

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

JULY 2001

Overview

1. This briefing covers events late June and July. The main activity during this period has been the sudden re-invigoration of the Joint Libyan-Egyptian Initiative for reconciliation and peace in Sudan. This has generated considerable momentum towards a settlement. However it has also polarised opinion both within Sudan and more widely. The proposals clearly give priority to reconciliation between the Northern parties, and as such have given rise to much suspicion among Southerners and other marginalised groups. It is possible that the JLEI will succeed in its primary aim of bringing the main Northern parties into a coalition with President Bashir. It is unlikely that it will resolve the war. Meanwhile, IGAD has remained dormant since its summit, but is likely to be reactivated in response to the JLEI. The U.S. policy review is complete, but the appointment of a Special Envoy has not yet been made.

The Joint Libyan-Egyptian Initiative

2. The JLEI (also known as the Joint Initiative and the Egyptian-Libyan Initiative) handed over its 'Recommendations for Reconciliation in Sudan' to the Sudan Government, NDA and Umma Party on 26 June. There immediately followed a rapid process in which these three parties all accepted.

3. The JLEI 'Recommendations' consist of nine points. An unofficial translation made by this briefing is attached as an appendix. The document makes no reference to self-determination for Southern Sudan, and indeed repeatedly reaffirms the unity of Sudan as a basic principle, with references to decentralisation, political and cultural pluralism, etc. The ninth point is a ceasefire, which is conditional on the parties acceptance of points 1-8.

4. The Sudan Government was initially sceptical of the proposal. On 29 June President Bashir made his 12th anniversary speech in which he referred to 'foreign initiatives' and promised to set up a high council for peace to evaluate them. However, over the next few days the government decided to accept the nine points unconditionally. It seems that they were unwilling to be seen to be the party refusing the deal, and also saw the JLEI paper as preliminary and subject to opportunities for future revision.

5. The NDA's immediate response to the proposals was set up a 5-man committee to study them. However, the NDA Chairman Mulana Mohamed Osman al Mirghani jump-started the acceptance process by formally agreeing to the nine points on 29 June, saying that this was

subject to reservations proposed by the committee. The NDA then introduced three additional 'recommendations' which are:

- (a) Separation of religion and the state.
- (b) Respect for the right of self-determination for Southern Sudan.
- (c) Unification of initiatives (i.e. merger with IGAD).

6. The explicit mention of self-determination was included at the insistence of the SPLA and USAP. Initially, al Mirghani had argued that self-determination did not need to be included at this stage and could be dealt with at the proposed Constitutional Conference. The SPLA-USAP position was that a Constitutional Conference could be held only if self-determination had already been accepted as a fundamental principle beforehand. Southern sentiment on this point is extremely strong. Garang is reported to be very sceptical about the JLEI proposals and to have accepted because he could not be seen to be the one blocking peace.

7. The Umma Party endorsed the recommendations with the small amendment, to change the commitment to the unity of Sudan to the '*voluntary* unity.' Hassan al Turabi also endorsed the nine points, though he was not approached by the mediators. He remains under house arrest.

8. The momentum created by the NDA and Umma acceptance appears to have helped create sufficient momentum for the Sudan Government to accept the proposal on 4 July. President Bashir said he was reacting to Sudanese public opinion, which was strongly in favour of the proposal. Bashir's own priority is point 9—a ceasefire—as the army is under military pressure in Bahr el Ghazal.

9. Libyan President Muamar Ghaddafi has repeated his opposition to self-determination. He has been active in meeting key African leaders including Moi, Museveni and Obasanjo. He visited Kampala 16 July, where he met with John Garang, who restated the NDA's three additional principles. The Egyptian Government has continued to restate its basic position. The Egyptian ambassador in Khartoum Mohamed Asim has repeated his total opposition to self-determination for the South.

Khartoum

10. The Sudan Government is not united in its acceptance of the JLEI. Two major groupings are not in full agreement. The first grouping is led by Vice President Ali Osman Mohamed Taha. Their chief concern is the mention of an 'Interim Government,' with the implications of insecurity of ministerial positions for everyone below the President. Before the JLEI recommendations had been presented to the GoS, Ali Osman had publicly rejected the possibility of Bashir becoming an Interim President, on the grounds that he had been elected for a full term in accordance with the constitution. Ali Osman later retracted this statement, and said he was not rejecting the JLEI. But a significant group within Khartoum is opposed to any attempts to broaden the base of the government or to revise the constitution. Bashir himself has subsequently said that the JLEI does not entail dismantling the government and has stressed the 'constants' of the reconciliation process, namely the Islamic project.

11. The second locus of discontent are the Southerners in government. The nine points, with their absence of reference to self-determination, are seen as an abandonment of the 1997

Khartoum Agreement and various other agreements in which the Sudan Government has accepted self-determination.

