

# PROSPECTS FOR PEACE IN SUDAN

## BRIEFING

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### Overview

1. The likelihood of a peace agreement in the middle of 2003 was increased by the meeting between President Bashir and Dr John Garang. However, the impetus on both sides appears to be primarily a fear of being seen as an obstacle to peace. There is little mutual confidence.
2. The Summit meeting has not translated into progress in the negotiations. This is profoundly disappointing. On the substantive issues, including the marginalised areas and security arrangements, there has been no progress. This mismatch between an imposed optimism from on high and lack of progress on the real issues, is disturbing. The lack of progress on security issues is particularly worrying, as peace treaties tend to stand or fall on the basis of the security arrangements contained therein. Sudan's conflict will not be an exception to this. For this reason, the mediators are downplaying the prospect of a June conclusion to the talks. Intensified efforts are needed on the security arrangements issue, to ensure that they are more inclusive and the agreements viable.
3. The war in Iraq has not had the feared consequence of distracting U.S. attention or leading to the withdrawal of U.S. personnel en masse. However, the widespread demoralisation at the Iraqi military collapse and the U.S.-U.K. occupation of Iraq is likely to have long-term implications for Sudan. Any future referendum on self-determination in Southern Sudan will be widely interpreted in Arab countries as part of a U.S.-led plan to dominate the Arab world, if necessary by partitioning Arab states.
4. The rebellion in Darfur has gained momentum with dramatic attacks on el Fashir and Nyala, the two main cities in the region. These attacks come as a severe shock to the government, and there are serious fears that the result will be scaled-up counter-insurgency activities and a clampdown on citizens suspected of sympathising with the rebels. The Darfur situation is on the brink of spiralling beyond control.

### The Nairobi Meeting

5. President Omer al Bashir and Dr John Garang met in Nairobi, in the presence of President Mwai Kibaki, on 2 April. The fact of the meeting was significant, only the second time that the two have met since the start of the war almost twenty years ago. The timing was also important, indicating a determination of the parties and the mediators to remain on track despite the war in Iraq. The formal outcome of the meeting was encouraging, consisting of a

joint communique that expressed mutual determination to reach a final settlement by the end of June. Even if this deadline is not met, the commitment is encouraging.

6. According to reports, however, the meeting was not marked by mutual confidence. The rapport that was created in their Kampala meeting in July 2002 was not re-established. The two leaders are each under extreme pressure from the U.S. other mediators and the Sudanese people to resolve the conflict rapidly. Moreover, the context of the war in Iraq sharpens the need for President Bashir not to be seen as an obstacle to peace. The commitment to peace appears to stem more from a fear of the implications of continuing the war, than of a deep readiness to work together. Subsequent to the meeting, John Garang has continued to express his scepticism that the GoS is negotiating in good faith.

### **Implications of the War in Iraq**

7. Before the U.S. and U.K. forces launched the war on Iraq, there were fears that an Iraqi conflict might derail the Sudan peace process, either through the destabilisation of the GoS by militant protests, or through the U.S. diverting its attention from Sudan and perhaps withdrawing most of its nationals serving on the diplomatic team and on the monitoring teams. These fears did not materialise. The U.S. has continued to its consistent focus on achieving peace, and the ad hoc multilateralism of the international engagement in the peace process has also ensured that neither party can consider any wavering of U.S. attention as a reason to break off the talks.

8. In the short term, the war on Iraq and in particular the overwhelming military victory of the U.S.-U.K. forces has meant that pressure on the GoS to negotiate has been maintained. President Bashir is fearful that, should he be seen to be an obstacle to peace, the hawks in the U.S. administration will find his government a tempting target. The U.S. threats to Syria have heightened that fear: like Syria, Sudan is suspected of having chemical weapons, and high-level U.S. security officials continue to defend strenuously the decision to destroy the al Shifa factory in 1998. Hence, the GoS has been exceptionally quiet during the Iraqi war, and has expressed only pro forma disapproval of the Coalition attack. This is in stark contrast to Hassan al Turabi's vehement support for Iraq during 1990-91, an act of bravado that hugely contributed to a decade of international isolation for Sudan. The Popular National Congress of Hassan al Turabi has been outspoken and has organised demonstrations. Turabi himself, of course, remains in prison. The civilian Northern opposition has been more critical of the U.S. war than the government has.

