

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

JANUARY 2002

Overview

1. Senator Danforth's efforts have moved ahead at speed, surprising all parties. He has achieved significant success in the Nuba Mountains, though he has failed to make a breakthrough on aerial bombardment. There is enough success to keep the U.S. engaged and optimistic for now, but also there are enough pitfalls to counsel caution. Both parties are retaining their options for what should happen if the initiative fails.
2. The changing environment, partly brought about by the Danforth engagement, has had other consequences. Among these are the IGAD Summit mandate to President Moi to merge the IGAD and JLEI initiatives, and the declaration of unity between SPLA and SPDF (John Garang and Riek Machar). Danforth's statements in favour of unity and against the option of Southern secession have not gone down well among many Southerners. John Garang has meanwhile clarified his position in favour of self-determination, and obtained greater Southern consensus behind him. The SPLA bottom line for peace negotiations is becoming evident.
3. The GoS bottom line is not yet unclear. This may be because the government is not united, or because it still feels its purposes are best served by minimal tactical cooperation with peace initiatives.
4. As the peace process moves ahead, the stakes are raised. The challenge is to move from the current seriousness-testing, confidence-building stage to substantive negotiations covering the parties' disagreements on both issues of principle and issues of power-sharing. Major obstacles remain. Should the current peace process falter, it is possible that the war would be rejoined with renewed vigour and Sudanese politics will become more polarised.

Senator Danforth's Second Visit and its Aftermath

5. Senator Danforth set four tests for the parties. Two are most significant: the Nuba Mountains and aerial bombardment. There has been substantive progress on one, and not on the other. Both parties are approaching the peace initiative with extreme caution.
6. Nuba Mountains. At a meeting in Burgenstock, Switzerland, in mid-January, the GoS and SPLA agreed to a six-month ceasefire in the Nuba Mountains. This is a detailed agreement for ceasefire and the disengagement of forces to be monitored internationally and to be backed by deliveries of humanitarian assistance and development aid.

7. The GoS delegation to the Switzerland meeting was headed by Dr Mutrif Siddig, a close advisor to President Bashir. This was unexpected as normally Dr Ghazi Salah el Din Attabani would have headed the mission. The six-month ceasefire is the longest ceasefire ever offered by the GoS. The fact that it was agreed and signed, on the spot without referring the matter back to Khartoum, indicates the determination of President Bashir to move ahead on this. It is possible that other members of the GoS would not have agreed to such a substantial ceasefire if they had headed the delegation or had the chance to approve or disapprove it in Khartoum. Ghazi Salah el Din reacted to the ceasefire by talking about conditionalities on the monitors: that they should not come from an 'unfriendly' country and should not be regarded as a precedent for a peacekeeping mission. Subsequently, the GoS has tried to portray the ceasefire as maintaining its control over the area, for example by claiming that the ceasefire monitors will report to the GoS, not the U.S. or U.N.

8. The Nuba Mountains ceasefire is being implemented rapidly. It has been received with unmitigated enthusiasm by the inhabitants of the region. Initially, the GoS tried to keep the ceasefire and the popular reaction to it from the wider public, but this has not been possible. There is a clear momentum for peace as a result. It may prefigure the popular enthusiasm for a wider peace deal.

9. Unsurprisingly, both sides are blaming each other for minor violations. Credible reports indicate that the GoS is responsible for the violations that have occurred. The Nuba ceasefire is likely to see both sides preparing for what may happen should it break down or not be extended. On the GoS side there are indications that lists of community leaders and educated people have been drawn up, who may be targets for a crackdown. While the army will be closely monitored, it is also possible that the GoS will try to use the PDF to provoke deniable incidents, and will mobilise PDF forces for attacks after the six months have expired. Meanwhile, the SPLA is likely to use the time for retraining its forces. It will also try to use humanitarian aid to attract back the civilian populations displaced to GoS camps by the war. Most of these people are eager to return to their homes and to the relative freedoms they enjoy under SPLA administration.

10. Back in November, the U.S. focus on the Nuba surprised all parties, especially the GoS. The GoS has publicly portrayed the war as entirely North-South, especially to its domestic constituencies. The focus on the Nuba Mountains, where about half of the populations are Moslem and the leaders of the SPLA units there are Moslems, has made it more difficult for standard propaganda to be used. This has given a boost to the Nuba civilian politicians in Khartoum.

