

# **PROSPECTS FOR PEACE IN SUDAN**

## **BRIEFING**

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### **Overview**

1. Month after month, the state of the Sudan peace process has been 'critical'. The parties have engaged in serial brinkmanship. This time it is true. The summit meeting between John Garang and Ali Osman Mohamed Taha in Naivasha since 4 September has been as crucial as was anticipated. It yielded a major result in terms of the security arrangements framework agreement. Doubtless the parties knew that if this meeting did not result in a breakthrough, then peace in Sudan would have been improbable for many years to come.
2. The security arrangements framework agreement signed on 25 September represents the most important step towards a full agreement. A workable agreement on this issue makes the peace process almost irreversible. Sudan is closer to peace than at any point in the last 20 years.
3. The mediators and facilitators are to be congratulated on their persistence, determination and diplomacy. Throughout the long, difficult and frustrating process of bringing the parties to the current positive situation, the mediators and facilitators have shown remarkable dedication, often for little recognition and reward. To many people in Sudan, the mediators and facilitators have seemed more serious about achieving peace than their own political leaders.
4. Meanwhile the decay of authority in many areas of Sudan continues to be of concern. The ceasefire in Darfur is shaky and the intermittent fighting in the oil regions of Upper Nile is unreported.

### **The Garang-Ali Osman Summit**

5. Both Ali Osman Mohamed Taha and John Garang risked their political careers when they decided to meet in person at the Valley Lodge, Naivasha, on 5 September and later in the Simba Lodge. The meeting ended on 27 September, and will resume in October. Both Garang and Ali Osman returned to their respective bases (Rumbek and Khartoum) to be received with a hero's welcome. The levels of jubilation are without recent precedent.
6. Unusually for such a meeting, the talks have been hermetically sealed with virtually no leaks. The two leaders had more than 24 hours of direct bilateral discussions, which is completely unprecedented in the history of peace negotiations in Sudan.

7. The opening stand of the SPLA was to insist on the 'Nakuru' document, presented by the mediators in the previous, failed round of talks. The GoS was silent in advance of the talks, but there were many indicators of its unhappiness. The decision to hold the meeting between Garang (who has not thus far attended any of the peace talks) and Ali Osman (widely credited with being the power-broker in Khartoum who can make or break the peace process) signalled a heightened level of seriousness and commitment by the parties. Clear signals from the mediators, including a message from U.S. Secretary of State Colin Powell, and the supporting presence of General Carlton W. Fulford, reinforced this.

8. On 24 September, a breakthrough was announced on the issue of security arrangements. It should be recalled that in the 1972 peace negotiations, security arrangements consumed well over half of the negotiating time. Careful observers have long held that the issue of security arrangements would be the most difficult in the current IGAD process. The approach taken by Senator Danforth, focusing two of his 'tests' on issues directly concerned with military command and control, laid an essential foundation for the parties to be able to address security concerns.

## **Security Arrangements**

9. The parties' presentations at Naivasha on the pivotal issue of security arrangements are an essential backdrop to the deal arrived at.

10. The debate on security arrangements was categorised by the following guiding principles. First, that the Sudan People's Armed Forces (SPAF) and the forces of the SPLM/A are to remain under their respective commands during the interim period. Second, that downsizing of all forces to acceptable peacetime levels should commence at the start of the interim period. Third, that the presence of the forces in Southern Sudan is to be decided with a view to the following:

- (a) Returning life in population centres to normality;
- (b) Securing the borders;
- (c) Minimising the chances for friction or provocation;
- (d) Formation of integrated units composed of chosen personnel from the two forces;
- (e) That the purpose of the creation of these integrated units is to symbolise unity and sovereignty of the country and that the eventual goal is for them to become the nucleus of a national army, should unity be affirmed.

