

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

MARCH-MAY 2004

Justice Africa
19 May 2004

Overview

1. Sudan is at the brink of peace and in the depths of war. The internal repercussions of the war in Darfur are proving far more destabilising than the GoS had ever anticipated. This instability interacts with international condemnation, which is increasingly vociferous. The IGAD peace process has been hanging in the balance, but under considerable pressure made progress towards resolution on most of the outstanding issues. The conflict in Darfur threw the GoS peace efforts into disarray, dividing its political and diplomatic energies. Fearing the hand of Hassan al Turabi and his Popular Congress party in both the Darfur insurrection and an alleged military putsch, the GoS has moved sharply against the Turabi wing of the Islamist movement.
2. The Darfur conflict has received a high level of international attention, and there have been rapid moves towards establishing a credible mechanism for mediation. A very positive sign is that the international consensus that underpinned the establishment of IGAD as an effective peace process, is already in place in support of the African Union efforts to mediate the Darfur war. However, the necessary energy and political creativity needed to resolve the Darfur issue may divert energy from the IGAD process while also introducing new complications. Meanwhile, the parties themselves are a long way from initiating a credible process of political dialogue. Even the issues on which a political negotiation should be based have yet to be identified.
3. The Sudan Government violation of cessation of hostilities agreement continues in Upper Nile Region. The Shilluk Kingdom is a humanitarian and human rights disaster zone. GoS militia rampaged through the area with impunity despite the UN verification team's concern and condemnation. The same civilian destabilisation is taking place in areas of Nasir (Mading) and Akobo. Such actions make the civilian population in the South sceptical of any peace agreement without robust security arrangements implementation mechanism that includes international peacekeeping.
4. The IGAD process is inching forwards. While the issues of Abyei and power sharing have been resolved, the questions of the status of Khartoum, and (implicitly) the implementation of the security arrangements remain outstanding. The main actors are shuttling in and out of Naivasha, their attention distracted. The prospects are good for a final agreement before the end of May. But in the current context, such an agreement amounts

mainly to a challenge to address the outstanding issues in Darfur, Upper Nile, and on the implementation of the peace agreement for the South.

The Darfur War and Atrocities

5. Numerous credible accounts of atrocities including massacres, rape, burning of villages and bombing of civilian targets are emerging from Darfur. Incidents of the deliberate starvation of communities have also been reported, notably at Kailak where a team of experienced UN humanitarian workers was shaken by what they observed on a fact-finding mission. Most disturbingly, these atrocities do not appear to have been confined to the period of the GoS offensive of January-February, but have been continuing subsequently, even after the 'humanitarian' ceasefire agreed in early April. The Janjawiid militia are implicated heavily, but the air force has also been attacking civilian targets. There are growing problems of hunger, thirst and serious risks of epidemic disease, particularly among the 130,000 refugees and up to 700,000 internally displaced. Darfurians famed ability to withstand hardship will not be enough to prevent a major humanitarian catastrophe, especially if the crisis is prolonged into the rainy season, so that people cannot cultivate, and humanitarian access becomes all-but-impossible because of the lack of roads.

6. The co-incident that this disaster hit the headlines on the 10th anniversary of the launch of the genocide in Rwanda has contributed to a very high international profile, which has even included a call to consider military intervention from the UN Secretary General. The GoS has shown its ugliest international face, including outright denials and obstruction. It does not appear to have learned the lesson that such stonewalling carries no credibility and gains it no friends.

7. While the human rights dimensions of the crisis have rightly garnered most attention, it is also an actual and potential humanitarian crisis. At the best of times, most of the population of Darfur lives in poverty, constantly vulnerable to food insecurity. If the large population of refugees and IDPs is unable to return home and farm in the coming weeks, they will be dependant on external assistance for a further 12-18 months. In addition, because the rural population depends heavily on trade, exchange and seasonal labour, even those communities that are still in place, will likely suffer hunger and impoverishment over the coming year.

8. There are many reports of the destruction of orchards and irrigation ditches. Traditional land tenure systems in Darfur provide for usufruct rights only, but while physical evidence of the investment of labour by a farmer—such as fruit trees, terraces or irrigation works—remains, then that usufruct right continues to hold. These actions are clear evidence for a land grab by the Janjawiid. There are also numerous accounts of the destruction and desecration of mosques, which is also a blow at the moral heart of the attacked communities.

