

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. Prospects for peace in the last five weeks first darkened and then brightened. An irruption of fighting in Upper Nile, instigated by Khartoum, and a hard line by the GoS on the Karen talks on the marginalised areas threatened to derail the IGAD process. But consistent pressure by the mediators has ensured that the talks have continued and modest progress has been made. The talks are due to resume at the beginning of March. The mediators are working on plans to ensure that the parties discuss the marginalised areas.
2. The GoS remains cautiously committed to the peace process. The surest signs of this are the continued presence of Ghazi Salah el Din as the senior member of the GoS delegation and the presence of senior army officers during the negotiation and signing of the ceasefire monitoring agreement. Those who oppose the peace process in the GoS are not, at present, powerful enough to block it. The SPLA is cautiously assessing the GoS commitment. Both sides are keeping open the option of a return to war.

Fighting

3. Serious fighting in western Upper Nile in January posed a severe threat to the peace process and the capacity of the international monitoring system. The fighting was a continuation of the offensive that began on 31 December, consisting of a series of attacks by GoS militia under the overall command of Maj-Gen. Paulino Matiep. Tam, Mankien and Leer were among the locations attacked. The attacks followed the familiar pattern that indicated an attempt to depopulate the oilfields areas and secure areas so that the GoS could build roads and expand the area for oil extraction activities. Several relief centres were attacked, and there are some indications that one of the motivations of the attacks was to prevent relief distributions.
4. There is no doubt that the militia offensive was planned from Khartoum. The question is, why would the GoS jeopardise the progress made in the peace talks and the improving relations with the U.S. government in this way? It can have had no illusions that it would be able to convince the international community that this was merely 'tribal fighting'. Most likely, it was a concession to the pro-war faction within the GoS, an exercise in extracting the best possible territorial advantage before a final ceasefire, and a test of the resolve of the mediators. Disturbingly, it showed that the mechanisms in place for preventing such violations were not sufficiently robust.

5. The Civilian Protection Monitoring Team (CPMT) established by the U.S. to implement the recommendations of Senator Danforth faced its most important test to date. Thus far, the CPMT has not been operating efficiently, as demonstrated by its slow and uncertain response to previous militia attacks in Upper Nile. Its report on the bombing of civilians in September also proved extremely slow, disappointing those who had hoped that it would be able to deploy within hours or at most days of an alleged violation. It is critically important that the CPMT broaden its capacity and skills, and its understanding of its terms of reference, to include not merely monitoring military activities (narrowly defined) but also to making the necessary political contacts at all levels and assessing the political processes that are likely to lead to breaches of the ceasefire. This kind of political intelligence is not difficult to find or interpret in Sudan, and in the right hands could allow for a more proactive role by the CPMT.

6. As a result of the fighting, much of the focus of the Karen peace talks during January and early February was on how to ensure an effective monitoring of the October ceasefire Memorandum of Understanding. An agreement was reached by the conclusion of the talks to create an 'Addendum to the MoU on Cessation of Hostilities between the GoS and the SPLA/M.' This agreement is the most important achievement of this round of talks.

7. The Addendum included four important features. One is that a wider authority should be given to the verification and monitoring team (VMT). This team will be able to travel and investigate on its own authority. The second is that the team will not be composed solely of Americans but will also include representatives of IGAD and the African Union. The significance of this is that, should the U.S. go to war with Iraq and pull many of its citizens out of the region, the monitoring team will be able to continue. The third is that the parties should notify the VMT in advance of all troop movements, including rotations and supply and resupply of forces. Lastly, the parties are to restore the former status of locations taken in violation of the ceasefire MoU since 17 October 2002.

8. The Addendum was signed in the presence of senior GoS military officers, who had participated in its negotiation. Their presence and participation signals the army's acceptance of the MoU terms of reference and the subsequent strengthening of its provisions. In this respect, the Addendum's significance is greater than merely establishing a monitorable ceasefire, it is an unprecedented reiteration of commitment to the peace process from the military command. It is anticipated that this agreement will also have a significant dampening impact on GoS oil exploration activities in contested zones. For example, it will be more difficult for the GoS to expand road building activities, which are associated with military offensives.

9. Another significance of the Addendum is that the warring parties are under an exceptionally high level of international scrutiny regarding the ceasefire and its concomitants. The CPMT and VMT could form the hub of a future peacekeeping force to implement the anticipated peace agreement. By this means, the Sudanese ceasefire is incrementally coming under the purview of international enforcement mechanisms.

10. The Nuba Mountains ceasefire has been extended, and continues to be monitored by an international observer team.

11. The fighting, displacement and interruptions to relief programmes comes at a time when Southern Sudan has suffered drought. The ceasefire and progress in the peace talks should be a promising opportunity for progress in humanitarian access and other actions such as free

movement of people that would assist the population survive the food crisis. If the current GoS-sponsored militia strategy continues, substantial areas of Southern Sudan could witness severe hunger and heightened mortality in the coming months.