12. In this context it is significant that President Bashir has sought to deal directly with the military and build up a constituency of support among senior army officers for his approach. Bashir met with senior officers who endorsed the JLEI recommendations including the call for an interim government. The calculations of the military officers remain speculative. But we can note that the army failed to gain the battlefield victories that it had expected during the dry season that recently finished. In addition, the positions left vacant by the 4 April air crash in which 15 senior military officers were killed remain unfilled. This continues to create uncertainty within the armed forces. Bashir's active debates with the army—including a visit to Juba—also suggest that he is fearful for the security of his position.

The South

13. Southern leaders in Khartoum are increasingly united around a core set of principles, foremost among which is self-determination for Southern Sudan. Every major action or initiative from the President seems only to reinforce this. The Southerners are deeply distrustful of the Egyptian and Libyan mediators, whom they regard as interested parties that want to impose their own priorities on Sudan rather than seek a true agreement between the Sudanese parties themselves. This distrust extends to the Northern parties in opposition. The fact that the Northern NDA leadership was ready to forget the Asmara commitment (June 1995) to self-determination when agreeing to the nine points, and the Umma leadership was ready to replace the Djibouti commitment (November 1999) to self-determination with the formula 'voluntary unity' confirms their suspicions that Northern politicians cannot be expected to honour any commitments to the South.

14. Between 16-13 June, the New Sudan Council of Churches held an important meeting of Southern leaders in Kisumu, Kenya. Entitled 'Strategic Linkages II' it was the latest step in the 'People-to-People' peace process that the NSCC has been sponsoring since 1998, which involved earlier conferences in Wunliet (1999), Wulu (1999—this was 'Strategic Linkages I') and Liliir (2000). While the earlier conferences had focussed on the grassroots, the Kisumu meeting brought together a wide range of chiefs, civil society leaders, politicians and intellectuals. It was held in Kenya because it was feared that many invitees would be unable or unwilling to attend a meeting held inside Southern Sudan. The SPLM was unhappy with this, seeing it as a loss of control over the 'People-to-People' peace process, which had earlier served partly as a mechanism for reuniting Southern communities under SPLA leadership. In response, the SPLM tried rather clumsily to obstruct the meeting and in the event did not participate. It blocked the participation of many invitees from SPLA-held areas. The NSCC's independence from the SPLA was underlined by the meeting.

15. The Kisumu conference called on the NSCC to continue to promote the 'People-to-People' peace process. It agreed on a common political agenda for the South based on the right to self-determination. A committee was set up to follow up the idea of a conference for Southern political forces.

16. It is probable that the NSCC will now find itself under considerable pressure from the SPLA to fall into line with SPLA priorities. One factor determining the NSCC's ability to withstand this pressure will be the extent to which it can build a broad coalition of civil

society groups in the South to support its programme of South-South reconciliation. Another factor will be the support it obtains from international donors and partners.

17. Following Riek Machar's last minute stalling on agreement with the SPLA, his faction has continued to weaken. Cdr Taban Deng has joined the SPLA and has been appointed Commissioner for Western Upper Nile. Riek himself has gone to the Jikany Nuer area to make a convention of his faction. This is a risky action for Riek as he has little popular support in the area and there are forces in the vicinity (GoS, Gordon Kuong) that may try to attack him there.

The NDA

18. The NDA met in Cairo at the end of June. Originally the meeting was called to evaluate the NDA's performance since the September 2000 Massawa Convention. Any such evaluation would have been an embarrassment for the NDA Chairman, due to the conspicuous lack of progress. Secondly, the Communist Party had strongly criticised the SPLM for presenting positions at IGAD that had not been cleared by the NDA beforehand. In particular, the Communists were incensed by the SPLM proposal of two confederal states, which is contrary to the NDA policy. In addition, the SPLM would have provoked a vigorous debate and perhaps even a crisis if it had proposed the PNC of Hassan al Turabi for membership.

19. None of the above discussions occurred. Dr Garang left Cairo the day before the meeting was convened. The NDA discussed only its response to the JLEI recommendations. The other matters were left, on the grounds that a meeting in Asmara earlier in June had discussed internal organisational matters. (In fact it had facilitated dialogue between the SPLM and the Communists but nothing more.)

20. It is evident that the NDA Chairman, al Mirghani, is closely aligned with Egypt. His attempts to steer a more independent course during the run-up to the September 2000 NDA Convention have not succeeded. The NDA is looking for a permanent host for any peace and reconciliation talks, and al Mirghani's preference is likely to be Cairo. Indeed it is possible that the NDA may relocate its headquarters from Asmara to Cairo.

21. The NDA leadership in Khartoum remains in detention. On 18 July the detention orders were renewed for a further month. It is notable that the external NDA leadership has not raised the detention of these leaders as a precondition for further negotiations.