9. The militia and even regular troops have crossed into Chad on more than one occasion, attacking refugees there. This has caused tension between Chad and Sudan and has the potential for destabilising the delicate power balance in Ndjamena.

10. The GoS played a cynical political game to minimise the chance of condemnation at the UN Commission for Human Rights, which succeeded in its immediate aim, but also succeeded in alienating both the UN High Commissioner for Human Rights and a number of influential governments, notably the U.S. The UNHCHR unsparingly documented appalling

abuses by GoS forces, and spoke of 'war crimes/crimes against humanity' and 'a reign of terror.' Human Rights Watch has described the situation as 'ethnic cleansing.' There are increasing calls by influential human rights organisations for military intervention in Darfur to prevent atrocities.

Political Repercussions of Darfur

11. The war in Darfur threatens to paralyse and fragment the GoS. The conflict reaches into the heart of the GoS power structure and the wider socio-political consensus of northern Sudan in a more destabilising way than the war in the South ever did. If the Darfur conflict is not resolved rapidly and decisively, the GoS may become incapable of governing. This would benefit nobody. But the ruthlessness with which the security elite at the heart of the GoS have operated, and their readiness to turn Darfur into an ethics-free zone, mean that Sudan's future stability rests on the political exclusion or containment of key members of this security elite.

12. Many middle-ranking and senior army officers hail from Darfur. Reportedly, a number of senior air force officers refused to bomb civilian targets in Darfur, leading to fears of a widespread refusal to obey orders or worse. There is also discontent among army officers about the use of the Janjawiid militia. The levels of disquiet in the army over Darfur should not be underestimated.

13. The GoS continues to see the Darfur rebellion largely through the lens of its own intra-Islamist dispute. This has contributed to the arrest and detention of Hassan al Turabi and the closure of the PCP. These actions are unlikely to have the desired effect. While Turabi's potential for destabilising any political process can never be underestimated, his control over events in Darfur is minimal at best.

14. In truth, the Darfur conflict signals the end of Sudan's Islamist project. The National Islamic Front was always a coalition between Arab nationalists and Islamists, a coalition signified by Turabi's Popular Arab and Islamic Conference, established in 1991 to bring together radical Islamists and Arab nationalists (the secularist Palestinian George Habbash was among the non-Islamists who attended the first conference.) Within Sudan, the Arab tendency was primarily represented by the elites of the northern region who have traditionally dominated the Sudanese state. The Arab supremacism of members of the former Islamic Brigades who had been in exile in Libya in the 1970s and 80s is a second, more neglected component. The Islamist tendency reached out to non-Arab groups that had been marginalized in the Sudanese state, notably including the Fellata, Zaghawa and Fur. (The Fellata, descendants of west African immigrants from the pre-colonial and colonial periods, first received Sudanese citizenship under the NIF).

15. Hassan al Turabi's sympathy for the JEM rebels is therefore more than simple opportunism. It indicates his appreciation that the GoS has abandoned its last Islamist credentials, and is simply interested in power. The Darfur conflict has sundered Sudan's Islamist coalition right down its most sensitive fault line: race. The GoS looks more and more like an ethnic and political minority that has control over state power and wants to keep that power at any cost, knowing full well that any liberalisation will spell its political demise.

16. By the same token, the war in Darfur could easily prefigure a conflict that could tear apart the fabric of the Sudanese state itself. The GoS is doing its utmost to black out any news from Darfur and keep the citizens of Khartoum in the dark. This is for the real fear that determined

opposition could spread to the capital. The arrest of army officers including air force commanders alleged to have been planning a coup reflects this fear. However hard it tries, the GoS will be unable to prevent news of the Darfur atrocities reaching Khartoum, and fuelling opposition.

17. The Darfur conflict is irrevocably internationalised. Despite the best efforts of the GoS to argue that it is an internal or at best a regional affair, it cannot any longer rebuff international engagement. The GoS strategy of a rapid all-out offensive in January-February, intended to defeat the rebels and present a fait accompli to the international community, has completely backfired. Rather than dividing the international community, the GoS has further united it in horror at what is going on. Military incursions into Chad have been very unhelpful to the GoS diplomatic strategy. The fact that France played a key role in initiating the international mediation efforts means that the GoS has little chance of playing off the U.S. against Europe.