11. Meanwhile, the parties have concluded an extension in time and substance to the ceasefire agreement. This is the opportunity to finalise in detail the issues of disengagement, downsizing, demobilisation and redeployment of the forces in Southern Sudan. This will be done under the auspices of IGAD with the help of international experts. Also, the parties will address the status of other armed groups in the spirit of partnership and with a view to securing peace and stability, with a full realisation and commitment to the necessity of inclusiveness.

12. The status of the two armies is therefore, that should the referendum on self-determination confirm the unity of Sudan, a new national army will be established composed of forces from the SPAF and SPLA. During the interim period the SPAF and SPLA will

remain separate and will be considered and treated equally as components of Sudan's National Armed Forces during this period.

13. The parties agree that they will establish a Joint Defence Board (JDB) comprised of the chiefs of staff, the commanders (i.e. the chiefs of general staff of the two armies), the GoS minister of defence and the minister of the government of Southern Sudan (GoSS, representing the SPLA). The JDB will take its decisions by consensus and will be chaired alternately by the respective ministers.

14. The two armies will be disengaged, redeployed and separated. The GoS forces will withdraw from Southern Sudan and be deployed north of the 12<sup>th</sup> parallel, while the SPLA will be deployed south of the 12<sup>th</sup> parallel.

15. Integrated units will be formed, consisting of equal numbers from the SPAF and SPLA, to symbolise the unity and sovereignty of the country during the interim period. The integrated units will also constitute a nucleus for beginning the formation of a post-referendum new national army. If the referendum does not support unity, these units will be dissolved and the component parts integrated into their respective armies.

16. The integrated units will comprise 39,000 officers and men. They will be deployed as follows: 24,000 to Southern Sudan, 3,000 to the national capital, and 6,000 each to the Nuba Mountains and southern Blue Nile. No other military forces will be deployed in these latter areas. This is designed to address the issue of security arrangements in the Nuba Mountains and Southern Blue Nile. The remaining SPLA forces in these latter areas will be deployed into Southern Sudan and SPAF forces redeployed outside northwards.

17. The integrated units are envisioned as embodying a new character based on a new doctrine. They should serve as a symbol of national unity and sovereignty, participate in national defence along with the two armies, and serve as the nucleus for a new national army. The command of the Southern Integrated Units (SIUs) will be under the SPLA GHQ, with a liaison officer from the SPAF. For each position, if the commander is from the SPAF the deputy will be from the SPLA, and vice versa. The Northern Integrated Units (NIUs) have a mirror-image command. Each army is to select and designate appropriate units for incorporation into the integrated units. Initially they will be separate, and they will be gradually formed into integrated units as tensions subside and the necessary conditions for compatibility are created. The formation and deployment of these units is to be completed within six months of the interim period starting. The overall disengagement, separation and withdrawal of GoS forces from the South and SPLA forces from the North should be completed within eighteen months, leaving only the integrated units. Meanwhile, the parties will develop a new military doctrine for the integrated units and the new national army within six months of the pre-interim period.

18. Concerning militias and other armed groups, no militia forces of either party will be allowed to operate outside of the two armies. The parties will agree that those who have the desire and qualifications will be incorporated into the organised forces of either party (army, police, wildlife), while the remainder will be integrated into the civil service and other civilian capacities.

19. National security organs will be restructured in line with the peace agreement. There will be an internal and external security branch, both of which will fall under a ministry of

national security that answers to the presidency. The two parties will effect this restructuring, forming the new national security force.

20. The parties agree to an internationally monitored ceasefire. The parties, IGAD mediators and international observers will work out the details of the agreement. The parallel and proportional downsizing of forces on both sides will begin at a suitable time, following the completion of the comprehensive ceasefire.

## **Power Sharing: Elections, Inclusiveness and the Presidency**

21. On the issues of elections, the GoS position is as follows. Democratisation is a prominent common goal in its own right, and enhances the likelihood of sustainable peace. It will work diligently to prepare for local elections as early as possible in the interim period. State and national legislative elections should be possible not later than the end of the first half of the interim period.