22. The Sudan Alliance Forces have issued a statement calling for political struggle rather than armed struggle. As SAF has been the most hardline Northern party on this issue, this represents a significant shift. Unfortunately for SAF, it comes after internal problems have weakened its internal political base.

Eritrea and Ethiopia

23. Recent updates have provided details on the Ugandan and Ethiopian positions vis-à-vis Sudan. These remain unchanged. The Eritrean position is uncertain. On the one hand, leading members of the ruling party have publicly hinted that Sudan is 'provoking' Eritrea. This may

be a prelude to military action in the East of Sudan, which has been relatively quiet this year. On the other hand, Asmara and Khartoum have been exchanging party delegations and Eritrea has announced that the meetings have been 'successful'.

24. Eritrea's calculations are likely to be governed primarily by the internal crisis facing the leadership. As he prepares for elections due in December, the President is facing widespread and increasingly open dissent from leading members of the party and government, to which he has responded by cracking down on the dissenters. He has sought to deflect criticism by stressing that Eritrea is still 'under war clouds,' with reference to Ethiopia. Real or alleged tensions with Sudan might also be a justification for internal repression. However, Asmara cannot afford to antagonise Libya and Egypt, which would be an outcome of any confrontation with Sudan.

25. The Sudan Government does not appear to have a settled position on its neighbours in the Horn. One group within the government has moved for close relations with Ethiopia, while others are seeking to play Ethiopia and Eritrea off against each other.

IGAD

26. There has been no progress at IGAD since the summit. This is partly because each of the IGAD Member States is preoccupied with internal affairs, while relations with Sudan are governed by bilateral concerns. It is partly because the IGAD Sudan Peace Secretariat has almost run out of money.

27. IGAD is still committed to holding another summit shortly and resuming negotiations. As the JLEI gathers momentum, the Kenyan President is likely to seek to revive IGAD. The SPLA is in the position of being unable to say no to the Kenyans, and also unable to say no to the JLEI. Hence it is likely to support a reinvigorated IGAD process. The implications of having two parallel tracks to the peace process remain to be seen.

The U.S.

28. The U.S. policy review has settled on a position of pursuing peace through engagement with both the Sudan Government and the SPLM. This approach is strongly represented in the State Department but has many critics in Congress and among the religious right.

29. Chester Crocker was offered the position of U.S. Special Envoy to Sudan and turned it down. Three reasons appear to have played a part in his decision. The first is uncertainty over whether the Sudanese war is soluble at the present moment. The second is concern over coherence in U.S. policy. The pro-peace policy remains vulnerable to pressure from the religious right. (This is manifest in the appointment of Elliot Abrams to the National Security Council as advisor on democracy, and the Congress passing the Sudan Peace Act.) The third set of reasons appear to have been personal: Crocker has major academic and other commitments. His decision is a blow to those who hoped that a heavyweight Special Envoy with a resolute approach would help bring a breakthrough.

30. No Special Envoy has yet been named, and there does not appear to be a heavyweight contender comparable to Crocker. It is possible that the position may become a nominal one, with Sudan policy being handled directly by the Assistant Secretary of State and his staff.

31. The U.S. Congress passed the ‘Sudan Peace Act’ which enjoined the Administration to place capital market sanctions on any companies doing business with Sudan. This is specifically aimed at oil companies and especially Talisman. It is extremely unlikely that the Administration will allow this to become law, because of the precedent it sets for restricting access to the U.S. capital markets. The Treasury and Securities and Exchange Commission are completely opposed to this measure, and their line has been taken up by the State Department. This was well-known in advance of the Congressional vote, and the fact that the White House allowed this clause to remain in the bill reflects the fact that the new administration has not yet settled into an effective pattern of work. The Administration is certain to oppose the capital markets sanctions provision when the bill goes to the Senate.

32. News of a \$3m U.S. assistance package direct to the NDA was leaked. This is officially described as assistance to enable the NDA to participate effectively in negotiations, including office support and training. This explanation has been questioned by many, on the grounds that the U.S. currently recognises only one negotiating forum (IGAD) which excludes the NDA, and that there is little need to teach Sudanese politicians negotiating skills. The grant gives rise to the fear that the U.S. is simultaneously supporting one side in the conflict while also trying to present itself as an impartial mediator. In practical terms it is unlikely that the money will be provided quickly or utilised effectively. It may even create divisions within the NDA as different parties dispute who is to control it and how it is to be spent.

33. The new administrator of USAID, Andrew Natsios, has visited Northern Sudan. This is the highest-level visit by a U.S. official since 1989. It is an indication of the Administration’s new approach. However, most U.S. assistance remains focussed on the South and much of it is provided through organisations that are highly sympathetic to the SPLA. We can expect mixed and confusing signals about U.S. policy for some time.