18. Even more seriously, the level of outrage among all social and political classes in northern Sudan has surpassed anything witnessed during 21 years of war with the South. The Darfur conflict hits all the most sensitive points of the government. It divides the Islamist movement, it pits the riverain elites in government against the westerners, and it challenges the unity of the armed forces. In this situation, the GoS is in serious danger of disintegration, and must seek additional sources of political support. The logical source for stabilising the GoS leadership is the SPLA, if it were able to accelerate the IGAD peace process and bring the SPLA into government. The National Congress Party leadership indeed made an opening in this direction. However, the GoS appears unwilling to make the sorts of rapid concessions required to bring the Naivasha talks to a successful conclusion, and of course the SPLA's interest in stabilising the GoS is limited. The SPLA rebuffed the NCP opening.

The Darfur Arabs' Point of View

19. The Arabs of Darfur have their defenders. Members of these communities make a number of claims. First, they have argued that they too have been the victims of human rights violations, including massacres, at the hands of the SLA and JEM. Certainly there are credible allegations of such abuses, some of them reported in documents by Human Rights Watch and the UNHCHR, that warrant further investigation. Second, they claim that the war was started by the military insurrection of the rebels. This is not in dispute, but it is also not questioned that Darfur has long been neglected by central government (and indeed that the Darfurians Arabs were as much victims of that neglect as the non-Arabs). Furthermore, they argue that minorities in Darfur have suffered at the hands of the SLA and JEM, which are dominated by the Fur, Masalit and Zaghawa. This claim also warrants investigation. There are more than forty ethnic groups in Darfur. There has been very little attention to the plight of those that are neither members of the Arab confederacy nor the big three of Fur, Masalit and Zaghawa. These groups include the Berti of eastern Darfur (who have a tradition of political quiescence), the Meidob of north-east Darfur (camel herders with livelihoods similar to the Zaghawa), numerous farming groups scattered through the central belt including Daju, Gimir, Tunjur and Fellata communities of West African origin, and smaller groups in the south historically associated with the Fertit of western Bahr el Ghazal.

20. Lastly, spokesmen for the Arabs claim that the current conflict is a continuation of a history of dispute over territory between farmers and herders, in which farmers have usually got the upper hand. There is an element of truth to this. Since the mid-1980s there have

indeed been numerous clashes and although in direct military confrontations, the herders may get the better of the farmers, in the long run sedentary farming communities have the upper hand in terms of expropriating pasture land and blocking transhumance routes. But it is important to note that before the 1980s, the most common clashes were between pastoralist groups themselves, and large scale fighting between herders and farmers began only in that decade. This irruption of conflict had clear political dimensions, beginning with struggles to control the regional government of Darfur (established in 1980), and intensifying with meddling by the Sadiq el Mahdi government after 1986 and the return to Darfur of former Ansar fighters who had been in exile in Libya, where many of them had been members of Ghaddafi's Islamic Brigade, and where they had absorbed an Arab supremacist ideology.

21. Sadly, neither party to the conflict has emphasised the interconnections between the Arabs and non-Arabs in Darfur. Not only have pastoralists and farmers had a long history of economic interdependence, including intermarriage, but the boundaries between ethnic groups are themselves blurred. The term widely used in western Sudan for Arab pastoralists, 'baggara', means 'cattle herder', and historically, members of the Fur and other ethnic groups possessing substantial numbers of cattle have themselves 'become Baggara'. An ethnic map of the region resembles a chequerboard, with few areas that can be said to be exclusively 'belonging' to one group, but rather a complex and overlapping web of villages and transient pastoralist camps.

Is it Genocide?

22. Is the Darfur conflict genocide? If we strictly apply the provisions of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, there is no doubt that the answer is yes. The definition of 'genocide' in Article II of the Convention is 'acts committed with the intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.' The numbers of killings may not yet come close to those perpetrated in Rwanda or Nazi Germany, and the entire destruction of the targeted ethnic groups does not seem in prospect, but these extreme manifestations are not legally necessary for a crime to count as genocide.