22. The SPLA is ready to suggest a process of phased elections. This means that elections for different legislatures such as rural/area councils, regional state legislatures, the Southern Sudan parliament and both houses of the national legislature will take place between the second to the fifth and sixth year of the interim period. This would make national presidential elections unlikely until after the referendum in Southern Sudan takes place. On inclusiveness, the SPLA position reflects the Machakos Protocol: all different levels of government should be inclusive. This means these levels of government should accommodate people belonging to different Southern political groups including pro-GoS militias and Southerners belonging to the National Congress Party. Until elections are held, the president and the vice-president of the GoSS shall come from the SPLM in order to safeguard the peace agreement. This means that the proposal that the vice president of the GoSS should be from the NCP, as suggested by the GoS, is rejected. If the GoS rejects this proposal, then the SPLA counter-proposes that a key element of the Machakos Protocol is reopened, and a Government of Northern Sudan is created, with a president from the NCP and a vice-president from the SPLA.

23. Concerning the Presidency, the GoS position is as follows. The institution of the Presidency is to discharge its duties in a collegial manner, making major decisions in a spirit of partnership. The incumbent President should hold office for the duration of the interim period. The Chairman of the SPLM is to hold the office of the head of the GoSS and Vice President of the Republic for this period.

24. In his capacity as head of the Council of Ministers, the President shall appoint a Deputy Prime Minister to assist him in his duties. Because of the special security arrangements agreed, matters of political oversight over the Sudanese Armed Forces and other matters relating to national security shall be beyond the competencies of the Vice President, and until such time as the parties review the security arrangements, the President may entrust such matters to the Deputy Prime Minister. Decisions affecting the implementation of the peace agreement shall be made in consultation between the President and Vice-President. The appointment of all judges, governors (until gubernatorial elections take place) and heads of independent commissions shall be made with the consent of the Vice President, as shall all decisions concerning declaration and ending of states of emergency, and summoning and

proroguing the national legislature. The parties will appoint by consent the nominee of the NCP as the deputy head of GoSS.

25. In the case that either the President or Vice President is rendered unable to perform his duties, then succession is to take place according to the initial agreement that assigns each office to a specified party. If the office rendered vacant is the Presidency, then a Head of State Council is to assume the functions of the Presidency until an expedient swearing-in of the President takes place. The Head of State Council is composed of the Speaker of the National Assembly (in the chair), the Vice President and the Deputy Prime Minister. If the office rendered vacant is the Vice Presidency and head of GoSS, then the deputy head of the GoSS shall assume office pending an expedient decision of the SPLM/A Leadership Council, nominating the new head of GoSS who would then be appointed Vice President and sworn in immediately.

26. The SPLA position on power sharing is as follows. In order to safeguard the peace agreement, there will be a partnership and collegial decision-making process within the institution of the Presidency. In this case, the Presidency shall consist of one President and one Vice President. No other position with executive powers should be created around the Presidency as it may interfere with the functions of the office.

27. Concerning appointment of governors, until gubernatorial elections are held, governors shall be selected by the state/regional legislature concerned and approved by the Presidency. The legislature shall submit a shortlist of candidates to the Presidency indicating their preference, and the Presidency will select from the list. In the event that there is no consensus, the view of the President shall prevail in respect of governors for the Northern states and the view of the Vice President shall prevail in respect of the Southern regions, Nuba Mountains and southern Blue Nile.

28. On the national capital, the SPLA holds that since it is the seat of the national government and national legislature, the capital should be a symbol of unity that must reflect the diversity of the country. Khartoum city should reflect this symbolism and should be a location in which all human rights and fundamental freedoms including respect for all religions, beliefs and customs shall be taken into account. The whole of Khartoum State shall therefore not be governed by the laws of a single religion. The laws governing the national capital shall treat all religions and beliefs equally, as an indispensable prerequisite for the preservation of the unity of the country on a new basis. The National Assembly will be responsible for the administration of the national capital, taking into account the religious and cultural diversity of the Sudanese people. All existing legislation applicable to the capital will be reviewed by a joint committee of the parties, for purposes of inclusivity also including other political parties and civil society organisations. A national police force will be established, responsible for law enforcement in the capital. A national security organ will also be established.

