

# PROSPECTS FOR PEACE IN SUDAN

## BRIEFING

JUNE-JULY 2002

### Overview<sup>1</sup>

1. To the surprise of almost all, the extended IGAD peace talks in Machakos, Kenya, concluded with the two parties signing a 'framework protocol'. This agreement was achieved with few prior indications that it might be on the cards, and a number of signs that, to the contrary, neither side was ready to make serious compromises.

2. The time appears to have been ripe for agreement. The Protocol contains little that is new or surprising, but is a distillation of various points of agreement reached over recent years. However, a critical factor in encouraging the parties to move towards agreement at Machakos was major pressure from the outside parties, notably the U.S. The GoS reluctantly agreed to a clause agreeing to an exercise in self-determination for the South at the end of a six-year interim period. This concession is dressed up with much language stressing that both parties desire unity. However, the agreement has delivered the major points demanded by the SPLA.

3. The two parties are each presenting Machakos as a victory for them. This is positive: each needs to sell it to its own constituencies, which requires some careful packaging. Provided the interpretations are not too divergent, this presents no problem. But it is legitimate to ask whether the GoS is truly committed to the deal, or whether it signed as a purely tactical move, expecting the agreement to come unstuck. A major challenge is whether President Bashir can obtain the support of high-ranking members of his government. But the agreement is serious, as testified by the 27 July meeting between Bashir and John Garang.

4. The Machakos Protocol is not a peace agreement. There is still major work to be done, most significantly on a whole series of issues relating to ceasefire modalities and security. There is no general ceasefire yet and we can expect continuing fighting over the coming months.

### The IGAD Peace Talks

5. What happened at Machakos? When the talks opened in June, the augurs were not positive. The Kenyan mediators presented a position paper that did not appear to indicate a high level of serious background research. The paper was short and appeared to be written without reference to the extensive literature of accord built up over the last decade, including the IGAD DoP itself. Most importantly for the Southerners, it ruled out self-determination as an 'extreme' option. The main points of the paper in fact reflected a paper floated by the GoS several months ago. The SPLA leadership promptly drew up a detailed response and rebuttal, including re-circulating papers and diagrams drawn up by Dr Garang several years ago, in which he argued that Southern autonomy within a predominantly Northern, Muslim state was

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<sup>1</sup> This briefing covers the six months from mid-June. From August, the briefing will resume its monthly format.

not an option, and that the only workable solutions short of partition were a secular New Sudan or a confederal system.

6. In June it also appeared that the GoS delegation, headed by Dr Ghazi Salah el Din, was not mandated to make any compromises on the major issues, notably self-determination and the separation of state and religion. As the SPLA delegation, headed by Cdr. Salva Kiir, was also not ready to relinquish the demand for self-determination, this promised familiar deadlock. A few days before the conclusion of the talks, Kiir reportedly dismissed the chances of any breakthrough. The most likely outcome was a mixture of posturing and point-scoring, some examination of detailed proposals, and a final statement that papered over the cracks and committed the two sides to meet again for the second round, scheduled to begin on 12 August.

7. There were also signs of clumsiness from the external parties. A draft set of protocols for a framework agreement was circulated to the parties and leaked in June. This included provisions for interim arrangements, state and religion, wealth-sharing and security. In many respects, the interim arrangements and state and religion clauses are similar to those adopted in the framework protocol (with the wealth sharing and security clauses left for the next round). The principal divergence is that the framework as adopted included an internationally monitored referendum for the South, with the separation option, after six years.

8. The inclusion of the separation option is the SPLA's principal gain. Its one concession has been the extension of the interim period from four to six years. This victory has been achieved, not only at the expense of the GoS, but also in the teeth of opposition from the Kenyans and Egyptians, and scepticism from the external parties. It appears that this victory was won by the SPLA threatening to walk out of the talks. The SPLA's other main gain is that the political framework is being adopted in advance of any ceasefire—a longstanding demand on its part.