9. The Sudanese population has seen military authoritarianism at first hand, and has learned to be sceptical of its appeals to nationalism and religion. Sudanese people appreciate that Sudan needs to deal with its own problems on its own terms, and deal with America in the context of American-Sudanese relations. The war showed that both the government and the other political forces concern are preoccupied with local issues. Protests against the war did not reach the size they did in other Arab countries, and instead turned to anti-government demonstrations.

10. In the long term, however, the fact that the GoS is likely to sign any peace deal with the SPLA under the shadow of the U.S. victory over Iraq, may cause complications for the sustainability of such an agreement. In future, President Bashir will be tempted to argue that, in effect, he signed the peace agreement under duress, in order to keep the U.S. from

attacking Sudan. In addition, the demoralisation of the Arab countries following on from the ignominious defeat of the Iraqi army and the U.S.-U.K. occupation of the country, will cast a shadow over Northern Sudanese people's coming to terms with a peace deal that provides self-determination for Southern Sudan. In the future, especially as any Referendum on self-determination draws near, Northern leaders will be tempted to draw a parallel between the Israeli partition of Palestine, the U.S.-U.K. occupation of Iraq, and the U.S. backing for the SPLA in its exercise of self-determination in Southern Sudan. The parallel is spurious, but the language of neo-imperial domination may have sufficient resonance to cause difficulties. The GoS will find ready support across the Arab world, especially in Egypt, for such a stand, especially if it is presented as a principled resistance to U.S. hegemony.

11. The speedy collapse of the Iraqi regime also gives hope to Sudan's democrats, who see that authoritarian regimes rely heavily on rule by fear, but fall apart like a house of cards when seriously challenged.

### **The Marginalised Areas**

12. The talks on the three marginalised areas ended with little progress. The Abyei committee never managed to meet at all, stalled by the fact that the GoS delegation was led by an army officer from the Baggara Misiriya. The Nuba Mountains committee did not succeed in moving beyond the issue of self-determination. The Blue Nile committee made modest progress.

13. Both parties remain at the stage of insisting that their position is the correct one and there is little on which to compromise. Each is trying to impress the justice of their case rather than seek common ground. However, as outlined in the March briefing, the talks on the three areas are at a relatively early stage compared to those for the South and national issues. The talks will resume at some point in the coming months.

14. The ceasefire in the Nuba Mountains has been renewed, for the fourth time. The continuation of this ceasefire, despite complaints of various kinds on both sides, is creating a new reality on the ground.

### **Security Arrangements**

15. Security arrangements were the principal focus for the most recent round of talks, which began on 8 April and lasted until 16 April. The agenda was only agreed after a delayed opening and then two days of deadlock, leaving only two days for inconclusive talks on the substantive issues. This Briefing has long feared that security arrangements will be the most protracted, complex, divisive and sensitive round of negotiations. The strategy of coming to it last, when many of the immediate security issues had been addressed through ceasefire and monitoring arrangements, was sound. But a range of key strategic issues remained outstanding. Central to these is whether Sudan should have one army or two. In the Addis Ababa Agreement of 1972, this was resolved hastily on the authority of the Emperor Haile Selassie, who insisted that one country should have only one army. Southern Sudanese—including an Anyanya captain, John Garang—regretted that concession later, and issues over the status, deployment and command of Southern forces in the national army became the spark for the second civil war.

16. The talks on security arrangements broke up without agreement. The parties presented diametrically opposed positions. The GoS demanded a single national army (in contradiction to its position in earlier agreements), while the SPLA insisted on a version of its confederal arrangement, with the GoS to withdraw its forces to above the thirteenth parallel. The failure to make any progress on this issue is dispiriting. The parties could not even agree on an agenda for the next round of talks on this issue: the GoS claimed it had reached agreement on an agenda, while the SPLA called it ‘talking points’ only.