29. Concerning the representation of Southern Sudan in the Government of National Unity, the SPLA position is that it should be effectively represented in all aspects of government. The SPLA share in cabinet posts and portfolios, including the 'sovereign ministries', shall be 40%. (In the Nakuru draft framework, 25% was suggested.) For civil service positions (with all senior ranks specified), the quota will also be 40% (Nakuru suggested 25-35%). For the national judiciary (including constitutional court, national supreme court, etc.) it will also be 40% (Nakuru did not suggest a figure). Turning to the legislature, the bicameral National Legislature will be comprised of the National Assembly (lower house) and the Council of

States/Regions (upper house). In the lower house, the representatives of the people of Southern Sudan shall be 40% while that of Northern Sudan shall be 60%, while in the upper house it shall be 50-50. In both cases, the composition of these houses shall take into account the principle of inclusiveness of other political groups (from both North and South), that may not be signatories to the peace agreement.

30. The SPLA proposes that all political forces and civil society organisations be involved in drafting the interim constitution. Amendments to the national constitution will require a 75% majority in both chambers, sitting separately, and only after the introduction of the draft amendments at least two months prior to the debate. Amendments to the interim national constitution affecting the provisions of the peace agreement may be introduced only with the approval of both parties signatory to the peace agreement. A two-thirds majority in the second chamber will be required to pass legislation affecting the interests of Southern Sudan, while a simple majority is required to pass all other legislation.

31. Talks on this issue are likely to resume on about 15 October. The likely compromise that the two parties will reach is that Omer al Bashir will continue as President of the Republic and Prime Minister. Dr John Garang will become Vice-President of the Republic and President of the GoSS. Ali Osman Mohamed Taha is would then become Deputy Prime Minister. Gradual elections will be held, that will not include the President and Vice-President for the entire interim period, in line with the SPLA proposal. This compromise on the limitation of elections for the highest offices will create dissent among Sudanese political parties and civil societies. The principal parties are likely to agree on percentages for the other political parties to ensure inclusiveness. The 'Nakuru Document', without prejudice, could form a useful reference to guide compromise in this area.

### **The Three Marginalised Areas**

32. The GoS position on the three areas is as follows. Self-administration shall be the basis for the Nuba Mountains and southern Blue Nile (SBN). The two sides will, in close consultation, make the political appointments in these two areas until elections take place. A special developmental programme for services to these areas will be undertaken. Concerning Abyei, without prejudice to other agreed texts and constitutional and customary rights, the parties will objectively study the dimensions of the problem of Abyei with a view to finally resolving it. Until such a study is completed, Abyei will be administered by the Presidency.

33. The SPLA position on Abyei is that it should be returned to the administration of Bahr el Ghazal, to be effected immediately through a Presidential Administrative Order. Customary rights of pastoralists who traverse the area will be guaranteed. Traditional dispute resolution mechanisms will be invoked to resolve conflicts between resident and traversing tribes.

34. The current SPLA position on the Nuba Mountains and SBN is that they should be termed as 'special status' and administered directly from the Vice-President's office. They will have their own state legislatures and state executives, with other relevant judicial, security, police and civil service organs. They will be entitled to a fair and equitable share of national revenue, and a precisely specified share in positions in the National Assembly, Council of States, senior civil service positions etc., all taken from the total allocation of posts to Northern Sudan.

35. Talks on the marginalised areas (strictly speaking in the parallel forum convened by the Government of Kenya, chaired by General Sumbeiywo) will reconvene on 6 October. The most likely final position is that the GoS will accept a major concession on Abyei, allowing a self-administration referendum in the first half of the interim period, after which the district will become either part of Bahr el Ghazal or Kordofan. For the Nuba Mountains and SBN, the probable compromise is on 'special status' and administration directly from the Presidency (jointly by the President and Vice-President as part of collegial decision-making), in line with the (revised) position presented by the SPLA.