9. Apart from this, most of the clauses in the Machakos Protocol are unremarkable. The main substantive points have been chewed over for years in various agreements and declarations, and the parties have converged on broad areas of agreement. There are some significant grey areas, however, including the status of the national capital, the nature of the 'mid-term review' of the interim period, and the status of the Nuba Mountains, southern Blue Nile and Abyei. Given the very tight way in which the negotiations have been conducted thus far, we cannot rule out the possibility that substantial progress has already been made on some of the outstanding issues scheduled for the August round.

### **Why was Agreement Achieved?**

10. Why did the GoS climb down on self-determination? The GoS went to Machakos confident that its position internationally, in the region and on the battlefield was strong. Its military industries are coming on line. After a few scares in the previous year, the GoS seemed to be reverting to a 'business as usual' approach to war and peace, marked by playing games over humanitarian access, divide-and-rule with the opposition, and growing international respectability, matched by investment in the oil sector.

11. The GoS agreement on self-determination was not, in fact, a climbdown at all. Several key documents in the literature of accord have recognised the right of self-determination for

Southern Sudan in terms as strong as, or stronger than, that contained in the Machakos Protocol. The key document here is Constitutional Decree 14, amending the Constitution of the Republic, of 1998 which includes the right of self-determination for Southern Sudan. (The most commonly cited document is the IGAD DoP, but the GoS argues that it signed this in 1997, not as an agreement on principle, but as a negotiating agenda.)

12. Constitutional Decree 14 was adopted by the GoS when it was at its weakest, isolated internationally and in the Arab world in the wake of the assassination attempt against Hosni Mubarak in June 1995, and under major military pressure from the SPLA and NDA, which were backed by the combined strength of Ethiopia, Eritrea and Uganda. Oil extraction had not begun on a significant scale. In these conditions, the GoS signed the Khartoum and Fashoda agreements with breakaway factions of the SPLA, agreeing to self-determination. Whatever the reason for Khartoum's agreement, Southerners in Khartoum have insisted that it stick to it. Increasingly, abiding by Amendment 14 has become the uniting point for Southerners in government. Most recently, the Minister of Transport, Lam Akol, resigned from the ruling Congress Party because of its lack of commitment to self-determination. Although they wield little real power, Khartoum's Southern allies are a key constituency. If they were to unite with the SPLA, the GoS would be seriously endangered.

13. The fact that self-determination has become a point of no compromise for all Southern parties including the SPLA is a tribute to the community organisation of Southerners inside and outside Sudan.

14. The key pressure for agreement came from the external parties, especially the U.S. The Assistant Secretary of State, Walter Kansteiner, visited Khartoum and presumably delivered a strong message. This will have included the promise of normalisation of relations with Sudan, including lifting bilateral sanctions. (Taking Sudan off the list of state sponsors of terrorism is a slightly more complex task). For Khartoum, the chance of being freed from Washington's relentless pressure will have been a major incentive. In addition, Khartoum expects considerable resources to be unlocked by normalisation, including debt relief, and is anticipating ambitious rehabilitation programmes. In this respect it is important to note that the U.S.'s main interest is in the fact of an agreement, and only secondarily in the contents of that agreement. Both parties had probably overestimated the U.S.'s strategic interest in the contents of the protocol, and underestimated the extent to which the U.S. drive for peace was driven by a simple, general desire for peace. Thus, although the U.S.'s preference is for a united Sudan (stated clearly by Senator Danforth on several occasions), it is ready to be flexible on this question in pursuit of peace. This approach maximised the pressure it could put on the GoS.

15. The U.S. was also in a position to pressure the SPLA, by making it clear that lobbying from the anti-Khartoum lobbies in Washington for a major covert operation to supply the SPLA was not going to succeed, and that the GoS cooperation with the U.S. on counter-terrorism means that the current balanced policy is likely to continue. The example of former U.S. favoured clients, such as Jonas Savimbi, who never achieved their ambitions, could have been offered as a salutary warning. The U.S. is also able to offer substantial carrots to the SPLA, in the form of supporting its position in a future Sudanese administration. In this context, Dr Garang may have seen his best opportunity to date in front of him, and taken it.

