

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

NOVEMBER 2001

Overview

1. November has been a critical month for peace in Sudan. An important opportunity has been lost with the indefinite postponement of the Nigerian facilitated Southern Political Forces Conference. The visit of Senator Danforth to the region has sharpened the issues, though it is not clear if either side fully recognizes how critical this visit and its aftermath will prove. Danforth has set four tests of readiness to make peace. If they are passed, the U.S. will become seriously engaged, probably with an African partner in the lead. If not, Senator Danforth means what he says: and the U.S. will walk away.

2. Early signs suggest that Khartoum has no serious intention of meeting the U.S. tests. The assassination of a leading judge in the Nuba Mountains may prove to be a test case for GoS readiness. The slow process of democratization evident from 1999-2000 has not only slowed, but has gone sharply into reverse, with serious crackdowns on journalists. These reversals do not however appear to have adversely affected the prospects for north-north reconciliation, marked by the return to Khartoum of Ahmed al Mirghani, brother of the NDA Chairman and deputy leader of the DUP.

3. The SPLA calculation at present appears to be that it should sit tight, and wait for Khartoum to fail the tests, assuming that this will lead to a return to the status quo ante for U.S. policy. Clint. John Garang is encouraged by an apparent flexing of muscle by the pro-SPLA lobbies in Washington, who have revived the Sudan Peace Act in Congress.

Senator Danforth's Visit

4. U.S. Special Envoy Jack Danforth visited Sudan as scheduled. Some press reports indicated that he arrived with a four-point peace plan. This is somewhat misleading: in fact he underlined that he had no separate peace initiative, and rather he had tabled four tests to see if the two parties are serious about moving towards peace. The tests are:

- (i) Allowing humanitarian access to SPLA-held areas of the Nuba Mountains and the establishment of a ceasefire in the region.
- (ii) Respecting a ceasefire for vaccination programmes to proceed.
- (iii) A cessation of aerial bombardment against civilian targets.
- (iv) Action to curb enslavement, in the form of a commission to investigate cases and release people held in captivity.

5. Evidently, all four of the tests apply primarily to the Sudan Government, while only two (ceasefires) also apply to the SPLA. Senator Danforth will visit Sudan again in mid-January to examine the scorecard and see if the tests have been passed. In the meantime, the U.S. will dispatch two specialist teams to follow up and monitoring, one to focus on elements of the ceasefire, and the other to examine practical aid-related measures.

6. The Nuba Mountains is the toughest test. The reasons for selecting the Nuba Mountains are linked to the clarity of the issues in the region, and should not be interpreted as a special agenda for the Nuba (for example, joining it to a 'greater South'). In the Nuba Mountains, SPLA forces are under a single centralized command and there is no factional division, so that ceasefire violations can be more easily monitored and attributed to the responsible party.

7. Sen. Danforth marked an immediate success by not only securing permission to visit the Nuba Mountains, but also obtaining a ceasefire for the delivery of humanitarian relief by the UN. For several years, the GoS has consistently broken promises to allow the UN to operate in non-government controlled areas. However, the degree of GoS commitment to honouring its promise remains to be seen. On 11 November, just before the first UN flights were due to arrive, the Sudan army shelled the designated airstrip with the obvious intention of putting it out of action. This was a transparent attempt to intimidate and delay the Envoy's visit, but he held his nerve and the visit proceeded.

8. Almost immediately after Sen. Danforth's visit, the GoS assassinated a leading judge in the SPLA-held area of the Nuba Mountains. Mulana Agostinho al Nur Shamila was attacked and killed in his house on 17 November. Agostinho had served as a judge in the area since 1993 and had been the leading partner in the Justice Africa judicial training programme in the region, establishing what had been widely regarded as a model for the administration of justice in non-government controlled areas. The assassins were a Popular Defence Force squad from Heiban garrison, which infiltrated the area posing as defectors, and who then knocked on the judge's door early in the morning, asking for him by name. It was clearly a targeted assassination.

