

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. The peace process appears irreversible. The SPLA has visited Khartoum. The GoS has invested its credibility in delivering peace. There can be no turning back.
2. On the conclusion of the current round of peace talks, the two leaders Dr John Garang and Ali Osman Mohamed Taha are expected to sign a framework agreement on wealth sharing, power sharing and the three marginalised areas. One option is that only wealth sharing be concluded in this round, another option is to continue in the New Year leading to a public signing ceremony in Washington in late January. Compromises by both sides are likely. This leaves an unfinished agenda for concluding the negotiations in the first quarter of 2004.
3. Politics in Northern Sudan is in a flux, with the NDA Chairman rushing to strike a deal with the government. Much remains to be done to ensure South-South reconciliation. The ceasefire in Darfur has broken down, threatening intensified hostilities. This briefing includes a 'political map' of Sudan: North, South, the marginalised areas and the country as a whole, to point towards the possible reconfigurations that may occur during the interim period.

The Current Round in Naivasha

4. At the time of writing, Dr John Garang and Ali Osman Mohamed Taha are closeted in peace talks. They are sealed off, with few clear indications of what progress is being made. However, it seems likely that before Christmas they will come to a framework agreement on wealth sharing. Power sharing and the marginalized areas have not been discussed so far. Most probably, the Nakuru document with a few amendments will form the basis of the compromise. There have been indications that the U.S. Government would like this framework agreement to be signed in Washington DC in January, probably around the time of President Bush's State of the Union address. However, it will leave some significant unfinished business, and it is arguable that all the details should be in place before the principals go to the White House.
5. The key aspects that will remain after the framework will include the following:
 - (i) Security arrangements concerning the ceasefire, monitoring force, location and relocation of the belligerent troops. As noted in the previous briefing, the implementation of the security arrangements is particularly crucial.

- (ii) Details of the Referendum Implementation Mechanism on self-determination for Southern Sudan. In order to avoid an impasse during or after the referendum (e.g. the Western Sahara scenario), a referendum protocol needs to be agreed as part of the overall peace agreement.

6. It is expected that the GoS and SPLA will agree that elections during the interim period will not extend to the positions of the President and Vice President, thus securing the positions of Omer al Bashir and John Garang for the coming six years. This will amount to limited democracy.

Politics and Peace

7. The visit of the SPLA delegation to Khartoum at the end of November was momentous. The delegation was well-chosen, including Yasir Arman (a Northerner), Abdel Aziz al Hilu (commander of the SPLA in the Nuba Mountains) and Pagan Amum and Edward Lino (who are very familiar with Khartoum politics). The head of the delegation, Pagan Amum is the NDA Secretary-General. Ironically but symbolically, the delegates were protected by the Libyan security and Mujahidiin. The strength of the reception given to the SPLA was striking, and surprised even the delegates themselves. Among the tens of thousands who turned out to greet them were many Northerners, including university students. For many ordinary people in Northern Sudan, there is a hope that the entry of the SPLA into government will represent a true transformation of Sudanese politics. For the tens of thousands of Southerners who cheered the delegation, the SPLA represented the dignity and pride of the South. Hopes and expectations are high.

8. The SPLA delegation's visit demonstrated widespread support for the SPLA, indicating that it has the potential to become a major political force in national Sudanese politics. However, it has not yet shown evidence for party infrastructure or organisation. Building an effective political party will be a challenge.

9. The resignation/dismissal of Ghazi Salah el Din came as a surprise to many and even to Ghazi himself. It appears to arise from the personal conflict between him and Ali Osman Mohamed Taha. On previous occasions when Ghazi has been removed from the negotiating team, he has been replaced by Nafie Ali Nafie, an indication of the government taking a tougher stand. This time it has not happened, and indeed Nafie appears to be assuming a lower profile. Meanwhile, Ibrahim Ahmed Omer, former head of the Congress Party, has resumed his position. The power games behind these comings and goings remain opaque. But it is clear that Ali Osman is in the ascendant.