16. Though less significant in terms of political pressure, some other acts of political symbolism also contributed. The UN Secretary General, Kofi Annan, visited Khartoum after

attending the inaugural Summit of the African Union in South Africa, and called for peace. Due to a coincidence of protocol (President Kagame of Rwanda left the Summit before the end, and protocol required another east Africa head of state to make the presentation) President Bashir made the concluding address at the Summit. Sudan will host the African Union Summit in 2006. The attractions of international respectability are considerable.

## **Responses to the Protocol**

17. The prospect for peace has been well-received nationally and internationally. Popular enthusiasm for peace has never been so high. Sudanese are cautiously jubilant.

18. Scepticism and criticism has come from several quarters. The Libyan and Egyptian governments initially responded with alarm, meeting at a high level to express their fear that a 'red line' had been crossed. But there have been major efforts to bring Arab countries on board. To some extent, the GoS has called its Arab neighbours' bluff. As Col. Gaddafi said after being briefed by President Bashir, he 'cannot be more royal than the king.' If the Sudanese accept an agreement, its neighbours should not be in a position to veto it. However, Egypt is likely to take a different line to Libya, and may seek to find ways of ensuring that the agreement has cast-iron guarantees for unity.

19. Internally, the Protocol is unlikely to receive wholehearted support from all members of the Khartoum administration. The GoS will strive to retain a workable level of unity. But the agreement clearly contradicts the interests of the Vice President, Ali Osman Mohamed Taha, and others in that camp. Ali Osman visited Egypt, individually, for talks with the government. He appears to have had a disagreement with the Foreign Minister, Mustafa Ismail. At a press conference in London, he repeatedly stressed that the agreement was not solely with the SPLA but also included all other Southern forces. In Khartoum, Nafie Ali Nafie has been active soliciting the support of pro-Khartoum leaders (such as Paulino Matiep) who are likely to be marginalised by the deal. The possibility of a palace coup in Khartoum, led by high-ranking insiders in the government in alliance with some discontented Southern elements, cannot be wholly ruled out.

20. The Presidential advisor on peace, Ghazi Salah el Din, has been busy denying any external pressure and stressing the pro-unity elements in the Protocol. While any peace deal will be very popular in Sudan, it is unlikely to enhance the President's status among the core Islamist and military constituencies. The deal, if it is finalised, will come much too late in Bashir's presidency for it to be a defining feature of his rule. The government may gain wide and transient support, but not deep popularity. It is unlikely that a peace deal will have major implications for the electoral arithmetic of the Congress Party: it would still lose a free election.

21. There has been criticism of various shades from Islamists both in and out of government. Hassan al Turabi's Popular National Congress has criticised the Protocol, and organised a demonstration of imams to coincide with the return of the delegation from Kenya. The PNC's criticisms include the relinquishing of shari'a law over the whole of Sudan and the unclear status of the national capital.

22. The NDA leadership was also sceptical, noting the absence of explicit provisions for democracy in the Protocol, and criticising it as a 'bilateral' deal. This criticism was driven by

the fear that, with the NDA excluded from the negotiations, it would continue to be marginalised. The GoS has continued to harass the NDA leaders in Khartoum and prevent them from travelling, most recently to Asmara for an NDA meeting. However, the Northern parties in the NDA are very unlikely to oppose the deal, because that would split the NDA and render them completely marginal. The party which would have been most likely to criticise the Protocol, namely SAF, has recently merged with the SPLA, and so is in no position to mount a criticism.

23. The Umma Party has recently split. Sadiq el Mahdi welcomed the Protocol, correctly recognising that any peace agreement, even one that excludes him and his party, can only be a positive sign for electoral democracy. But the mediators should acknowledge the implications of both the NDA criticism and Sadiq's support. The implication is this: at some point, whether specified in the peace agreement or not, there will be multi-party elections in Sudan, and a government will come to power that is a coalition including the sectarian parties. The Machakos Protocol hastens this process. It is important that the sectarian parties become part of the peace process, so that when they do have a share in power, they are committed to supporting the agreement. (One of the reasons for the unravelling of the 1972 Addis Ababa agreement was the 1977 National Reconciliation that brought the Umma and DUP into government. These parties had no stake in the Addis Ababa peace and sought to undermine it.)