11. One interesting implication of the U.S. success in the Nuba Mountains is that it creates an abiding political and moral obligation for ongoing U.S. engagement in this hitherto-neglected region. The U.S. has placed itself squarely in the middle of what may be Sudan's most difficult problem.

12. The coming six months provides an opportunity for the Nuba to mobilise to find their own voice. Presently, the Nuba are divided between the SPLA, GoS, NDA-external and NDA-internal groupings. If Nuba representatives are to remain divided between these different camps, then it is unlikely that the Nuba will achieve consensus on what they, as Nuba, see as their collective future. The Nuba have an abiding fear that they will be squeezed in any peace settlement defined in North-South terms.

13. Aerial bombardment. The Government offered a one-month cessation, with an exemption for bombing carried out in 'self-defence'. This was rejected by the U.S. as inadequate. The GoS was not ready to offer a more substantial cessation of bombardment, arguing that this would hand a military advantage to the SPLA, which would not be restricted in its ongoing guerrilla activities, especially in the oilfields. (A point that ignores the fact that much bombardment has been carried on far away from the battle front aimed at, for example, clearly marked civilian targets in Yei.) The GoS would much prefer a comprehensive ceasefire, which would of course remove the SPLA's main bargaining chip—its capacity to put pressure on the GoS by fighting.

14. There is however a substantial point behind the GoS objections. It has hinted that it would like to see a ceasefire as an integral part of a comprehensive peace package. I.e., as with most other negotiated solutions to civil conflicts, a ceasefire comes into effect when the parties are coming close to an agreement. In this respect it ironically echoes the SPLA position, which is that a ceasefire should remain the last substantive item on the peace agenda.

15. The GoS failure to meet the aerial bombardment test, so far, is discouraging. It is not building confidence. Given the political profile of this issue in the U.S., especially among humanitarian groups that have hospitals and aid programmes that have been targeted by the Sudanese airforce, it is likely that Senator Danforth will continue to press this issue.

16. The likelihood of the GoS failing of the bombardment test, underscores the importance of moving at speed to convening the substantive peace negotiations. The mediators should utilise the six months' ceasefire in the Nuba Mountains to make progress on this.

17. Slavery. The GoS has agreed to the establishment of a commission to investigate abductions and enslavement. But government indications of goodwill were somewhat undermined by the arrest, detention and fining of the editor of the Khartoum Monitor newspaper, Nhial Bol, for publishing an article claiming that slavery exists.

18. Ceasefire for immunisation. This has been agreed.

19. A neglected issue in the negotiations thus far has been the war zones in eastern Sudan, specifically Southern Blue Nile and the Beja Hills. Southern Blue Nile in particular remains an area of potentially intense confrontation between the forces.

What Next for the U.S.?

20. What next for Danforth's engagement? It seems likely that Senator Danforth himself will step down from his post in April (his six-month mandate theoretically expires in March). He has other commitments (a major role in investigating the responsibility of the auditors in the collapse of the company Enron), and has consistently said that he would take the position for a short period and make his recommendations to President Bush.

21. The U.S. has revealed much, but not all, of its hand concerning the substance of the issues for peace. Senator Danforth has said on several occasions that he favours the unity of Sudan and does not consider separation a realistic option for the South. These statements have not been well-received by Southerners. However, after years of engagement with peace initiatives, Southerners have learned tact and patience: they will see what benefits can be

obtained from the initiative rather than rushing to condemnation. They do not want to be seen to be the ones opposing any peace mission, especially one from the U.S.

22. The U.S. does, however, seem ready to compromise on separation between religion and the state. Senator Danforth has expressed his concern that Moslems should be allowed to live in a state that reflects their faith. This has gone down well in Khartoum, but not in the South.

23. A basic principle for peacemakers in Sudan has been that the mediators can compromise on either the separation of religion from the state or self-determination, but not both. Many Sudanese suspect that the line taken by Senator Danforth reflects wider U.S. considerations in the region, i.e. concern for Egyptian sensibilities (which in turn reflect Khartoum's priorities: unity plus an Islamic constitution). If this is so, then the Danforth mission so far is a test of the good intentions of both Khartoum and Cairo. The GoS failure to deliver on a key test of good faith (aerial bombardment), may therefore prove a serious tactical mistake. Cairo, meanwhile, needs to make a gesture of goodwill as well—for example clearly expressing its readiness to coordinate with IGAD on the peace process.