9. Sen. Danforth expressed his frustration with the parties' commitment to peace, implying that he did not expect them to pass the tests. He went on to say that this was Sudan's last chance: if he concluded in early 2002 that neither side was sufficiently committed to peace, then he would recommend that the U.S. disengage from the peace process. This is a clear signal, especially to Khartoum: the Bush Administration acts with resolve. The U.S. will only invest its energies in making peace if there is a real prospect of success. But the U.S. should not walk away from the peace process without apportioning blame, identifying the respective responsibilities of the parties, and recommending appropriate international actions to promote peace.

Developments in Washington

10. The U.S. maintained its bilateral sanctions for another year. While this met with public criticism in Khartoum, the decision was an expected and does not reflect any change in U.S. policy from previous weeks.

11. More surprisingly, there were Congressional moves to revitalize the Sudan Peace Act. This act, which had near-unanimous support in both the House and the Senate, had been due

to proceed in September, when it was halted at the White House's request after September 11. The two houses had passed slightly different versions (the Senate omitted capital market sanctions against oil companies operating in Sudan), so the next stage is to set up a committee to reconcile the different versions, which will then go to the President. For the Democrats, this is a win-win situation: they can support a 'moral' cause and challenge the President to veto it. For the religious right among the Republicans, it is a test case for linking the Christian agenda to the war against terrorism, and also exposing what they see as the soft, compromising approach of the State Department.

12. However, Congressional leaders would not have taken their recent steps without a signal of some sort from the White House. No-one wants to put the President in an embarrassing situation of vetoing a popular bill. This is a clear sign of the ascendancy of a right-wing lobby that includes powerful individuals in the Department of Defence, NSC and, reportedly, Newt Gingrich. If Khartoum does not take extreme care, it may find itself in the sights of the U.S.'s war on terrorism.

The Postponement of the Abuja Conference

13. The Abuja Southern Political Forces Conference scheduled for 12-17 November was postponed at the last minute, on 8 November. This came as a surprise in the light of a statement by President Obasanjo on 3 November that it was proceeding as planned. In fact, a combination of events conspired to derail the conference.

14. Both the GoS and the SPLA leadership were very reluctant to see Abuja proceed. For both it was potentially a threat: Khartoum did not want to see Southerners united on a political consensus—and John Garang was fearful of the political repercussions of such a consensus. However, the Southern Political Forces Conference had been put together in such a way that neither could object. On 7-8 November, the SPLA presented its confirmed list of participants to the Nigerian Special Envoy.

15. However, the Nigerians had gone ahead too fast. The initial plan was to hold a conference to achieve a Southern political consensus ('stage one') to be followed later by a national conference ('stage two'). Very late in the day, however, a decision was taken to merge the two, so that the Southern conference would be held over 12-14 November, immediately followed by the 'Pan-Sudanese' conference on 15-17 November. Invitations were only issued for the latter in early November. The GoS, understandably, immediately responded that it needed more time to prepare for such a momentous conference. The Council of Ministers had already mandated the Presidential peace advisor, Ghazi Salah el Din, to review the peace processes and present his recommendation. The review was underway. So Ghazi flew to Abuja on 5 November to request a postponement. Unwittingly, Nigeria had given Khartoum the perfect mechanism for derailing the conference, and Khartoum seized the opportunity.

16. In different circumstances it is possible that President Obasanjo could have salvaged the Southern Political Forces Conference. But Nigeria was itself plunged into a serious internal crisis that week, and for the President, postponing the Sudan facilitation was probably a welcome move.

17. The postponement of Abuja highlights the weakness of the Nigerian facilitation capacity when dealing with a complex conflict with multiple parties and both internal and

international dimensions, such as Sudan. The facilitation relies very heavily on the personal engagement and prestige of the President himself. His special envoy is highly dependent on instructions from the President, and does not have strong institutions to back him up.

18. The Nigerian facilitation is not dead. It has lost both credibility and momentum, but the idea of a Southern political consensus conference still demands vast support across Southern Sudan. This process does not conflict with either the IGAD or the JLEI processes. With appropriate backing, it can be revitalized and can proceed.