34. The immediate challenge for the U.S. is the UN Security Council debate on sanctions against Sudan, scheduled for early August. It appears likely that the U.S. is seeking another postponement. It may be that the Natsios visit and increased relief assistance to Northern Sudan is the quid pro quo for Khartoum’s acceptance of this.

What Next?

35. The JLEI has seized the momentum at present. It may be able to sustain it for some time. One option is a consultative meeting of all the parties (GoS, NDA including SPLA, and Umma) to finalise the list of recommendations. (Southerners are referring to this as a ‘draft Declaration of Principles’, making an explicit parallel with the IGAD DoP.) The meeting would consist of delegations from each party to agree on the venue, timing, procedures and attendance at the full peace and reconciliation conference that would follow.

36. A second option is for the key leaders themselves—Bashir, Garang, Mirghani and Sadiq—to meet at a summit hosted by Presidents Mubarak and Gaddafi, to finalise the proposals. (The SPLA would request that President Moi be invited to such a summit too.)

The parties would then proceed to the peace and reconciliation conference. This option has two main dangers:

- (a) John Garang would run the risk of being isolated at the summit meeting. He might be obliged to insist on principles (e.g. self-determination) that the others do not want to address. He might thus be seen to be the one blocking peace.
- (b) Many groups would feel excluded, and the peace and reconciliation conference might not command popular support across all sections of Sudanese society.

37. The fundamental question for the JLEI is whether it is a *reconciliation* initiative (among the Northern parties) or a *peace and reconciliation* initiative (including the SPLA). If it is to be the latter, then it is essential that the three additional points raised by the NDA are included. Otherwise the SPLA will be unable to agree.

38. Both the substantive content of the JLEI recommendations and the manner in which it has been raised and discussed have served to deepen the distrust between South and North. Southern leaders across the spectrum are deeply suspicious of all Northern agendas related to the Joint Initiative. Ironically, it may have had the effect of creating more obstacles to the unity of Sudan, exactly opposite to its intention.

39. The JLEI may be unlikely to result in peace. However, the momentum for North-North reconciliation is real and has been enhanced by the initiative. Other peace initiatives, such as IGAD and any measures contemplated by the U.S., have to recognise this reality. If there is to be a comprehensive settlement that includes democracy in the North as well as peace in the South, the realities created by the JLEI must be taken into account. However the most likely short-term outcome is a revival of IGAD as a parallel peace process.

40. The acceptance of the JLEI by the GoS and the NDA—which of course includes the SPLA—opens a new opportunity for merging the JLEI and IGAD. The GoS can no longer object to including the NDA in any peace negotiations, having recognised it as a legitimate party to the conflict. Meanwhile IGAD can no longer maintain its claim to be the sole negotiating forum, as both the parties to IGAD—GoS and SPLA—have accepted to negotiate elsewhere. If there is to be a comprehensive settlement, the JLEI and IGAD should be merged. If this does not happen, the JLEI will probably become a forum for just North-North reconciliation, while IGAD becomes a forum for the South.

Appendix:

Original Text of Joint Libyan-Egyptian Memorandum on Sudanese Reconciliation (Sudan Briefing unofficial translation)

Believing in the strategic interdependence between Egypt Arab Republic, Libyan Jamahiriya and Sudan Republic,

Motivated by the historic responsibility to save the unity, security and stability of Sudan,

Desiring to activate and speed up the process of dialogue and successful negotiations,

Reflecting the good intentions of all concerned Sudanese parties,

The Parties hereby declare their commitment to work for the realisation of peace and comprehensive national reconciliation in Sudan based on the following principles:

1. Unity of Sudan, its land and people.
2. Citizenship is the base for rights and responsibilities.
3. Recognition of racial, religious and cultural diversity of the Sudanese people.
4. Guarantee of the principle of multi-party democracy, independence of the judiciary, separation of legislative, executive and judicial powers and promotion of freedom of expression and association in accordance to law.
5. Guarantee of basic freedoms and the right to exercise them and adherence to the protection of human rights in accordance to international instruments and the prevailing values in society.
6. Establishment of decentralised system of rule within united Sudan in a way that guarantees parallel and equitable development, and fair distribution of wealth and power. Moreover, the armed forces and security of the society and citizens shall be national.
7. Adoption of a foreign policy which adheres to execution of national interest of the country and confirms the independence of the national decision. Also the foreign policy should respect the principles and bases enshrined in the international instruments and Conventions including good neighbourliness.
8. The constitution and law should guarantee pluralism, civil and political freedoms, human rights, unity of Sudan's land and people; an Interim Government should be formed representing all political forces to cater for the implementation the political agreement, to organise the National Convention to review the Constitution, fix dates and arrange the general elections in accordance to what is agreed in the Constitutional Conference.
9. All parties commit themselves to immediate and comprehensive cessation of war and all forms of hostilities once they have agreed to the aforementioned principles (1-8).