24. The anti-GoS lobby in Washington is biding its time. While Senator Danforth is engaged they will not aggressively criticise him, but they continue to expose what they describe as Khartoum's duplicity and bad faith. Should Danforth's mission fail, they will waste no time in pushing ahead with the Sudan Peace Act and measures to support the SPLA, indirectly or even directly.

The British and Norwegian Visits

25. The British Secretary of State for International Development, Clare Short, visited Sudan in January. She is well-known for her impatience with diplomatic obfuscations, and succeeded in cutting to the core of the issues, putting both President Bashir and Dr Garang on the spot with the question, what would you settle for? Previously well-known for her low opinion of the SPLA on humanitarian matters, Secretary of State Short has now moved to emphasising the importance of a just peace that meets the basic demands of Southern Sudanese.

26. The Norwegian Minister for Development Cooperation, Hilda Fraford Johnson, also visited, and was also reportedly forthright. She is also energised to maintain and upgrade Norwegian commitment. Never before have Sudanese leaders received so much focused and determined attention.

27. The U.S., Britain and Norway have formed an informal troika in recent years. While there are subtle differences of emphasis between them, they coordinate closely and back one another up. This raises the possibility that, should the Danforth mission prove inconclusive, either Britain or Norway could take over the baton and sustain the process, with the full backing of the U.S.

IGAD and the JLEI

28. The IGAD Summit in Khartoum marked the culmination of Sudan's escape from isolation. Representatives of Egypt and Libya were present as well as the heads of state and government from all the IGAD countries. A number of bilateral agreements were made.

29. The Summit mandated President Moi to merge the IGAD and JLEI initiatives. This merger has been called for repeatedly over the last two years. The IGAD Envoy, General Lazarus Sumbeiywo, is expected to visit Cairo. However, Kenya and Egypt appear to be paying only lip service to this merger. The two are engaged in a subtle diplomatic dance. It is quite likely that the Kenyan and Egyptian presidents will find reasons not to sit down together as co-chairs of a united peace forum. Moreover, the Kenyan Secretariat, even though Gen Sumbeiywo is highly capable, is not energetic, strategic or focused.

30. One of the key issues for a merged initiative is whether there will be a new Declaration of Principles. The GoS would welcome an opportunity to rewrite the DoP, while the SPLA would resist. It is likely that both Egypt and the GoS will try to use any proposed merger to try to escape from the commitments to discuss self-determination and secularism. However, even if there were to be a formal abandonment of the existing IGAD DoP in any new forum, the SPLA would now insist on any commitment to self-determination as a precondition for serious peace talks. Putting self-determination back on the agenda after having dropped it would be much more difficult than maintaining the existing IGAD DoP in one form or another.

Khartoum's Strategy

31. Ever the master of tactics, Khartoum is once again in danger of missing the strategic boat. The deal implicitly on offer from Danforth is the best that the GoS could expect, but it is not taking its opportunity. Ironically, after a long period in which Khartoum was under serious pressure and the SPLA was given the benefit of every doubt, it is now the GoS that feels little pressure. Some western foreign ministries have become so accustomed to arguing that the west has only used sticks on the GoS and only offered carrots to the SPLA, that they may fail to recognise that the situation has shifted.

32. The GoS is not of course united. Powerful figures believe that if they hold out long enough they can win on all fronts: the U.S. initiative will fail, and they can escape from IGAD, gain a military advantage and then perhaps see a possible settlement on the terms of the JLEI.

33. Islamist columnists in the Khartoum newspapers are vigorously denouncing the U.S. initiative. But the popular support for the Nuba Mountains ceasefire indicates the shallowness of their constituency.

34. At the end of the month, the Southern Sudan Coordinating Council met and postponed the referendum on self-determination, theoretically due in March in accordance with the 14th Constitutional Decree of 1998. A new date was set for March 2004. The implications of this will be examined in the next briefing.