17. The GoS and SPLA have agreed that they are the sole parties to the negotiations on security arrangements and the disengagement of forces. This is unfortunate, as other Southern Sudanese armed groups could easily derail the peace agreement if they are excluded. They would like to be part and parcel of any mechanism for constructive disengagement of forces under the IGAD-negotiated agreement. These armed groups, specifically SSDF, SPLM-United and SSLM, have separate peace agreements with the GoS that include the continuing and separate existence of their forces up to the end of the interim period. They will not accept disbandment or being given the option of joining SPAF or SPLA. They will instead stick to their existing security agreements with the GoS, or accuse the GoS of dishonouring those agreements and resume hostilities in their respective locations. Any such disruption of the peace agreement could be catastrophic in human, material and political costs. The IGAD mediators are advised to consult the 1997 Khartoum Agreement (subsequently incorporated in the 1998 Constitution) and hold the GoS to its commitment to separate co-existence of armed forces. (Chapter 6 of the Khartoum Agreement, point (i), reads ‘The South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.’)

18. It is important to categorise the armed groups present in Southern Sudan. These include the following:

- (i) Sudan People’s Armed Forces (SPAF)
- (ii) Sudan People’s Liberation Army (SPLA)
- (iii) SPLM-United forces
- (iv) South Sudan Liberation Movement (SSLM)
- (v) South Sudan Defence Force (SSDF)
- (vi) Popular Defence Forces (PDF)
- (vii) Public Security Organ Forces (PSOF)
- (viii) GoS militias
- (ix) Armed bandits
- (x) Lord’s Resistance Army (Ugandans)

Certain of these forces will need to be disbanded. Some will need to be withdrawn from the South. Some will need to disengage constructively in the accordance with the security arrangements process and agreements. The IGAD discussions should be on the role, duties, tasks and other technicalities of the co-existence of these forces. Forces (i)-(v) should be constructively disengaged. Forces (vi)-(x) should have their role terminated. In addition, all armed minors (child combatants) in all forces should be demobilised and placed in programmes for rehabilitation.

19. Other issues that need to be discussed within the security arrangements negotiations include the security of the leadership of the parties, once the peace agreement is signed. The question of immunity from prosecution for abuses committed during the war will also be

important. A general amnesty will doubtless be preferred by many political and military leaders on both sides. However, such an amnesty need not be universal. Careful attention needs to be given to balancing the demands for amnesty and forgiveness, which may be essential for the establishment of a workable peace, and the demands for truth and justice, which are intrinsic to establishing human rights.

20. The current cessation of hostilities will expire in June. It is important that it is renewed and that a detailed agenda for the next round of talks on security arrangements is agreed before then. Some progress is needed, or the parties may feel that the MoU on the ceasefire is being taken for granted, and there will be incentives to violate it. This calls for vigorous attention to the security agenda by the mediators.

## **Khartoum**

21. The GoS and the Congress Party are discussing their strategy for the coming round of peace talks. The issue of the vice presidency in the power sharing formula is a major concern to the powerful faction, led by Ali Osman Mohamed Taha. This faction is also seen as a powerful force behind the Southern Sudan Coordinating Council, which is creating significant problems with respect to Southern unanimity on security arrangements.

22. The GoS is happy at two favourable international developments. It has escaped censure at the UN Human Rights Commission, and escaped sanctioning by the U.S. Administration in the latter's report in fulfilment of the Sudan Peace Act. These are tactical successes. However, the GoS would be unwise to bank on these successes, which can easily be reversed if it is intransigent at the negotiating table, and/or its human rights violations cause international outcry.

23. The occasional confiscation of newspapers and arrest or apprehension of journalists is continuing. Students are also at risk. Progress towards human rights liberalisation is painfully slow and constantly in danger of regression under the abiding authoritarian and repressive instincts of the powerful security organs of the state.

24. The Umma Party has held its first Congress since the parliamentary regime of the 1980s. As expected, Sayed Sadiq el Mahdi was unanimously elected as leader. The conference was hailed by many observers as a hopeful sign of the revitalisation of the democratic culture within the Northern Sudanese political scene. The Umma Party also mended fences with the SPLA in Kampala. The parties agreed to cooperate to achieve peace and democracy, putting aside their differences over recent years. The leaders agreed to meet in May.

25. Meanwhile, a group of political parties, including the Umma Party, has created a forum aimed at enhancing the peace process. This is calling itself 'Sudan First.' The group endorsed the Machakos peace process and rejected any calls for the separation of the South, exception within the Machakos-mandated process of self-determination. In this context it should be noted that some Islamists, led by the State Minister for Information (and maternal uncle of the President), El Tayeb Mustafa, have called for separating the South and the North without waiting for the six year interim period and the Southern vote on self-determination.

