the mediators to protect themselves from being misrepresented by the parties.

26. The increased political profile of the civilian Nuba parties in Khartoum, under the Solidarity Group, presents a challenge to the SPLA. There is a tendency within the SPLA to regard itself as the sole political representative of the people in whose areas it operates. It has a particular fear that if the Nuba are accorded any special treatment, then the SPLA may become divided between the Southern forces and the Nuba forces, and the two will become isolated from each other. A preferable approach for the SPLA would be to expand its contacts with the Solidarity Group, consolidating the recent political gains made by the Nuba.

## **The JLEI and the NDA**

27. It appears that a powerful group in Khartoum, led by Vice President Ali Osman Mohamed Taha, is arguing that the success of engagement with the U.S. makes it less important to engage with the Joint Libyan-Egyptian Initiative. President Bashir may be ready to go along with this, downplaying the JLEI and keeping it in reserve in case the U.S. engagement does not go according to plan.

28. A meeting between the Libyan and Egyptian ministers for African affairs, responsible for the JLEI, and the NDA was scheduled for 29 December. This had the agenda of the JLEI presenting its reaction to the NDA's responses to the JLEI's Nine Points. The GoS refused to issue exit visas to the NDA leaders in Khartoum, causing the meeting to be postponed. The Minister of the Interior, Maj-Gen Abdel Rahim Hussein, said that any pressure from Libya and Egypt to issue the visas was a waste of effort as the GoS would not relent. This indicates the GoS's confidence that it can defy Egypt. The NDA is now divided on whether to proceed with the meeting in the absence of its internal leaders.

29. The NDA Leadership Council meeting in Asmara went ahead at the beginning of December, delayed until the arrival of Dr John Garang. The meeting reached compromise on the key issues, resolving to strengthen the NDA institutions, and maintaining the NDA's existing positions on uniting the JLEI and IGAD (these were duly presented to the JLEI, which was due to respond on 29 December). Time will tell if the NDA can remain united.

30. In his New Year message, also celebrating Sudan's independence day, the NDA Chairman Mulana Mohamed Osman al Mirghani, criticised the GoS for its delaying tactics over the JLEI, saying that the GoS strategy was divide-and-rule. He warned that if the peace process was not hastened, then Sudan could collapse or split. He emphasised that the NDA was working to harmonise the JLEI and IGAD in order to create a common peace forum.

31. Assuming the NDA and JLEI Committee proceeds in some form, the next JLEI meeting is scheduled to be the Preliminary Meeting including the Libyan and Egyptian ministers and delegations from the GoS, NDA and Umma Party, at the end of January or early February. Opposition approaches are not united. The DUP and most northern parties are holding firm to the view that this meeting should proceed in some form. If the JLEI is to be destroyed, they say, let it be by the GoS. There is a second view, implicitly pushed by the SPLA, that the GoS's refusal to allow the internal NDA delegates to leave Khartoum implies a lack of government seriousness, so the JLEI should be abandoned, and instead the NDA should ask the U.S. to coordinate with IGAD to create a united forum. There is a third, rejectionist approach, that argues for continued armed struggle in the North as well as the South. The NDA has planned a Leadership Council meeting in Cairo on 26 January to discuss its strategy but it is unclear whether this will convene.

32. The Umma Party position is in favour of retaining the JLEI. It is pushing an argument that any peace forum should be based upon what the Sudanese have already accepted, what Sadiq el Mahdi has labelled 'the literature of accord.' Because these agreements include the right of self-determination for Southern Sudan, this approach has the possibility of gaining widespread support among Southerners. Because it retains the relevance of the smaller NDA parties it may generate support among them too.

## **Economics**

33. A recent estimate of the cost of the Sudanese civil war by Dr Ali Abdel Gadir estimates that, without the last eighteen years of conflict, Sudan would be \$1,039 per capita richer today. This is substantially more than a doubling of annual income per head.

34. GoS revenues are reduced through the fall in the price of oil. But the income is sufficient for it to continue rearming, and for a significant economic boom to be occurring centered in Khartoum and a few other towns. However, the increased government revenue is still far from sufficient to pay off the country's external debt which stands at approximately \$20 billion. Even interest payments on this debt would consume the entire annual oil revenues twice over. If Sudan is to achieve sustainable economic development it will need to reach a comprehensive debt relief agreement with its creditors. Given current modalities for enrollment in the Highly-Indebted Poor Countries initiative and the need for a comprehensive Poverty Reduction Strategy process in partnership with international donors, this can only be achieved in the context of a comprehensive peace agreement.

35. The high profile campaign against Talisman for its involvement in Sudan, including the threat of possible capital market sanctions, has succeeded in bringing considerable pressure to bear on the company. It is a powerful example of the possibilities of vigorous NGO lobbying.

36. The SPLA continues to talk about 'peace through development' and to encourage small-scale development projects in Southern Sudan. These are worthy efforts that are bringing important benefits to the communities where they are present. But they are miniscule in comparison with the billions of dollars in debt relief and aid needed for national economic rehabilitation.

## **The Region**

37. Khartoum's rehabilitation within north-east Africa is complete. It has normalised relations with each of its neighbours. As chair of IGAD it is hosting the Heads of State Summit in January, which is likely to pass a pro forma resolution in favour of peace in Sudan.

38. The IGAD Sudan Peace Secretariat undoubtedly holds greater potential following the appointment of General Lazarus Sumbeiywo as Special Envoy. But President Moi's strategy in his last few months in office is focussed on setting up a meeting between President Bashir and Dr John Garang. Such a high-profile leader-oriented approach would need to be carefully coordinated with all other peace initiatives. (While Bashir would welcome such a meeting, Garang would be justifiably reluctant.) To date, Kenya's State House has not been strong in coordinating with other players. Kenya's reluctance to cooperate with Egypt remains an obstacle to a regionally-coordinated approach. This illustrates the limits to a regionally-led approach.

39. Following the last NDA meeting in Asmara, the Eritrean Government revived its offer of mediating in the Sudan conflict. This offer was first made in September 2000 when it was a serious initiative, and could have made progress if the Eritreans had involved a wider array of international players. This time round, neither side took the offer seriously. Ethiopia

continues to have close relations with Khartoum while tolerating a low-profile SPLA presence. It is paying lip service to the search for peace but is not actively engaged, though it continues to make tantalising hints about greater involvement. Uganda is slowly upgrading its relations with Khartoum, but remains close to the SPLA leadership.

## **Conclusion**

40. Are conditions in Sudan ripe for a settlement? There are many reasons for suggesting that they are not. The main belligerent parties are internally weak and each of them is comfortable with the status quo of unending conflict. Each of them has a strategy based on playing for time in the hope that things will work to their advantage in the longer run. There is a profusion of smaller players who have the potential for upsetting any elite-based process. All the governments of the region are engaged but none of them can be considered impartial. There is an accretion of regional peace initiatives, each of them marked by poor tradecraft, which have made the situation more complex and difficult to resolve.

41. Yet at the same time, each of these obstacles to peace could be overcome, or transformed into an asset for a peace process. The missing ingredient is leadership, providing a vision of the possibility of peace. The basis for this is simple outrage that a war can continue, costing over a hundred thousand human lives every year, and setting back the country's development by a generation or more.