The SPLA Position

35. In the last two months, the SPLA leader has clarified his position on key issues concerning peace, notably self-determination. One reason may have been the frank words of Senator Danforth, reinforced by the British and Norwegian ministers. Previously, the SPLA was given grand, warm promises of solidarity from Washington that did not encourage focussed thinking. A second reason is the strong pressure from ordinary Southerners including the SPLA rank-and-file, clearly if quietly articulated after the abandonment of the Abuja conference. Even though the Southern Political Consensus Conference in Abuja did not take place, sufficient preparatory work was done among Southerners on all sides for a clear consensus to emerge, based on the right of self-determination.

36. The upshot has been that John Garang cannot at present be accused of being the obstacle to peace. His demands are clearer than ever before. Moreover, he knows that should the current peace initiative fail, he has positioned himself to gain from a strong Southern consensus: he would enter a renewed round of fighting in a stronger position.

37. The SPLA-SPDF Declaration of Unity signed by John Garang and Riek Machar was, at the time, unexpected. Both leaders made concessions, perhaps reflecting weaknesses in their respective personal positions. Normally, Garang would have deputed one of his lieutenants to sign the agreement: this time he did it in person. The outcome is to strengthen the position of the SPLA and the South. It is a strong basis for Southern unity.

38. The agreement reflects a new culture of coalition building. It is a major shift away from the principle of (re-)absorption into the SPLA on the terms laid down by the SPLA which characterised previous 'unity' agreements. It opens options for other Southern factions including those in Khartoum. For example, Southern factional leaders aligned with the GoS who are considering taking up armed struggle again will now see rejoining the SPLA as a much more attractive option. It is interesting that when Lam Akol, Minister of Transport in Khartoum, went on an unscheduled visit to his troops in Upper Nile, there was widespread speculation that he had followed Riek and rejoined the SPLA. (Lam returned to Khartoum.)

39. John Garang has made concessions in favour of greater political institutionalisation within the SPLA and has thereby gained a stronger political leadership position. The Nairobi agreement speaks of a confederal system 'as a form of Interim Unity', against those who see confederation as a permanent solution to Sudan's crisis. This can be seen as a move to pre-empt any moves to table a peace settlement that excluded self-determination, up to and including separation. He can now better cover his flank vis-à-vis the more separatist elements within the SPLA.

40. A significant concession by Garang is the reorganisation of the SPLA's armed forces into 'national formations and local defence forces.' This has been one of the calls of the non-SPLA factions in the South since 1991. This will strengthen the SPLA militarily, especially in Upper Nile, and can form a sound basis for further unity agreements with other factions.

41. Meanwhile, Garang's internal strength will be tested at the second SPLM National Convention, scheduled for April. (It is fully eight years since the previous one.) Garang is well-placed to consolidate his control over the institutions of the movement, ensuring that Southern 'civil society organisations' fall into line with the SPLM.

42. Should the Danforth mission fail and Sudan return to all-out war, Garang will find himself in a stronger internal position both militarily and politically.

What of the NDA?

43. The NDA has not made any progress. Its chairman seems uninterested in convening further meetings. Workshops that were promised for preparing the NDA position for peace and constitutional reform have not taken place. The NDA is still awaiting the \$10 million promised by the U.S. government several years ago. For the NDA, this grant is now becoming a test of U.S. credibility. The U.S. State Department is probably unconcerned about its credibility vis-à-vis the NDA, but overlooking the positive role that the NDA can play may lead to missed opportunities.

44. Since it ceased to pose a military threat to the GoS about two years ago, the NDA's role has been as a negotiating forum and possible vehicle for moving towards a comprehensive peace settlement. That role still potentially exists, if the JLEI convenes a peace conference. However, with the NDA marginalised by the U.S. (Senator Danforth skipped his planned visit to Asmara), and ignored even by its own leaders, it is being deprived of even this role.

45. Sadiq el Mahdi continues to position himself cleverly. He has made a point of insisting that no peace deal should roll back agreements that have already been made by the Sudanese themselves, including the commitment to self-determination for Southern Sudan.

Implications

46. The next month is likely to see the parties evaluate the recent progress, scrutinise the Nuba ceasefire, continue to haggle over aerial bombardment, and try to position themselves for the next impetus from the U.S., likely to come with Senator Danforth's report in March or April. One major challenge will then be addressing the substantive issues that divide the parties, finding a way to build upon the existing agreements. The second challenge will be dealing with the procedural issues of unpicking the accretion of the layers of peace initiatives, each of which represents the interests of Sudan's neighbours, in such a way that no outside parties can hold a veto over the peace process.