## **Wealth Sharing**

36. Items for negotiation related to wealth-sharing include land ownership, subterranean natural resources (petroleum commissions, existing oil contracts, sharing oil revenue), equalisation and allocation of revenues collected, monetary policy, currency and banking and flow of foreign funds.

37. Many of the gaps in wealth sharing have been narrowed during the negotiations, helped by mediation and expert advice. Outstanding areas of disagreement remain the sharing of oil revenue between North and South and the SPLA proposal for a separate currency and central bank for Southern Sudan.

## **Politics in Khartoum**

38. After rejecting the Nakuru document, the GoS was active throughout August and into September in trying to build a common internal front among the parties present in Khartoum. The first initiative was the 'peace forum', a quasi-independent effort, quickly recognised by the GoS which was attended by the opposition. This was quickly followed by the 'Group of Ten', eminent figures who immediately embarked upon drawing up their terms of reference and establishing contacts with different political forces including the NDA. Despite the apparent backing from the President's office and the Secretary General of the ruling National Congress Party, most Sudanese political forces doubted its usefulness. The Umma Party walked away and the DUP said it had nothing to do with this initiative. The initiative has currently stalled.

39. These two initiatives amounted to an attempt by the GoS to build an alternative to the IGAD process, like the 'peace from within' process of the mid-1990s. However, its weakness was rapidly evident. Most of the civil and political forces in Khartoum have no confidence in the GoS capacity to deliver. Rather, they are waiting for the outside world—in the form of the IGAD peace process—to deliver a solution, within which they can operate. In this context, boycotting the GoS-sponsored fora makes sense. However, in failing to engage, the opposition is missing its chance to push the GoS to make additional compromises on issues such as civil and political rights, national elections, etc.

40. In the apparent vacuum after the Nakuru failure, the Northern parties proposed their parallel initiatives. Sadiq el Mahdi came with a 'third way' and the NDA developed its proposed 'alternative' to Nakuru (resembling closely the Asmara Agreement). The NDA and other civilian parties are also demanding observer status at IGAD. These efforts seem to miss the point. Looking for participation in the IGAD peace process at this late stage is likely to be fruitless, and even if they are admitted to the negotiating chamber, these parties will not

exercise discernible influence on the outcome. For the civil opposition, the aim at the moment should be peace of almost any kind. They should be pressuring both parties to sign an agreement, while preparing to make the best advantage from peace and electoral politics.

## **Politics in the South**

41. The inclusivity of all Southern parties in any agreement remains an unresolved but important issue. The South Sudan Democratic Forum convened a conference in Oxford to discuss this topic. Most parties were invited, except, notably, the SPLA. The resolutions adopted were close to the SPLA's negotiating position at IGAD, including two armies, two banks, and 75% of the oil revenue to be allocated to the South. The SSDF based its resolutions on the contents of the 1997 Khartoum Agreement. The only significant new proposal was a compromise on the status of Khartoum, namely that for the first half of the interim period, the city should remain Islamic, and thereafter the elected government should decide. This decision reflects the separatist instincts on much of the SSDF.

42. The Sudan Alliance Forces (SAF) held a conference under the slogan, 'we continue united and face the enemy together'. SAF reaffirmed its integration with the SPLA.

## **On the Ground**

43. The secrecy surrounding the peace talks means that, for most ordinary Sudanese including military commanders, there is a continuing cloud of uncertainty. Without knowledge of the progress made in negotiations, citizens and soldiers alike see only a slow pace of progress in terms of implementing the ceasefire provisions, and many small but significant practical setbacks. These in turn give rise to scepticism and rumour-mongering.