23. Is this a crime planned at the highest level of the Sudanese state and executed according to a carefully designed central plan? Or is it a counterinsurgency that has got out of control, running wild beyond the designs of its sponsors? It would seem to be a bit of both. During the last twenty years, the characteristic mode of action employed by successive governments in Khartoum, when they want to fight a cheap and effective counterinsurgency, has been to employ militias and to give great discretion to commanders on the ground. Thus the militia massacres in Bahr el Ghazal and the killings and forced relocations of the Nuba were carried out, in a way that the government could pretend was not at its direct behest. On every occasion, however, it subsequently became clear that military officers were involved in supplying militias and directing their activities. The involvement of the air force, whose raids must be directly authorised by the chief of staff's office in Khartoum, is evidence for high level involvement.

24. The culprits for this strategy are the individuals who have run the Sudanese security apparatus since 1989. Each time there has been a major massacre—Juba in 1992, Nuba Mountains that same year, repeatedly in Bahr el Ghazal and Upper Nile—the trail of evidence leads to the same people. Are President Bashir and Vice President Ali Osman among them? Most likely, the two most senior figures in government instructed their immediate subordinates to do whatever was necessary and not report back. An unspoken signal would have been sent that Darfur was a free-fire zone, and ethics-free zone in which anything could be done without consequence. With a history of gross violation with total impunity following on from such signals, there would have been no need for any more detailed instructions.

25. The implication of determining that genocide is being committed is that no effort should be spared to stop it, and to punish those responsible. It does not, however, mean that peace negotiations should be abandoned in favour of an international policy of regime change. The Darfur genocide is not a single, centrally planned exercise (as was the Rwanda genocide for example). There is a serious danger that the fabric of the state itself will disintegrate under the current stresses, unleashing communal violence on genocidal scale across different parts of Sudan. Although the leadership in Khartoum has blood on its hands, there is currently no alternative but to pursue the existing strategy of negotiating with it for an end to the conflict.

Where Next for Darfur?

26. The mediation structure that is emerging resembles the IGAD process in important respects. An African regional organisation is in the lead role (in this case the African Union), supported by a regional government (Chad) and key international players (the U.S. and European Union). Achieving a consensus among the international players is a crucial step in ensuring that there is a credible peace process, to avoid forum shopping by the parties (especially the government). However, a common negotiating stand by the international mediators is complicated by the resurgence of the anti-Khartoum lobbies in Washington. Having been kept at bay during the IGAD negotiations, this lobby group has seized its chance with the atrocities in Darfur. While criticism of the GoS human rights record is amply justified, the major concern for governments must be with the outcome of the process. Given that regime change in Khartoum at present is a strategy for chaos, a strategy of engagement to complement the criticism must be followed. However, such an approach is possible only when the GoS has converged on an internally agreed position.

27. Where the Darfur mediation differs markedly from the post-2001 IGAD process is that there is no pre-existing literature of accord. The GoS-SPLA negotiations benefited from a decade of rounds of talks which may not have reached a final agreement, but had nonetheless clarified consensual positions on key theoretical issues such as self-determination. No such literature of accord exists for Darfur. The SLA and JEM have yet to agree on a set of common negotiating positions, while the GoS is divided on whether it can negotiate on political issues at all, and if so what its position should be.

28. However, some of the basic demands of the SLA and JEM are clear. These include: ending the marginalisation of Darfur in Sudanese political and economic affairs; democratic elections at the regional level; reconstituting Darfur as a single state (it was divided into three by the current government); and providing greater autonomy for the region. These are all eminently reasonable demands. The GoS will fear that if it concedes to these demands, then

other northern Sudanese regions (especially the East) will also make comparable demands. This fear may be justifiable. The only way to address the long catalogue of grievances from all regions of the country is through open and democratic processes, rather than repression.

29. Absent progress, or the immediate prospect of progress, on political issues, the parties have agreed on a 'humanitarian' ceasefire. This freeze on hostilities needs several additional elements if it is to be meaningful. First, it needs to be monitored, with effective mechanisms for complaint and recourse if it is violated. The AU is preparing to deploy ceasefire monitors in late May. This effort needs to be supported, both logistically and politically. Second, the ceasefire needs to be an opportunity for the accompanied return of refugees and IDPs to their homes. This will be a means for minimising humanitarian crisis, restoring livelihoods and preserving land rights. If the conflict is frozen with up to a million Darfurians displaced and indefinite recipients of international aid in their places of displacement, then the international community may find itself merely financing a process of ethnic cleansing.