26. The Union of the Marginalised Majority has been created, consisting of a range of politicians representing constituencies in the South, west and east. It includes individuals with

such contrasting political histories as Mansour al Agab (a prominent anti-Islamist and former MP from Blue Nile) and Ali al Haj (a leading Islamist from Turabi's camp). It is a diverse group that is unlikely to coalesce into a strong and cohesive force. The creation of the force however demonstrates the fluidity of political affiliations in Sudan, especially the North, as the political space is gradually opened up.

## **The South**

27. The Southern Government has been formed at last. It has about 24 constitutional post holders. This is the largest ever government formed since the 1989 coup. Armed groups allied to the GoS are dominant. This seems to be a strategy of appeasing the multiple armed groups and a recipe for divide-and-rule among them.

28. Some disgruntled members of the SPDF made an announcement declaring the collapse of unity talks between the SPLA and SPDF. Cdr Chol Gakah, former Commissioner for Eastern Upper Nile under the administration of Dr Riek Machar, signed the document. Cdr Chol himself reported to Khartoum on 17 April, making the announcement somewhat suspect. It is to be noted that some SPDF members expressed their discontent at what they considered their marginalisation and non-representation in the current peace talks. However, it is clear that the leadership of SPDF and the majority membership remain committed to unity with the SPLA. The current discontent can and should be resolved through dialogue and persuasion. Southern Sudanese are increasingly impatient with military commanders who seek to split their movements and resolve disputes by force: there is a consensus that too many lives have been lost this way, and South-South dialogue is the way of the future.

## **Darfur**

29. The Darfur insurrection, led by the Sudan Liberation Movement/Army, is spiralling out of control. The identities and agendas of those leading the rebellion are still unclear, as is the GoS strategy in response. One thing is clear: the rebellion enjoys much wider support in Darfur than had been expected, reflecting the disenchantment of many Darfurians at their long history of marginalisation by Khartoum.

30. The rebellion was dramatically escalated by an attack on el Fashir, regional capital, on 25 April and on Nyala, the capital of south Darfur. These were spectacular raids that shocked the GoS. The raids sent an unmistakable political message, although they may have given the impression of a greater military capacity than the rebels actually possess.

31. The GoS prefers to treat the insurrection as primarily a case of external infiltration. To that end, President Bashir met his Chadian counterpart, Idris Deby, and agreed to monitor the border and prevent infiltration. Some in Khartoum have accused the SPLA of supplying the rebels.

32. In response to the el Fashir attack there has been a security clampdown, with many leading figures in Darfur arrested as sympathisers. A state of emergency has been declared. Special courts that are already in operation, in response to the deteriorating security situation in the last year and the eruption of violent local disputes in a variety of different localities, are likely to be used to expedite the conviction and punishment of many of those arrested. These

special courts are well-known for passing sentences such as amputation and crucifixion, and their reputation alone will intimidate many.

33. In this context, it is worth recalling the 1991 SPLA incursion into Darfur, led by a former NIF leader who had joined the SPLA, Daud Bolad. The incursion was aimed at fomenting precisely the sort of insurrection that has now occurred, but was poorly planned and implemented. The force was confronted, defeated and dispersed, and Bolad was captured and never seen alive again. On his person, the GoS found his notebook with the names of his sympathisers and contacts in the region. On that occasion, the GoS response was level-headed: there were arrests and a crackdown, but no indiscriminate attacks on communities suspected of sympathising with the SPLA. (That sort of overreaction had contributed to the intensification of the war in the Nuba Mountains.) However, the reasons why a significant number of Darfurians were so deeply opposed to the Khartoum administration were neither investigated nor remedied. It should also be pointed out that Darfurians' hostility is aimed at successive regimes in Khartoum, and not specifically the current government. In important respects, the NIF developed a genuine constituency in the region. With the internal split within the NIF, the Darfurians overwhelmingly sided with the Turabi faction.