10. The government has been gagging the press and media lately. Al-Ayam and Khartoum Monitor newspapers remain closed. Al Gezira Arabic satellite TV has been raided and the editor taken for questioning. This governmental heavy-handedness does not augur well for democratic practice.

The Northern Parties

11. A pact was signed in Jeddah between Mohamed Osman al Mirghani, leader of the DUP and Chairman of the NDA, and Ali Osman Mohamed Taha. This is a significant step towards

inclusive participation during the interim period. It indicates that Mulana Mohamed Osman and the NDA parties will negotiate their way into a government of national unity.

12. The NDA Leadership Council will meet in Asmara on 27 December to discuss the Jeddah deal. The accord has standard provisions in support of Machakos, democracy, citizenship, decentralisation, etc. However, many members have reservations on some clauses in the agreement. One implies that the existing national security organs should be regarded as national and remains in place. This is contrary to the SPLA's current position and also the NDA position adopted in 1995 and not amended. The second is the silence on presidential elections and the tacit acceptance of a presidential system for the country. Another is the specification that there should be a free market economy, lifting government intervention in all aspects of services. The latter implies that DUP businessmen may have had an influence in the drafting. No mention was made of accountability for past human rights violations except what the agreement referred to as 'redressing injustice.'

13. The Jeddah pact has many signs of being concluded hurriedly. The NDA parties however have the choice of accepting it or risking disintegration. The Communist Party initially reacted by saying that the pact was a 'recognition of the NDA', and then backtracked and said that the DUP leader 'did not represent the NDA.' If the NDA chooses to pursue the path taken by its chairman, it will need to put together a negotiating team to work out the details of its return to Sudan. And it will need to work fast.

14. Sadiq el Mahdi, never one who likes being away from the action, is focusing his energies on what he calls the 'national project'. This spells out details for how a peace agreement should be followed by a rapid transfer to a democratic system. Alone among senior politicians, Sadiq is also emphasising the importance of accounting for the past. He is proposing a truth and reconciliation commission, akin to the famous example in South Africa.

15. Key members of the Beja Congress leadership are back in Khartoum and are joining the government. The Beja are now split into a group with the GoS led by Sheikh Omer and a group remaining in the NDA, based in Eritrea, led by newly-elected Secretary-General Musa Mohamed Ahmed. In early December Sheikh Omer signed an agreement with the National Congress that purports to guarantee equitable distribution of wealth and power. The agreement emphasised the lack of economic development and the need for remedy. However, the Beja Congress in the liberated areas of eastern Sudan disowned and denounced what they termed as 'the surrender deal of Sheikh Omer'. The split within the Beja Congress is unfortunate for the most marginalized people and region in the Sudan. The agreement is another version of 'Peace from Within'. It will certainly be superseded by the IGAD peace process and any NDA-GoS political settlement.

16. The positive element in these deals and machinations is that all the major parties in Sudan are endorsing the peace agreement and seeking to become part of the post-war dispensation. This minimises the chance of any reshuffling of the political deck undermining peace.

17. Are the Islamists, both in government and with Turabi in the opposition, truly committed to peace? Or are they biding their time, expecting that the implementation of the agreement will run into insurmountable difficulties, and that they can then manoeuvre to reassert their ideological project? Currently, they see that all political momentum and energy lies in the peace process. A military coup is a very unlikely option. The Islamists are also frightened of antagonising the Americans. However, they are correct to assume that there will be future

opportunities for jeopardising the peace, during its implementation. Therefore democratic inclusiveness remains the key for sustainable peace.