24. The DUP of Sharif al Hindi, allied with the government, welcomed the Protocol but expressed its reservations over the self-determination clause.

25. Most non-SPLA Southern forces have welcomed the Protocol, but pointed out some potential problems with it. The agreement provides for the SPLA to run the Southern entity during the interim period. This excludes all other Southern parties and also precludes democracy. These Southern parties will be looking for robust guarantees on human rights, and also on the SPLA leadership's respect for the key provisions of any agreement. They would not want to see the SPLA renege on important clauses, including the provision for self-determination. The Southern parties most closely aligned with the GoS will fear losing their status under the deal.

26. Southern civil society has welcomed the deal with jubilation. Everything it has pressed for is included. The churches have led the way. However, there are a few areas of concern. One is the question of the Nuba, Southern Blue Nile, and Abyei. A second is the ongoing isolation of the SPLA negotiators from the Southern professionals and experts, which gives rise to a fear that the SPLA may unwittingly lose the chance of making its best proposals, and also that it may negotiate a deal that gives it de facto dictatorial powers over the South. Southerners are wary of the implications of a GoS-SPLA agreement for democracy and human rights in Southern Sudan.

27. Civil society in Northern Sudan has responded positively. The Protocol, and the real prospect for peace by the end of the year, has also revealed the tremendous challenge faced by Sudanese civil society, and its international partners, in mobilising for the challenges of peace. The exception to this has been Ghazi Suleiman, who has described the Protocol as an alliance between two dictators, eager simply to divide Sudan between them. Ghazi has vowed to oppose the agreement.

28. In the region, the Protocol has been welcomed. The Eritrean Government, which has been considering refloating its September 2000 comprehensive peace initiative, welcomed it. (Asmara is doing all it can to curry favour with the U.S. at present, because of the strong opposition to President Isseyas Afewerki's one-party state and its human rights abuses.) The Ethiopian Government is somewhat chagrined at being marginalised in the negotiating process, but is supportive of the outcome. The Ugandans are similarly positive, and President Yoweri Museveni gained the cachet for having hosted the Bashir-Garang meeting. While all these governments are relatively weak, or otherwise preoccupied, it is nonetheless important that they are brought fully on board in the mediation process as it reaches maturity. Although their precise roles cannot be fully specified at this point, their support will be important.

## **Other Political Developments**

29. Politics has continued as usual, although overshadowed by the agreement reached in Machakos.

30. The Umma Party has split. Divisions have been clear for several years, but have until now been managed in a way that has preserved the unity of the party. In the last month, a significant faction headed by Mubarak al Fadil al Mahdi has broken away and agreed to join the government. The Mubarak faction signed a memorandum of understanding with the National Congress Party. The larger section, headed by Sadiq el Mahdi, has remained in opposition.

31. The basis for the Umma Party (Mubarak)-National Congress Party agreement is power sharing. On that basis, the GoS dissolved the assemblies of the states, pending new elections. The most likely deal was that the joint ticket would enable the UP(M) to dominate the state governments in the west (Darfur and Kordofan). The basis for this alliance was expected to be announced at the end of July, but this was overtaken by the Machakos agreement. In Khartoum there is still much talk of the implications of the UP(M)-NCP deal. It is possible that the formation of new state governments will now be postponed until the outcome of the next round in Machakos is concluded. Alternatively, the GoS may try to strengthen its internal position by making deals with Northern parties on a one-by-one basis. Meanwhile, Ali Osman Mohamed Taha also met with the Chairman of the NDA, Mohamed Osman al Mirghani, in Cairo. No details are available about this meeting but it seems probable that the GoS is continuing to try to win the DUP back to Khartoum.