Negotiation: The Marginalised Areas

12. The two sides had, it seemed, agreed to negotiate on the status of the three marginalised areas of Abyei, the Nuba Mountains and Southern Blue Nile, in Karen in mid-January. As the date approached, the GoS began to back-pedal on its agreement. It claimed that it had no invitation from the Kenyan Government. The mediators were able to demonstrate that this was not the case. In addition, Khartoum rolled out its standard justifications, namely that the IGAD Declaration of Principles and the Machakos Protocol ostensibly refer to the South only, that had earlier been the reason why these negotiations were not formally part of the Machakos process. More worryingly, the GoS forwarded the claim that since it controls 90% of the territory of the marginalised areas, its military dominance means that it need not negotiate. This was a worrying claim, implying that a military domination could substitute for negotiation, and overlooking the fact that the most important factor should be the wishes of the populace that lives in the area, not territorial control.

13. As a result, the Karen talks were downgraded to a ‘seminar,’ in which specialists brought by the mediators made presentations. This threatened to derail the whole negotiation process. The mediators are currently working to try to ensure that the marginalised regions will be on the agenda when the IGAD talks resume in early March. This will remain a critically important issue that will determine the success or otherwise of the peace process.

14. The Ngok Dinka people of Abyei have forwarded memoranda arguing that they are part of Southern Sudan, along with the more substantial Ngok communities to their immediate South. Moreover, they are arguing that the 1972 Addis Ababa agreement included a provision that allowed them to decide whether they should be part of Kordofan or Bahr el Ghazal, that was never implemented. The 1995 Asmara Agreement, concluded by the NDA, included a provision for a referendum on the same issue. One contentious complication that has arisen is the changing demography of the district due to the settlement of significant numbers of Baggara Arabs on land formerly dominated by Dinka.

Power- and Wealth-Sharing

15. Modest progress has been made on power-sharing. The parties have announced publicly that what they agreed upon, and what issues still remain dividing them, will be kept secret until the next round of peace talks in March. The fact that information about the status of the negotiations is kept so well sealed is encouraging, indicating the seriousness of the parties. However it is understood that two important areas of disagreement remain, namely the status of the national capital with respect to Islamic or secular law, and the powers of the vice president. Both sides are keeping their options open on a number of power-sharing issues, in part so that they can be an arena for last-minute horse-trading when an agreement approaches.

16. The parties have confirmed that there should be a broad-based government of national unity, and that elections should be held in the first half of the interim period.

17. Concerning wealth-sharing, it appears that there is agreement on the criteria for resource allocation, based upon the level of under-development and the population of the different regions in Sudan including the South. Currency arrangements and a commission on oil resources have also been agreed.

18. The wealth sharing discussions have proceeded with technical input from the World Bank and IMF. There has also been encouragement from bilateral donors and the EU, which are indicating willingness to scale up development resources for Sudan in the event of a peace agreement. The fact that all Sudan's major donors are giving a consistent message is an important factor in the seriousness of these negotiations.

19. Another encouraging sign is that the working groups on wealth sharing issues have been chaired by the parties themselves rather than the mediators. One of the weaknesses of the negotiations process in the last year has been that the talks have largely been proximity talks in which the mediators hammer out agreements with each party separately, gradually bringing them closer to convergence, rather than direct negotiations between the parties themselves. This format has the virtue of minimising negative interactions between mutually suspicious participants, but has the drawback that it provides a poor foundation for building a spirit of common understanding. The GoS and SPLA will after all have to work together in a constructive spirit to make any peace agreement work. The fact that the parties themselves are moving towards direct negotiations, albeit incompletely and after a long period, is a necessary development.

20. The Karen peace talks have also expanded their remit in a partial, incremental way to include an observer from the NDA. It is significant that the mediators have been flexible in enabling additional concerns and interests to be represented at the talks in a way that has not derailed the process. This is possible only because of the strong and coherent international consensus that the IGAD process is the only viable process.

Khartoum

21. The militia offensives and obstruction of the marginalised areas negotiations in January indicated that the GoS hardliners were showing their muscle. However, the pressure from the mediators and the overwhelming demand for peace from the Sudanese populace have forced them to bide their time. Moreover, the group aligned with Vice President Ali Osman Mohamed Taha are deeply concerned about U.S. intentions concerning the war with Iraq. Although the U.S. has made clear that its interests are served by stability in the Horn of Africa, which includes peace in Sudan, they fear that Washington may consider other options.

22. The Ali Osman faction is immediately concerned about the next round of negotiations that will include detailed discussions on the powers of the vice president (Ali Osman's current position). They are therefore pushing for substantial representation in the forthcoming round of peace talks. It is expected that Dr Nafie Ali Nafir and Dr Riak Gai will attend, to represent the Vice President's interests. This promises to be a difficult session.