30. The involvement of Sudan's northern neighbours in helping resolve the Darfur conflict is conspicuous by its absence. Neither Egypt nor Libya, nor the Arab League nor Organisation of the Islamic Conference, has played any role whatsoever. Colonel Ghadaffi has described the war and massacres as 'only' a 'tribal conflict' and condemned non-African 'interference'. The lack of condemnation by these governments and regional organisations has been deafening, a point that will not be lost on Sudanese citizens.

31. Does the African Union have the capacity to play a leading role in resolving the Darfur conflict? The Chairperson of the AU, President Alpha Oumer Konare, has made Darfur one of his highest priorities. It is the first major challenge to the recently established AU Peace and Security Council. The Sudan Government welcomed the AU offer of mediation, in part because they anticipated it would be a softer touch than the U.S. or Europeans. They may have underestimated the determination of the AU leadership to prove itself.

32. A durable end to the conflict will require a political solution at the leadership level. A first step in this regard would be Declaration of Principles, akin to that drafted by IGAD in 1994. Such a DoP should include an assertion of basic citizenship and residence rights, human security including right to a livelihood, power-sharing at both regional and national level, and new provisions for law and order in the region, which has been scarred by banditry and organised crime for the last two decades.

33. Peace in Darfur will also require a comprehensive settlement of land and residence rights in Darfur. Fortunately, the region was well mapped in the 1980s by Britain's then Overseas Development Administration, and the location of every village and its identity should not be difficult to ascertain. Land rights systems in Darfur have also been well studied by legal scholars, including studies of the concept of 'dar' or tribal homeland. Such a settlement will need to include special attention to the historic rights of herders to pasture, water and migration routes. The more rapidly displaced people can be assisted to return home, the easier such a settlement will be.

34. The problem of the proliferation of light weapons in western Sudan will need to be addressed. Part of the reason for the escalation of the conflict was that there was no effective police force in the region, so that different communities resorted to arming themselves for self-defence and as protection against endemic banditry. Darfur will need a new, well-equipped and well-trained police force, probably with international technical and logistical

assistance, and a graduated programme of mutual disarmament among communities. A prerequisite for this is the disarmament of the Janjawiid. This should be done by the GoS, which has responsibility for the militia.

Upper Nile

35. During March and April, a scorched earth campaign by government militias in Shilluk areas of Upper Nile has destroyed more than 22 villages, with indiscriminate killings. The compounds of international NGOs in the Shilluk Kingdom village of Nyilwak were burned. An alarming element in the campaign was the looting and destruction of the Shilluk King's home at Alak south of Malakal. The Shilluk land has been one of the beacons of peace in the region and targeting the King is seen by many as serious act of destabilisation, orchestrated by the GoS.

36. A United Nations team has estimated the number of displaced at over 50,000. However, Justice Africa sources in Sudan put the estimates of the displaced persons in Malakal town alone as about 65,000, with about 138,000 displaced within the villages around Malakal. The humanitarian organisations in the area including the Fashoda Relief and Rehabilitation Association and the SRRC and their international partners are not able to provide assistance due to lack of funding. UN Operation Lifeline Sudan and international NGOs working in the area have been forced to suspend operations and relocate staff out of the Shilluk kingdom. The displaced persons are in dire need of humanitarian assistance. Moreover, there will be hunger in the area, as the population could not return home with government militia terrorising these areas. Annex I provides a map of the affected area.

37. The crisis in the Shilluk area is not an ethnic conflict between Nuer and Shilluk, as the GoS would prefer to claim. Rather it is clear violation of the ceasefire by GoS-sponsored militias, with the regular army complicit. The militia commanders responsible are also commissioned officers in the Sudanese armed forces. It is a disturbing indication that senior security officers in Khartoum still believe that they can act with impunity and deceive the international community. The CPMT has reported accurately and fairly on the attacks. The challenge now lies with the international community to respond appropriately. That response must include ensuring that the militias are reined in and the commanders brought to book for their actions.

The IGAD Talks at Naivasha

38. The peace talks in Naivasha have continued and have met with some success, despite fears that the process could be wholly derailed by the crisis in Darfur. The parties will definitely sign three protocols, namely the Protocol on Power Sharing, Protocol on Abyei Area, and Protocol on two areas, Nuba and Blue Nile (Funj) before 24 May. This is important progress.