Khartoum's Position

19. Khartoum is confident that it has managed to keep out of Washington's sights for counter-terrorist action. As well as its direct relations with the State Department, it is also counting on Cairo for protection. This may be a miscalculation. The U.S. is not in the mood for playing games: Senator Danforth's words need to be taken at face value.

20. U.S.-Khartoum relations remain cautiously cooperative, based on collaboration in counter-terrorism. A strategic reading of Khartoum's interests would indicate that now is a good time to pursue peace, because the U.S. is more positive towards the GoS than at any time in the last 12 years, and these friendly relations may not last long. However, the Sudan Government has always tended to act tactically rather than strategically in these situations, and therefore miss opportunities, through seeking to manipulate them to its advantage. It sees regional and internal events running in its favour, and does not appear to appreciate that it can play its usual games of procrastination.

Khartoum Politics

21. Khartoum politics manifest two contradictory tendencies. On the one hand, north-north reconciliation is proceeding. On the other hand, there are serious human rights abuses and the democratization process is at a halt.

22. Ahmed al Mirghani, brother of the NDA Chairman and deputy leader of the DUP, returned to Khartoum. This is a clear indication of progress in the GoS-DUP dialogue. One of the striking things about Ahmed al Mirghani's return was the huge popular turnout to welcome him, that included not just old stalwarts from the DUP and the Khatmiya sect, but also many young people. Contrary to the longstanding expectations of Sudanese leftists and Islamists alike, the old sectarian parties seem to be as vigorous as ever. Ahmed al Mirghani returned with leading DUP members including el Fathi Shila, who is a member of the NDA Leadership Council and Secretary General of the DUP in exile.

23. The modest process of democratization evident in 1999-2000 has come to a halt and in some respects has gone into sharp reverse. The 1999 Security Act, amended 2000, is being implemented harshly. The law gives the security the right to detention without trial for six months, and the security council can detain indefinitely. Old measures such as daily summonses to the security are being used as an alternative to detention.

24. Recent weeks have witnessed the detention of journalists. Leading journalists with the *Khartoum Monitor* were detained after publishing articles in which Southerners within

government called for self-determination. Later in November, 22 journalists from the independent newspaper *al Watan* were arrested after protesting against a ban on the newspaper, after it had published an article on corruption. However it would be unwise to over-interpret this event as a total reversal of press freedoms: the *al Watan* incident also appears to be related to the micro-politics of the newspaper's publisher.

25. There has been a crackdown in the Nuba Mountains involving the arrest and detention of community leaders. The detentions were focused in western Kadugli. This is reminiscent of the activities of military intelligence in the late 1980s and early 1990s, when there were systematic attempts to eliminate Nuba community leaders and educated people. The assassination of Mulana Agostinho can be seen as part of this pattern.

26. The EU-Sudan dialogue is nearly in its second year. Its outcomes have been modest, but it is probable that the dialogue will continue. The EU Troika will visit to review the dialogue in January. Currently, the GoS is arguing that judgment on its human rights record should be suspended while it sets up human rights institutions such as an independent human rights commission and human rights centre. This argument would be credible if the regime was rather younger than its twelve years. However, the dialogue has encouraged independent institutions with a human rights focus to establish themselves.

The Warfront

27. The Sudan Government recaptured Deim Zubeir from the SPLA. This followed its recapture of Raga last month. This is a significant reverse for the SPLA but does not fundamentally alter the military balance. Militia raids are reported in northern Bahr el Ghazal. Bombing raids have continued in northern Bahr el Ghazal, contradicting promises made.

28. The SPLA again attacked the oilfields, penetrating the perimeter and causing casualties. Again, however, it would be a mistake to read too much into this offensive capability. Oil production continues unabated. A much greater problem for the Sudan Government is the current low price of oil.

29. The ceasefire in the Nuba Mountains (despite its violation on 17 November) has facilitated the delivery of humanitarian aid to the region. For the first time since the war began in the Nuba Mountains in 1985, and since the SPLA established an administration over some areas in 1987, there is a substantial humanitarian programme that can potentially reach all areas. This is a positive and long overdue development.