Southern Reconciliation

18. There is slow progress on South-South dialogue. On 8 and 10 November, intensive meetings between the SPLM and the South Sudan Democratic Forum were held in Nairobi. The two meetings were characterised by frankness and determination to move forward. The parties agreed on the following:

- (i) Peace amongst Southerners through South-South dialogue is paramount.
- (ii) An inclusive conference on both political and military issues should take place before the signing of the Sudan peace agreement.
- (iii) The SPLM, Democratic Forum and Coordinating Council for Southern States (CCSS) should conduct South-South dialogue jointly.
- (iv) A Preparatory Committee for South-South Dialogue shall be formed of representatives of the following: SPLM (Chairperson); CCSS; South Sudan Democratic Forum; Civil Society (New Sudan); Civil Society (GoS areas); NSCC; other political forces not represented in GoS or CCSS.
- (v) The terms of reference for the Preparatory Committee include: working out the dialogue framework (numbers of participants, nature of workshops facilitation strategies; costs of the meeting and fundraising); identification of funders. The theme of the conference is agreed to be ‘South-South dialogue: Reconciliation, peace amongst Southern Sudanese and unity of purpose.’

19. The SPLM delegation informed the meeting that the above agreements should be communicated to the leadership for comments and approval. Thus, the fate of the South-South dialogue is awaiting the outcome of consultation by the SPLM Chairman, Dr John Garang, with the Leadership Council. However, the SPLM leader is said to prefer a series of conferences such as an Elders Conference, an Armed Groups Conference, a CCSS/GoS Conference and a conference for other political groups. The decision is awaited.

20. A positive step in Southern reconciliation was the merger of the SPLM United and SPLM/A. On 31 October, the two groups merged. The proclaimed merger stressed the recognition of the IGAD peace process, the right of self-determination, democratic transformation in Sudan and the commitment to South-South dialogue, among other things. The joint military committee of the SPLA and the former SPLA United are currently finalising the integration process. Former SPLA United commanders are presently in Nairobi for this purpose.

Darfur

21. The ceasefire in Darfur ended, peace talks were held and collapsed after a day, and the government is seeking a military solution. Troops have been deployed to Darfur, while the government is also using militias (though the latter’s effectiveness is lessened by the fact that many villagers in the insurgent areas are well-armed). The government is trying to assert that the Darfur crisis is purely an internal affair, in the teeth of concern from the diplomatic community and the UN, which has declared a humanitarian emergency.

22. The composition and leadership of the insurgents still remains unclear, with many competing claims to involvement and leadership. Both the SLA and the EJM have fighters on the ground. What is evident, however, is that the insurgency is well rooted in the traditional authority structures of the region.

23. An increasing array of Sudanese politicians are calling for a negotiated settlement in Darfur. The most recent calls have come from Hassan al Turabi. Chadian President Idris Deby, whose attempt at peace negotiations collapsed in mid-December, is still offering his good offices to seek a settlement. While it would be an unnecessary complication to link the Darfur conflict to the ongoing IGAD peace process, at a minimum the GoS and SPLM should commit themselves to finding a peaceful settlement to the war in Darfur.

Political Map of Sudan after an Agreement

24. The SPLM has the potential to become a major political party in the Sudanese political scene. It is an extremely strong position with many opportunities at its feet. The reception of the SPLM delegation in Khartoum was warm to say the least. There are regional and marginalised groups that see an alliance with the SPLM as natural, including Darfur, Beja, Nuba and south Blue Nile. Dr. Turabi would also like to continue the cooperation with the SPLM. The National Congress will not abandon its call for political partnership with the SPLM. The NDA would be interested in keeping the SPLM as part of the alliance. Moreover, within the North proper there will be new democratic forces that would like to strengthen the unity credentials of the SPLM. On the other hand there will Southern separatist groups that would like to join the SPLM to strengthen the Southern agenda, especially when options in the referendum include secession. The question is: will the SPLM have the capacity to reconcile all these conflicting alliances? Luckily, the first half of the interim period will not be the toughest for the SPLM. It is surely the second half when the Sudanese people go to the polls to elect the new legislatures. This will be the test of the SPLM's transition from bullet to ballot.