32. On 21 July, the GoS has also signed a deal with the Southern Sudan Independence Movement (SSIM), of Michael Wal, to bring it into the government. This was on the basis of standing negotiations, mediated by Dr Riek Gai, GoS Minister for Animal Resources in parallel with the main IGAD talks. The implications of Machakos for this deal are unclear, but GoS statements imply that it intends to regard the SSIM as a partner in government. Together with the Waat attack and the OLF incursions into Ethiopia (see below) also gives the impression that Khartoum plans to play divide-and-rule among Southern forces, utilising the instability in Upper Nile.

33. The SPLA has continued, slowly, with its internal reforms. No date has yet been set for the second Convention, and it now seems unlikely that it will be held before the end of the year. One of the prior tasks is agreeing on new laws for the New Sudan, and to that end a

seminar was convened in Rumbek. With the energies of the SPLA focused on the peace process, the reform timetable is likely to slip further.

34. The NDA Leadership Council meeting in Asmara is due to convene, ten days late, on 4 August. The NDA has been making painfully slow progress towards adopting the basic documents for it to proceed with negotiations with the GoS. Although its Legal Secretariat worked hard on a draft constitution, penal code and other key documents, the Leadership Council has yet to debate and adopt these.

## **The Battlefield**

35. The last six weeks has seen some of the most serious military action in the last several years. Both sides registered some successes. With the advent of the rains, it is unlikely that there will be major fighting in most areas over the coming months. However, it is very important to stress that no ceasefire has been signed, and that any general ceasefire will come at the concluding stage of the negotiations. In many civil wars under these circumstances, it is common for some of the fiercest fighting to come at the very end of the conflict, as negotiations reach their conclusion, as the two sides seek to gain the strongest position to enter the post-agreement period.

36. In Bahr el Ghazal, the GoS recaptured Gogrial. This is an important military advance. It helps secure the flank of the oilfields as well as protect the railway line to Wau. Its loss is a setback for the SPLA. The capture of Gogrial came after extended fighting throughout the year, and reflected the SPLA's failure to resupply the forces there on a scale commensurate with GoS logistical capacity.

37. In Equatoria, the SPLA launched a surprise attack on Kapoeta and quickly captured the town. This was a major gain for the SPLA and an illustration of SPLA military proficiency. The GoS protested, incorrectly, that there was a ceasefire in the area.

38. In Southern Blue Nile, the GoS is continuing to lay siege to Kurmuk, having overrun Geissan. The GoS positions in Blue Nile are still not fully secure.

39. In Western Upper Nile, the GoS continues to impede humanitarian access. This issue is likely to be a significant focus for lobbying and negotiation in the coming months. Khartoum's critics will see its performance on this question as the litmus test of its good faith in signing the Machakos Protocol. The GoS may try to turn the tables by trying to establish a quick-fix local ceasefire in Western Upper Nile, as a quid pro quo for humanitarian access. There has also been heavy fighting at Tam.

40. On 28 July, a Nuer militia commanded by Simon Gatwich Dual attacked Waat, which had been captured from Nuer forces by the SPLA six months ago. Cdr Dual is aligned with Riek Gai, a member of the GoS, and has a reputation for changing his allegiance. The attack implies that the GoS is unable to control its militia, or that it continues to provoke Nuer-Dinka conflicts in the area.

41. Bombing has continued virtually uninterrupted, with a long list of attacks. Some of the targets appear to be in violation of Senator Danforth's final test, namely protecting civilian targets.

## **Regional Dimensions**

42. Three incursions into western Ethiopia by Oromo Liberation Front forces over the last few months have given rise to much speculation as to the roles of the GoS and SPLA. The first incursion was three months ago, from Jikau, by 170 OLF fighters, 130 of whom were captured by the Ethiopians. The OLF forces had originally been stationed in Somalia and had been moved first to Eritrea and then airlifted to Jikau. At the time there was some conjecture that the SPLA was complicit in this, due to its relations with the Eritrean government. This was not correct. In fact, the SPLA had apparently warned the local Ethiopian military command of the arrival of the planes from Eritrea. The GoS may also have tipped off the Ethiopian foreign ministry, trying to lay the blame on the SPLA. A second contingent of 470 OLF fighters mounted an incursion from Akobo in early June, about half of whom were captured. A third contingent of 225 entered from Jikau in early July, reaching into the highlands before being intercepted and overrun by the Ethiopians.