39. Concerning the national capital, Khartoum, the SPLM has accepted the continuation of Islamic Law in the city, but with the exemption and protection of Christians and non-Muslims. The Government continues to object to exemption and has proposed that judges will have discretion in the application of Islamic punishments on the non-Muslims in the capital. Any general personal or geographical exemption from Islamic law is thus ruled out, and disagreement continues on the details of the protection for non-Muslims in the capital.

However, the parties have agreed that laws to govern the National Capital: will be passed by the elected National Assembly after three years.

40. Concerning power-sharing, the parties agreed on a formula for two vice-presidents, with a clear gradient of power between the two. Major decisions will be taken by the President and the First Vice-President. The First Vice-President will be from the SPLM and the Second Vice-President from the National Congress. The parties are finalising agreement on the representation percentages at both the national and the regional level in all institutions. The latest IGAD proposal is that 70% will go to the North and 30% to the South. On the other hand, the GoS proposes that the National Congress Party should have a 70% representation in the 14 northern states excluding the Nuba and Blue Nile, while 30% should go to the other political forces. The SPLM has agreed to take a 70% representation in the South with 30% awarded to the other political forces in the 10 states of the South, excluding the Nuba and Blue Nile. The National Congress has proposed that it be given the seat of the Vice-President of Southern Government, a proposal which the SPLM is rejecting.

41. Concerning the Nuba Mountains and Southern Blue Nile: The IGAD proposal was that the power-sharing in these two regions should be on a 50-50 basis. The parties have not agreed. The parties are now wrangling on a proposal of 60% for the GoS/National Congress and 40% for the SPLM. On the question of the governorship, the parties are agreed on a rotation basis, whereby the SPLM and the National Congress will have one year and a half each on the seat of governorship of Nuba Mountains and Southern Blue Nile. Other percentages concerning the Parliament and the civil service are not yet agreed.

42. Concerning the status of Abyei, the parties agreed on the U.S. proposal that includes a parallel referendum. This is to be welcomed. Key details of the referendum have also been addressed, including its timing and voter eligibility (the nine sections of the Ngok Dinka—a formula that will prevent any attempts to pack the electoral roll with recent immigrants).

43. Security organs: The parties have agreed on restructured and reformed Security Organs. However, the details are being hammered out, as the issue is very sensitive to the prospects for democracy and rule of law at the post-conflict era. A related underlying issue that will emerge in the future is the implementation of the security arrangements. The GoS will be required to relocate 90,000 troops from Southern Sudan. Any hopes that the security arrangements could be implemented purely based on trust among the parties themselves has been dealt a severe blow by Darfur and other violence in Upper Nile.

44. The parties agreed to seal the comprehensive agreement rapidly. This will hopefully be signed within two to three weeks. It is hoped that during the intervening period the technical committees on the security arrangements would finalise the details of that particular protocol.

Accountability

45. The issue of accountability for human rights abuses has received new attention, both from the demand of Sudanese civil society (which released a statement on the issue on 29 March), and from the international focus on atrocities in Darfur. This agenda will not go away, and is reinforced by the evident way in which senior GoS figures revert to policies of extreme brutality. The war in Darfur compels diplomats and human rights activists to ask, who is responsible for this policy? Suspicion falls upon the clique of senior security officers who

have, over the years, presided over serious abuses in Juba, the Nuba Mountains and the oil fields, and on those who have been most closely associated with the militia strategies in Kordofan and Darfur, reaching back as far as the early years of the war in the 1980s.

46. The Darfur conflict underlines the simple reality that many of those most responsible for egregious abuses of human rights during the war, cannot be permitted to remain in government. The argument that the removal of Hassan al Turabi and the engagement in the IGAD peace talks was disempowering the ruthless security elite, can no longer be considered tenable.

The Region

47. The conflict in Ethiopia's Gambella region appears to have quietened somewhat. The Ethiopian Parliament has set up an investigation into the incidents, and the Ministry of Federal Affairs sent a high-level delegation to see if it can resolve the problem. Any solution will need to address a range of issues including the powers of the regional government, civil rights for people who are Ethiopian citizens but not from groups indigenous to the area, and an equitable solution to land conflicts between indigenous Anuak people, and settlers from the highlands who are encroaching on lowland areas traditionally owned by the Anuak and Nuer.