Southern Sudan

25. As well as the SPLA/M, Southern Sudan includes the following political parties and forces.

26. Union of Sudan African Parties, USAP. This is a coalition of Southern parties in the former democratic parliament dissolved by Beshir's coup d'état in 1989. The parties are: Southern Sudanese Political Association (SSPA), People's Progressive Party (PPP), Sudan African Congress (SAC), Sudan African People Congress Organisation (SAPCO), SANU, Sudan Federal Party (Gabriel Y. Dock wing). The Sudan National Party (Rev. Ghaboush wing) later joined the NDA separately. USAP is formed of external and internal components: USAP outside Sudan is currently led by Eliaba James Surur, a member of NDA Leadership Council and USAP inside is led by Joseph Okel the Chairman of NDA secretariat inside Sudan. USAP is closer to the SPLM than other Southern political parties. Both wings are current members of the NDA. An alliance or merger between the SPLM and USAP during the interim period cannot be ruled out.

27. South Sudan Democratic Forum, which includes South Sudan Liberation Movement/Army and SPDF led by commander Chol Gaka. South Sudan Democratic Forum

may cooperate with the SPLM during the interim period within the South-South Dialogue process. It may opt to be the official southern political opposition.

28. United Salvation Democratic Front, USDF, chaired by Joseph Malwal. Minister of Civil Aviation in the current Sudan Government. It is difficult to predict the future alliance of USDF once peace is signed. The leadership has close links with GoS and the National Congress while the ranks are unhappy with the National Congress. Moreover, it is politically separatist in agenda, in line with the Khartoum Peace Agreement.

29. United Democratic Front chaired by Peter Abdalla Sule. This party is splinter group from USDF and in opposition in parliament in Sudan. Its chairman is MP for Juba Town Constituency.

30. Armed Groups: South Sudan Defence Force: SSDF led by Major-General Clement Wani, the current deputy chairman of Coordination Council of South Sudan and Major General Paulino Matiep The group is an alliance of the following southern armed groups:

- (i) Mundari Militia, led by Major General Clement Wani.
- (ii) Equatoria Defence Force, led by Dr. Theopolous Ochieng.and Cdr.Martin Kenyi
- (iii) Murle Militia, led by Major-General Ismail Kony.
- (iv) Fertit Militia, led by Major-General Tom el Nur.
- (v) Western Nuer Militia (oil fields), led by Major-General Paulino Matiep.
- (vi) Central Nuer Militia (Fangak area), led by Brigadier James Tang-genya.
- (vii) Eastern Upper Nile Militia (Nasir area), led by Major-General Gordon Koang Chol.

The SSDF, though in alliance with the GoS, it is closer politically to South Sudan Democratic Forum and USDF. The SSDF seems not to have a single political wing inside the country. It is clear that some of its components could ally with the SPLM/A especially in the light of Naivasha Security Arrangements Agreement.

31. Southern Sudanese in the National Congress. A large number of them will remain in the party but at risk of facing tremendous competition during the first general elections in Southern Sudan. There is a wide perception among many southerners that the National Congress is virtually National Islamic Front (NIF), discrediting it in the eyes of most Southerners.

32. Elections during the interim period may witness formation of new parties and subsequent alliances on the line of Unity and Separation.

Northern Sudan

33. The National Congress and Popular Congress are not likely to unite. Acceptance of Dr. Ghazi's resignation was accelerated by his meeting with Dr. Turabi, who is still regarded as a major political threat by the ruling National Congress. It is virtually certain that the peace agreement will be followed by desertions from the National Congress to the Popular Congress among former National Islamic Front members.