The SPLA Strategy

30. The SPLA leadership is understandably worried by the current U.S. tilt towards a policy of treating the two parties more equally. It is hoping that this is not a long-term shift, and that the U.S. will soon revert to a pro-SPLA policy. For that reason, the SPLA believes that this is a good moment to sit tight and do nothing, as it is relatively weak, but is likely to regain some of the diplomatic strength it enjoyed before September 11. On the other hand, the U.S. tilt—whether temporary or long-term—has indicated the narrow range of SPLA contacts in Washington. Evidently, the SPLA had not been paying sufficient attention to the interests and

outlook of the State Department, and had been relying heavily on information, analysis and contacts provided by individuals and groups with more of a solidarity outlook.

31. The SPLA leadership feels more secure in the aftermath of the postponement of Abuja. But popular sentiment in the South, including the ranks of the SPLA, is strongly in favour of Southern reconciliation and the adoption of a consensus position on a peace position. Unless the Abuja conference or something similar goes ahead within a few months, Dr Garang will need to find a mechanism for promoting similar internal Southern consensus.

32. Many believe that the SPLA leadership's long term strategy has been to prolong the war, hoping that an external factor will intrude that will deliver military victory. Several times this has very nearly paid off. Currently, it seems that the calculation is that the GoS will fail to satisfy U.S. conditions, so that the pressure for peace is reduced, and the U.S. will revert to its minimal position of providing humanitarian and other assistance to the SPLA. This calculation may be correct. But whether the people of Southern Sudan can continue to sustain the war indefinitely is another matter.

IGAD

33. General Lazarus Sumbeiywo, the new IGAD Special Envoy, planned a meeting for IGAD on 20 November but subsequently postponed it. Gen. Sumbeiywo is no stranger to Sudanese affairs: he served on the IGAD committee before the appointment of Ambassador Daniel Mboya. As a senior general in the Kenyan armed forces, he has excellent access not only to the parties to the conflict, but also to the Kenyan President (unlike his predecessor). He also has access to Kenyan security analyses of Sudan. Gen. Sumbeiywo travelled to Khartoum for his first visit since taking up his appointment.

The NDA

34. The sole remaining function for the NDA is to participate in the JLEI and other similar national peace fora. It has become militarily almost wholly ineffective. A meeting of the NDA Leadership Council was scheduled for Asmara on 26 November, but has not yet begun as of this writing (28th).

35. The first main agenda item for the meeting is an evaluation of the peace processes and the formulation of the reply to the JLEI's nine points. (Contrary to earlier indications, including NDA public statements, the NDA has not in fact submitted a formal reply.) The basic question is: will the reply include a commitment to self-determination for the South? It is clear that the NDA Chairman, Mulana Mohamed Osman al Mirghani, prefers to reply with the weaker formula 'voluntary unity' and omit mention of self-determination. But many other parties, including the SPLA, USAP and the smaller parties representing the marginalized of the North, will insist on the NDA sticking to its commitment to self-determination.

36. The second main agenda item is the reinvigoration of the NDA's institutions, which have been dormant. It is likely that there will be criticisms of the Chairman, who has been meeting with the Libyans and Egyptians without senior members of the NDA Secretariat in attendance. However, the other leading parties in the NDA have not actively insisted on

participating in these meetings. It is probable that discussion of the institutions will become bogged down in financial issues such as the long-awaited American funding.

37. If the meeting confronts these issues—especially the mandate for peace negotiations—it will be a make-or-break point for the NDA. However it is also possible that the meeting will be inconclusive. This is particularly likely if Dr John Garang does not attend in person (he is not yet in Asmara.) So far, the NDA parties seem committed to keeping the NDA intact under al Mirghani's chairmanship.

The LEI

38. The JLEI is awaiting the NDA's response to its proposals. It will proceed irrespective of the outcome of the late November NDA meeting. However, the JLEI's capacity to serve as an effective mediator is hampered by its lack of impartiality, and the fact that it still lacks a secretariat. The Libyan and Egyptian foreign ministries should examine and learn the lessons of the Nigerian facilitation, but it seems improbable that they will do that.