44. For example, residents of the Nuba Mountains are expressing mounting concerns over the effectiveness and impartiality of the Joint Military Commission. Similarly, people on the ground in Southern Sudan have frustrations with the Civilian Protection Monitoring Team. A series of incidents indicates that both these institutions appear to be acquiescing to procedures demanded by Khartoum, sometimes at the detriment of actually fulfilling their mandates. Fighting continues in parts of Upper Nile, despite the ceasefire and with no indication of the CPMT taking action. Both teams appear ready to accept prima facie the legitimate right of the GoS to restrict or enable access and define the limits their mandate. While these issues may seem of lesser concern than the big picture of the IGAD peace talks, they are a marker of potentially serious problems in implementing the provisions of any peace deal. If the GoS tries consistently to obstruct and manipulate any agreed provisions, the conditions are ripe for local frustration and resistance.

## **Darfur**

45. A temporary ceasefire was negotiated for the conflict in Darfur. This followed the failure of the GoS military approach. Recent offensives did not succeed in dislodging the SLA, and resulted in serious human rights abuses that caused an outcry across the political spectrum in Northern Sudan. The massacre of Kutum residents at the time of the GoS offensive was especially egregious. Having armed a pro-government militia in Kutum, which then went on the rampage, the GoS has tried to exculpate itself from the consequences of its actions, with



little success in convincing public opinion. This failure contributed to the decision to negotiate a temporary ceasefire, including exchange of prisoners.

46. Hardliners in Khartoum are, however, still pressing for a military solution to Darfur. But the level of opposition to GoS policy continues to grow, with outspoken criticisms from Darfurians serving in government. Meanwhile, support for the insurrection across most of northern and western Darfur remains solid.

47. The political leadership in Darfur is growing in organisation and confidence. During August, a conference of the leaders of the 'marginalised peoples' was held in Germany focusing on western Sudan, especially Darfur.

## **The Region**

48. The governments of the region are increasingly optimistic that a peace agreement is imminent. How will such a deal reconfigure the politics of the sub-region?

49. Sudan and Ethiopia are the two most powerful states in the Horn of Africa. Relations between Addis Ababa and Khartoum have grown warm over recent years. Will peace in Sudan create a new axis of stability between the two countries? Will a new sense of purpose emerge, which eluded the subregion for a decade? Or will peace usher in a period of transient euphoria, as with the end of the civil wars in Ethiopia and Eritrea in 1991, which did not last long? If a robust sub-regional order for peace and security is to unfold, this will require the main parties in government in Khartoum to share a similar vision for the Horn. Given that each of them has been shifting alliances, sometimes opportunistically, there will be much work to do to crystallise such a common vision. On the Ethiopian side, the government has recently published a White Paper on its 'Foreign Policy and Security Strategy,' in which it has stressed the opportunities for peaceful cooperation with Sudan and the lack of any substantive political conflict between the two countries.

50. Eritrea remains unpredictable. Will the government see a peaceful Sudan as a positive or negative development? A negative response from Eritrea cannot be ruled out. A settlement in Sudan will expose Eritrea even more as a regional rogue state.

51. Uganda's concerns remain primarily with the challenge of the LRA, and ongoing suspicions that the GoS continues to assist the LRA. A delegation from Kampala's ministry of defence visited Khartoum to discuss this issue. The military delegation is to be followed by a parliamentary delegation, also mandated to raise the same questions. Meanwhile, Uganda is considering raising Sudan's alleged support for the LRA at the UN Security Council. Peace in Sudan will certainly ease the tension between Uganda and Sudan regarding the LRA, but the solution to the insurrection will ultimately need to be sought and found within Uganda itself.

52. IGAD's role in facilitating the peace process, however flawed, promises to give north-east Africa's subregional organisation a new prominence and role. The peace agreement is likely to give a role in monitoring for IGAD, but will IGAD be able to assume its responsibilities? It is likely that IGAD will team up with the African Union and UN to play its role: how will this rebound to the advantage of IGAD? Will the cooperation manifest during the peace negotiations be transferable to the post-conflict phase? At the upcoming

IGAD Summit in Kampala in November, the IGAD capacity for implementing peace and security will be a major item for discussion.