34. The National Congress may ally with the following parties: Umma Party (wing of Mubarak el Fadil el Mahdi), DUP of Sharif El Hindi , The Muslim Brotherhood (of Sadiq Abdalla Abdel Magid).and the USDF.
35. The Popular Congress of Hassan al Turabi may ally with the Umma Party of Sadiq el Mahdi and a splinter group from DUP of Mulana Mohamed Osman el Mirghani.
36. The NDA may survive the first half of the interim period but it is unlikely that it will continue beyond. Therefore the alliance as it exists will maintain most of its current members if not all. The parties to the NDA currently are: DUP (Mirghani wing), Sudan Communist Party, SPLM, USAP, Ba'ath Party, Beja Congress, the Free Lions (Rashaida), Sudan National Party, Sudan Alliance Forces, Sudan Federal Democratic Party.
37. The DUP of Mulana Mohamed Osman al Mirghani faces the challenge of uniting its various splinter groups. Currently there are three main DUP factions: the Mirghani and el Hindi wings and the Reform Group with collective leadership of Mirghani Abdel Rahman Sulieman, Amin Akasha and others. Within the Mirghani group there are five distinct voices: Sid Ahmed el Hussein, Mohamed Ismail Azhari, Ali Mohamoud Hassanien and Haj Mudawi Mohamed Ahmed and Mulana Mirghani himself represented inside Sudan by his brother Ahmed Mirghani.
38. Sudan Alliance Forces: The long-heralded merger with the SPLM may proceed during the first half of the interim period.

The Marginalised Areas

39. The two armed groups in Darfur, namely the Sudan Liberation Movement and Justice and Equity Party are likely to part ways once peace prevails in the country generally and particularly in Darfur. The SLM could make an alliance with SPLM, while JEP may ally with PC of Hassan al Turabi. Both factions of the Umma Party will face a stiff challenge from Darfur-based parties. Given that Darfur provided the Umma Party with more than a third of its MPs during the 1980s, this could seriously undermine the Umma parliamentary representation.
40. Nuba-based parties could seek an alliance with the SPLM. This is especially the case for some factions of the Sudan National Party (currently split) and the General Union of the Nuba Mountains.
41. South Blue Nile community based organisation and associations will be inclined to ally with the SPLM. They could either merge or form a loose alliance with the SPLM. Splits among these community-based organisations could not be ruled out. Some clearly would like to maintain its historical links with both the DUP and the NIF.

HIV/AIDS

42. Mid-December has been AIDS week in Sudan, with a high level of publicity in the national media surrounding the disease. This is a positive new departure. An article in the International Herald Tribune has alerted many Sudanese to the fact that HIV rates among Sudanese refugees in East Africa are higher than at home, and the likelihood that the ending

of the war will see an increase in HIV transmission. This observation should spur the GoS, SPLA and international partners to accelerate the implementation of HIV/AIDS policies and programmes, and not to stigmatise refugees and people with HIV and AIDS.

The United States

43. The U.S. has been keen to hurry up the final stages of the peace process, and has been pressing the parties to come to a rapid agreement for signature. In the absence of a final agreement, the U.S. has wanted at least a framework agreement. For domestic reasons, including maintaining Congressional support for the peace negotiations, the Bush Administration wanted something to show quickly.

44. It is likely that President Omer al Bashir and Dr John Garang will be invited to Washington in January for a public signing. This may not be the final text of a complete agreement but will be the point at which the war can be said to come to an end. However, it can be argued that a high profile public ceremony at this stage would be premature, because of the absence of a fully-worked out mechanism for implementation.

Conclusion

45. As the peace process enters its final stage, the challenge on the Sudanese parties and external mediators is to prepare for a successful interim period. A ceremony for the Sudan Peace in Washington should preferably occur when the parties have worked out a comprehensive agreement. The peace agreement should be detailed, clear and unambiguous with transparent implementation mechanism.

46. The final peace agreement should contain a clause committing the parties (GoS and SPLM) to peaceful resolution of the conflict in Darfur.

47. Human rights guarantees and accountability for past human rights violations must be addressed in the peace agreement. Truth and Reconciliation Commission should one option among many.

48. The Sudanese must rally behind the peace process. The peace agreement will have its short-comings but signing should be regarded as just the beginning of political and civic mobilisation in Sudan.