43. The OLF incursions have, in fact, few implications for Sudan. Neither the GoS nor the SPLA were directly involved. Akobo is controlled by Michael Wal, who at the time was aligned with Khartoum but not (yet) part of the government. Jikau is controlled by the Ethiopian former governor of Gambella, Tokwath, and his militia, which is fighting against Addis Ababa. The affair is principally part of the ongoing proxy conflict between Ethiopia and Eritrea, complicated by Michael Wal's readiness to play politics in the border area. It does, however, illustrate the ongoing potential for extraneous elements to destabilise Sudan.

44. Uganda's operation 'Iron Fist' against the LRA has continued, with mixed outcomes. Some combat successes have been registered, but the LRA has continued to mount small but well-publicised incursions into northern Uganda, and commit atrocities. It seems unlikely that the Ugandan army will succeed in locating and destroying all the LRA forces. It is possible that the SPLA might continue its Equatorial offensive towards Torit, thereby jeopardising the Khartoum-Kampala accord that has allowed the Ugandan operations to proceed. More probable is that the developing peace process will strengthen the two armies' military cooperation against the LRA.

## **Where Next for the Peace Process?**

45. Agreement reached on state and religion and on self-determination is a major step forward. More than anything else, it changes the atmosphere of the negotiations into one in which agreement is seen as possible. But there are some major challenges ahead. Six areas stand out.

46. The first and potentially most important challenge is security provisions for the agreement. In 1972 at Addis Ababa, more than half the time spent at the peace talks was concerned with the ceasefire and security provisions, including the status of former Anyanya combatants, the nature of the united national army, and the disarmament and demobilisation process. The violation of specific security provisions of the agreement led to the second civil war. The negotiations this time will be tougher, because of this experience. Unfortunately, the area of ceasefire and security provisions is the weakest area of the literature of accord. The security provisions of the Khartoum Agreement of 1997 and the Asmara Agreement of 1995 were never worked out in detail. Sudanese civil society organisations have rarely discussed



this (an exception being the July 2000 Kampala Conference on post-war development in Sudan, whose proceedings were recently published under the title 'When Peace Comes').

47. Ceasefire and security arrangements urgently require more specialist consultation, including the parties and experts with experience of comparable situations (including the older Sudanese officers involved in implementing Addis Ababa). A seminar convened by the British Foreign Office in January 2002 was an important step in dealing with the substance of security arrangements. The approach of Senator Danforth, whose tests focused on how to operationalise a ceasefire in the Nuba Mountains and how to monitor the conduct of the war in the South, laid an important foundation for progress in this area.

48. Second, the status of the Nuba Mountains, southern Blue Nile and Abyei remains to be determined. These are profoundly controversial issues, pitting Khartoum's conception of the territorial integrity of 'Northern' Sudan against the SPLA's contention that the majority of the people of these areas would prefer to be part of a future 'Southern' confederal entity. Some mechanism for consulting the people of these areas and ascertaining their demands is required. The peoples of these areas are among the most cautious in welcoming the Machakos Protocol. The Nuba in particular have long feared that they may be excluded from a national settlement, and some of them are ready to continue an armed struggle on their own.

49. Related to this is the definition of the South. The SPLA has been hinting that the absence of a clear definition of the 'South' in the Protocol implies an acceptance of its 'greater South.' The GoS will be assuming that the boundaries of 1-1-56 are in place. But even this latter boundary is controversial, with a number of areas that are undemarcated or ambiguous (e.g. Hofrat en Nahas on the Darfur/Bahr el Ghazal boundary, Chali el Fil on the Blue Nile/Upper Nile boundary). It is important that a categorical definition of the South be drawn up soon, assisted by technical advisors familiar with the 1956 cartography and related issues.

50. The third challenge is wealth sharing. In theory, this should be the simplest controversy to resolve, because any peace deal will increase the amount of wealth to be shared. There have been some hints that the parties have already made progress towards the principles for revenue sharing and post-conflict rehabilitation.