The Region

39. The north-east African subregion has learned to live with the Sudan conflict. All the neighbouring countries have a certain level of comfort with the ongoing war, and while all can see the advantages in peace, there are also short-term gains from the status quo. Meanwhile both the Sudan Government and the SPLM are content with the regional status quo.

40. Throughout November, there were signs that the U.S. was considering military action against Islamist bases in Somalia. Throughout the 1990s, there were links between the Somali Islamist group al Ittihad and al Qaida. Terrorist attacks by al Ittihad in Ethiopia led to repeated Ethiopian military incursions into Somalia between 1996 and now. On overrunning the al Ittihad base at Luuq in 1996, Ethiopian forces discovered that it was a multinational training camp for Islamist extremists. Subsequently, however, the Transitional National Government in Somalia, established last year after a conference in Arta, Djibouti, has contained strong al Ittihad influences. Initially, Khartoum actively supported the TNG and proposed that it take Somalia's seat in international organizations. Ethiopia is adamantly opposed to the TNG, and is keen to root out al Ittihad for its own reasons. At the beginning of this year, Ethiopian pressure caused Khartoum to reverse its position.

41. So far, the major action against Islamist extremism in Somalia has been the closure of the al Barakaat remittance and credit organization, which functions as one of Somalia's main financial institutions in the absence of a banking system. The U.S. claimed that al Barakaat was involved in financing al Qaida. Whatever the substance behind this claim, it has cut an essential financial lifeline for many thousands of Somalis, and has generated anti-U.S. feeling among Somalis. Ethiopia followed suit. It is likely that there will be many similar heavy handed actions against financial institutions based in the Arab world, which will also affect Sudanese remittances.

42. The possibility of U.S. missile strikes or special forces' actions in Somalia remains open. It is also possible that the Ethiopians may mount military actions deep into Somalia. (It has

already intervened in Puntland support of Gen. Abdullahi Yusuf.) Such actions may have wide repercussions throughout the region. If Ethiopia is involved, and its forces stay on Somali soil, it will do no favours for Moslem-Christian relations in that country, which has so far been a model for inter-religious harmony. It may also become a focal point for popular Islamist protest in Egypt and in Khartoum.

43. Possible U.S. military action in Iraq or elsewhere in the Arab world, or an escalation in Afghanistan, would have repercussions in Khartoum. The government's rhetoric will harden, at least temporarily, but the Islamists' response will be tactical.

44. The situation in Eritrea remains highly volatile and dangerous. The government of President Isseyas Afewerki is highly personalized and erratic. There is a serious danger of the current detention of political opponents turning into 'disappearances', and of renewed conflict, either on the Ethiopian border or internally. From the Sudanese point of view, this instability in Eritrea is no bad thing. The SPLA leadership, having earlier been enthusiastic advocates of Eritrea, has become highly critical.

Conclusions

45. Events of November indicated one fact that many Sudanese have often suspected and feared, namely that the GoS and SPLM leaderships concur that, for the time being at present, war is preferable to peace. Serious progress towards peace is equally a threat to each of them. The next two months is a time for decision: is this really the case?

46. If the parties' disinterest in the current peace processes is confirmed, it is at least a clarification of the requirements for peace. It implies that the nominal agreement on matters of substance such as self-determination, interim arrangements and wealth sharing, counts for little. What counts is simply power: who is to be in charge. It implies that the major parties are looking solely for an elite settlement that shares power among them and leaves unaddressed the wider aspirations of the Sudanese people for a settlement of their grievances. But today most Sudanese would settle for just a peace. Arguably, the two leaderships have jointly succeeded in grinding down the Sudanese people so that they are ready to accept any settlement, however unjust, simply in order to bring the fighting to an end. The Sudanese people may be so exhausted that it would be a lasting peace.

47. Senator Danforth has put the parties on notice. It is not clear if either of them take his warning sufficiently seriously. But there is no reason to doubt the U.S. Administration's seriousness.