23. Meanwhile, the GoS continues to manoeuvre to try to consolidate the internal Northern political front before any peace deal. The GoS priority in this regard is to woo Sadiq el Mahdi. Negotiations are continuing but Sadiq el Mahdi is understandably reluctant.

24. Despite the popular sentiment in favour of peace, there is as yet no organised movement in support of peace. One reason is the preoccupation of the Northern political forces with the outcome of the peace process in terms of the distribution of political spoils. They have not taken the step to imagining the different political atmosphere and dynamics that could be unlocked by the end to the war. Civil society organisations lack the capacity to mobilise any form of mass movement.

25. The radical Islamists led by Hassan al Turabi are preoccupied with gaining constituencies among young people, especially student unions. Their first response to the prospects for peace was that it was a sell-out of the Islamist line. This is not popular, and has not subsequently been stressed. The Islamists too are biding their time, hopeful that they may be able to ride a surge of popular opposition to U.S. policies across the Arab world. The GoS understands this. Some Islamists who were earlier arrested have been released, but under present circumstances, it is extremely unlikely that Turabi himself will be freed. As a former mentor of Usama bin Laden and also one of the most outspoken supporters of Iraq in the 1991 Gulf War, his presence on the political scene can only be an embarrassment to the GoS.

The South

26. Southern Sudanese civil society is confident following its successes in recent months, but continues to be cautious in building its constituency. It is treading a fine line, pressuring the SPLA and maintaining the momentum for peace. Unlike the Northern civil society, it has a clearer conception of what peace might mean, and it is preparing for those challenges. Southern civil society's immediate priority is reconciliation and unity among Southern forces including the militia allied to the GoS. The need for this reconciliation was amply demonstrated by the fighting of January-February.

27. In Juba, the new Southern coordinating council leadership under Dr Riak Gai is committed to strengthening the militia forces and establishing them as autonomous units independent of pressure from civil society and the general populace. They are actively undermining the peace process. In pursuance of this policy, the militia attacked Akobo in January. Dr Gai is also active in persuading Dr Michael Wal of the SSLM to join the GoS 'peace from within' coalition, and bring his forces into part of the GoS militia alliance.

28. The next civil society conference is planned for Entebbe, attempting to further the process of reconciliation among the Southern leadership. This is another important opportunity that warrants the support of the international community.

The Region

29. The Kenyan role has remained unchanged despite the change in government. General Sumbeiywo has continued as mediator general. The new government has publicly and privately continued precisely where its predecessor left off.

30. The conflict between Sudan and Eritrea has not been resolved. An AU team has been involved in mediation for several months. It is taking its job very seriously. The team has kept its trips and their outcomes tightly sealed with virtually no information leaking out. During the last trip, the team visited Khartoum but the Eritrean Government said that it was not an appropriate time to come to Asmara. It seems likely that, as the Khartoum-Addis

Ababa-Sanaa axis increases the pressure on Asmara, through its support to the Eritrean opposition, President Isseyas Afewerki prefers to keep his options open. With United Nations monitors on the Ethiopian border (and demarcation of that border due to begin in May), having an international presence on the Sudan border as well would limit his opportunities for military strikes against the opposition.

31. The IGAD peace process has been a hybrid of regional and international engagement, led by the Kenyans. With the exception of Eritrea, the IGAD member states are unquestionably committed to the peace process, although their role has been secondary to that of the Kenyans and the U.S.-Britain-Norway troika. However, the practicalities of engagement depend crucially on the qualities of the member states' Special Envoys and their backup teams. Upgrading the IGAD governments' representation at the peace talks will be important as the process moves towards fruition.

The United States

32. The U.S. role remains pivotal. The U.S. administration has made it clear to all sides that U.S. interests are served by a peaceful settlement, preferably achieved in the second quarter of the year. The U.S. sees President Bashir as a credible interlocutor, and believes that the best outcome is a united Sudan. Should the peace process fail, however, U.S. interests may involve reverting to its earlier policy, under the Clinton Administration, of seeking regime change.

33. Sustaining U.S. pressure and momentum over the coming months will be an important challenge, especially if war starts with Iraq. Thus far, the U.S. has surprised sceptics with its firmness and sustained focus on the Sudan peace process. The active roles played by the other key international mediators, notably Britain and Norway, have proved pivotal in this. It is an interesting and instructive example of an ad hoc multilateralism, that is somewhat unusual in the current international environment.

Conclusion

34. The issues remain the same as before. The difficult issues of the marginalised areas, power-sharing and wealth-sharing still need to be resolved. Significant progress on ceasefire monitoring has wider positive implications. The negotiating formula is working, for now at least.