51. Fourthly, there are important ambiguities in the Machakos Protocol as it currently stands.

- The language on religion and the state is likely to need clarification in important respects, for example with regard to the law prevailing in the national capital. Translation into Arabic is also important: it may be more difficult to obtain agreement on an Arabic text than on an English one.
- Another important ambiguity is the disparity in language between the 'Government' that will govern the North and the 'SPLM/SPLA' that will govern the South during the interim. Is the SPLA not to be part of the 'government'? Also, while the 'government' presumably refers to all parties that join it, the SPLA remains a party throughout. Will this simply be a charter for one-party rule in the South throughout the interim period? Or, even if other parties join the Southern government, will the SPLA retain exclusive control of key provisions in the agreement such as the referendum and security?
- The nature of the mid-term review of the implementation of the agreement includes a significant ambiguity. The terms of reference of the review are framed in terms of ensuring that the best chance for unity. Some GoS members are

hinting that this will allow for the interim period to be prolonged, postponing (or perhaps even cancelling) the referendum. If the interim period is going well, and Bashir and Garang are cooperating well, it will be tempting for them to decide that they have resolved the problems of Sudan, and that unity on these terms will be unproblematic. But it is still essential to have a democratic underwriting of any arrangement at the end of six years.

- The Protocol provides for the referendum to be organised jointly by the GoS and SPLM/SPLA. Leaving aside the categorical disparity between government and party, this contrasts with the organisation of the mid-term review, which includes a wide range of partners. This arrangement does not necessarily provide the best guarantees for a free and fair referendum.

52. Fifth, ownership of the peace process is an important issue. The approach taken by the mediators and their international partners, most notably the U.S., has been to zero in on the central players. Thus, the process to date might be characterised as a ‘two plus two plus three’ approach: in Sudan it has focused on the GoS and SPLA (marginalising the NDA and other parties); in the region it has focused on Kenya and Egypt (neglecting the other IGAD countries), and internationally it has included primarily the U.S., U.K. and Norway. This approach has the major advantage of simplifying the otherwise massively complex negotiating process, and recognising that the main belligerents are the ones who make or prevent peace. It also allows for a clear focus on the main power issues, of who is to control Sudan for the coming few years. But, once these issues have been resolved, it is important that other parties, at national, regional and international levels, come to have a stake in the success of the peace process.

53. One approach to the inclusion of other national parties has already been floated by Ghazi Salah el Din, which is for these parties to be represented as ‘advisors’ to the principals. It is possible that Dr Garang will present this proposal to the NDA meeting in early August, but many in the NDA will have misgivings about such an approach. Sadiq el Mahdi has already rejected this proposal, saying that the Umma Party (his faction) will only participate representing itself.

54. Finally, the starting point for the pre-interim period is unclear. Will this automatically begin on the conclusion of the next round of negotiations? Or at the end of the year? Or are there important preliminaries to be completed, such as the draft national constitution? If it is the latter, then there is plenty of room for prevarication and postponement, such that the schedule can slip. (The implementation of the 1997 Khartoum Agreement slipped by twelve months.) An option to be considered is to begin the pre-interim period immediately, while the drafting of key documents is still underway, even before a ceasefire.

## **Conclusion**

55. The Machakos Protocol is a major step forward. It is the real thing: the best chance for peace in Sudan for more than a decade. There is much to celebrate. But Sudanese have seen too many false dawns to expect peace quickly or painlessly. There is also much caution, because much can go wrong.

56. Machakos is primarily a tribute to U.S. persistence, flexibility and sheer power over the last few months. The approach taken by Senator Danforth, the State Department, and their

European allies, has paid off. Their backing for the IGAD process has, against many predictions, registered a significant success. But the process is still fragile, requiring constant nurturing, both in terms of mediators' tradecraft and in terms of political backing at all levels.

57. Implementing any peace deal will require considerable skill. President Bashir will need to work hard to convince his core constituencies that he can deliver. The SPLA also needs to attend to the requirements of building a post-war Sudan, and meeting the demands of its constituents. The hardest work is just beginning.