## **The United States**

53. The U.S. has been maintaining its pressure on both parties, and especially the GoS, to come to an agreement. As well as constant encouragement and pressure from senior officials within the State Department, General Carlton Fulford (recently appointed as Director of the Africa Center for Strategic Studies in Washington DC) has been on hand. The Administration welcomed the security agreement as ‘historic’.

54. The U.S. has treated the Sudan peace process as a multilateral process, albeit in an ad hoc manner, without formally involving the UN. One of the questions that arises in a post-conflict situation is, what space will be given to the UN to oversee and guarantee any agreement? Without doubt, the UN Security Council will deal with Sudan as an agenda item and voice its strong and unanimous support for any peace agreement. UN agencies will be involved in a range of humanitarian efforts and reconstruction programmes. But will the UN have a role in monitoring the ceasefire or the implementation of political aspects of the agreement?

## **Conclusion and Recommendations**

55. It seems increasingly likely that the peace process is now irreversible. After the agreement on the security arrangements, those who renege on the imminent deal will pay a heavy political price. The momentum exists at the moment, but the danger persists that it could be lost over the next negotiations over the marginalised areas and wealth sharing. Also, with the modalities for the ceasefire still to be detailed, there are plenty of opportunities for either side to stall. As the endgame of the peace process unfolds, many questions are unanswered—and in some cases, still unasked. What are the likely implications of a peace agreement on the configuration of domestic political forces? Who will be the losers and winners? What political agendas will emerge that have been submerged during the war? What coalition of forces will provide stability during the transitional period?

56. The next rounds of talks are crucial, as they represent the final phase of reaching a peace agreement. Fundamental issues related to sustainable peace in Sudan must be addressed. Among these are the details of the ceasefire arrangements, the self-determination referendum protocol, the terms of reference of a border commission (for both the North-South border and internal borders in the South), repatriation, humanitarian and development programmes.

57. The issue of elections to all levels including the Presidency (both national and in Southern Sudan) will need further discussion. Most Sudanese believe that all positions should be open for election before the end of the first half of the interim period. They hold that this is fundamental if peace is to ensure a transformation from military to civilian rule. It is questionable whether a peace agreement will be sustainable unless the rulers can be subjected to a popular vote. Hence, it is important to push the parties as far as possible towards accepting elections and not exempting themselves from democratic process. ‘Inclusiveness’ of government is not an alternative to democracy in the medium or long term. Peace should translate into respect for human rights and basic freedoms including the right to vote.

58. Safeguards against unconstitutional change of government in Sudan should be an integral part of the internal guarantees of the peace agreement. Although the peace deal is extremely popular in Sudan, the dangers of unconstitutional changes in government should not be overlooked. The Northern political forces in general and the Islamists in particular will not speak with one voice regarding the peace agreement. A clause in the agreement that any unconstitutional change in government during the interim period entitles the South to immediately exercise its right of self-determination would provide a guarantee against potential spoilers within the army and security organs. External guarantees for the peace agreement should also be robust. Involvement of IGAD, the troika and the UN at all stages of implementing the agreement, up to the point at which the result of the referendum on self-determination is announced, should be ensured.

59. The parties should agree on definitive inclusiveness percentages for government positions, including South-South power sharing, and the inclusion of representation from the NDA, from Darfur (including the SLM) and other Sudanese political forces.

60. The International community should provide priority assistance to enable the deployment of the two armies into the respective areas specified. The number of GoS forces that will need to withdraw north of 12 degrees latitude within the next two and a half years is as many as 90,000 officers and men. The adequate funding of this is essential for successful implementation of the peace agreement. In addition, a critical review of the performance of the JMC and CPMT is an important requirement for setting up effective ceasefire monitoring arrangements.