## **The NDA**

34. The NDA Leadership Council met in Asmara on 19 April. On the agenda was a proposal from the Sudan Communist Party to return to Sudan once a peace agreement has been reached. Earlier, this proposal had been received with mixed reactions within the NDA. Some NDA members argued that the NDA should be part of any agreement, if its members are to return. Others argued that the NDA's place is in Sudan, whether or not it is part of the peace agreement. Closer coordination between the NDA Peace Committee and the SPLA negotiating team was also on the agenda.

## **The Region**

35. The boundary problems between Ethiopia and Eritrea are still not resolved politically. The fact that the Boundary Commission placed the small town of Badme, whose forcible occupation in May 1998 sparked the war between the two countries, just inside Eritrea, has caused enormous political difficulties for the Ethiopian Prime Minister. His government had pledged itself to abide by the decision of the Boundary Commission, and he personally had insisted that the war was not for territory, but to uphold the principle of not accepting aggression. But popular opinion in Ethiopia, especially in Tigray, continues to interpret the war as a territorial contest, and is very reluctant to accept that, following Ethiopia's military victory, it should withdraw from the territory it won. The internal political struggle arising from this dispute is rendering the Ethiopian government unable to play a proactive role in Sudan at present. Meanwhile the humanitarian situation in the country is extremely precarious and may descend into widespread acute hunger in the coming months.

36. The Iraqi war has for the first time aroused distinctively Muslim sentiment in Ethiopia. The country has been marked by very good inter-religious relations, despite provocations by extremists over the last decade. But there are signs that this may change. The Muslim community was dismayed by the Ethiopian government's support for the U.S.-U.K. war. An attempted demonstration by Muslims in Addis Ababa, after Friday prayers, was prevented by armed police.

37. Eritrea remains in political paralysis. The Eritrean President's attempt to woo the Pentagon to establish U.S. military bases in his country did not succeed, and with the Iraq war now over and the U.S. base in Djibouti being substantially upgraded, he appears to have lost his chance.

38. The political situation in Uganda has also deteriorated sharply. Relations with Rwanda have become more acrimonious and there is a genuine fear that the two countries may go to war. The President is openly canvassing the option of seeking another term in office, to the dismay of those who had hoped for a democratisation of the political system (which still does not prohibit political parties to contest for office). Meanwhile, the LRA insurrection in the north continues more than a year after the Sudan-Uganda military pact was signed, demonstrating the government's political failure to address this problem. In response, President Museveni has suspended the ceasefire that was in force, and has despatched increased forces, including helicopter gunships, to the north.

### **The Sudan Peace Act**

39. President Bush has responded positively to the progress made thus far in the peace talks, recognising that the GoS has passed the test set for it by the Sudan Peace Act. This gives the GoS a further six months before another assessment needs to be made. This decision will disappoint the anti-Khartoum lobbies in Washington DC, but reassures the GoS. The findings on the Sudan Peace Act do, however, provide the basis for a less positive decision in six months time.

40. Many Sudanese are less optimistic that the parties are negotiating in good faith. There is an overwhelming sense of disappointment among most Sudanese at the lack of progress in the last rounds of negotiation. Many fear that the window for peace opened by the Machakos Protocol is now closing, and their hopes for peace are slipping away.

### **Conclusions**

41. The foundations for substantive progress towards peace exist. As the parties get closer to their deadlines, it is understandable that they become more nervous. However, pressure should be exerted and mechanisms found for ensuring that progress is sustained. Among these are the following:

- (a) The parties should be held to prior agreements signed between them and other Sudanese military-political groups. The literature of accord on security arrangements includes relevant provisions in the 1997 Khartoum Agreement and other agreements. In these, the GoS has formally agreed to maintain multiple armies in the South until the end of the interim period. The current GoS position on a single army during this period contracts this provision (which is actually contained in the Constitution of the republic). The mediators should familiarise themselves with these provisions in the literature of accord. (They are reproduced in the Justice Africa booklet on the subject, published in 2002.)
- (b) Hagglng over the agenda should be minimised. All serious issues need to be addressed if the parties are to reach a good faith agreement. Procedural stratagems

only postpone serious discussion. Dates on the next rounds of peace talks should be announced only when the agenda has been agreed.

- (c) The June deadline for a final agreement is looking improbable. However, the mediators must not allow prevarication by the parties: pressure should be maintained to ensure that negotiations continue in good faith on the substantive issues.