48. Most of the solution to the Gambella conflict must come from within Ethiopia. However, the Sudanese dimension must not be ignored. The substantial number of Nuer in the region who originate from Sudan is a potential flashpoint. The GoS has despatched militia to the area to stir up problems, hoping perhaps to create antagonism between the Ethiopian Government and the SPLA. So far this tactic has not succeeded.

49. The conflict in the north of Uganda shows no sign of decreasing. The government has been using aircraft to attack suspected LRA positions. More than a million people are displaced. In a notable change in tack, European governments including Britain have called for a political solution, switching from their former position which was to regard the LRA simply as a terrorist organisation and support the Ugandan government's military strategy. The African Union has also become involved in seeking a solution to the conflict. Joseph Kony, the LRA leader, recently gave an interview from a location in Juba, indicating that he is still receiving support from elements within Sudanese military intelligence. However, the Ugandan government has recently reported increased cooperation from the Sudanese army, in terms of denying assistance to the LRA.

50. Eritrea remains in political stasis, in frozen confrontation with both Ethiopia and Sudan. The Eritrean government has arrested the leader of the Sudan Alliance Forces, Brig. Abdel Aziz Khalid, reportedly on suspicion of passing military information to Ethiopia (a charge that seems, on the surface, very improbable). Political prisoners in Eritrea tend to disappear for indefinite periods. His detention challenges the NDA and SPLA to demand that he be either charged or released.

51. The Chadian government is trying to steer a fine line between its political indebtedness to Sudan, and the sympathies of many influential individuals for the Darfur rebellion. The Chadians' capacity for proactive mediation is compromised by these interests, and the active

presence of international observers will assist them. In particular, the African Union has both the mandate and, potentially, the capacity to take a leading role.

International Dimensions

52. The clear evidence for mass human rights violations in Darfur has energised the anti-Khartoum constituencies in Washington DC, and given new impetus to their demands for the complete isolation and overthrow of the Sudan Government. Thus far, this has translated into additional pressure on Khartoum and a greater sense of urgency in the Naivasha peace talks. However, it also means that Washington is not speaking with a single, consistent voice when it comes to finding a solution in Darfur. The GoS is understandably concerned that the U.S. will push a hardline agenda on the pretext of Darfur.

53. The prominent role of the African Union in the Darfur mediation is the first chance for the AU to prove its capacity and credibility as a peacemaker in Africa. The AU has taken on an extraordinarily difficult task, while it is engaged in setting up many of the institutions that are essential for its own functioning and growth. Technical and political support to the AU in its endeavours from the international community is essential.

Implications and Recommendations

54. The position of President Bashir is considerably weaker than three months ago. The narrowness of his support base is clearer than ever before, and the credibility of many senior members of his administration has been destroyed by their involvement in genocidal activities in Darfur. Bashir's ability to preside over a peaceful transition and the establishment of democracy is increasingly in doubt. If his lieutenants are ready to unleash a military campaign such as that in Darfur, wholly disproportionate to the threat, what guarantee is there that they will not contemplate something similar if political developments during the transition are not to their liking?

55. In these circumstances, it is tempting for the international community to conclude that the only option for Sudan is regime change. That, however, would still be an error. The Sudanese people may want to change their government through democratic process during and after the transitional period. (Most likely they will.) But the option of regime change, if pursued now, would only make things worse. Any forcible transfer of power would not necessarily bring about an improvement, and would run the risk of squandering all the progress made at IGAD in the last three years. There is the real risk of political disintegration and conflict across the north if there is any attempt at a forcible change in government.

56. The real prospect of a final settlement at IGAD in the coming weeks is a reason for optimism. The entry of the SPLA into government holds out the promise of transforming Sudanese politics, and considerably facilitating a solution to the crisis in Darfur. However, recent events in Darfur and Upper Nile have again demonstrated that the period of implementing peace will be just as tricky as the negotiation phase, requiring considerable international monitoring, a concerted effort at wholesale disarmament of militias, and support to the processes necessary to establish peace at a local level.

57. The Naivasha peace talks must be speedily concluded with a clear commitment that the parties will resolve the Darfur conflict peacefully. But progress on Darfur must not be held hostage to the IGAD process.

58. The Sudan government must respect the cessation of hostilities memorandums and stop its Southern armed groups from attacking and destabilising civilians in South. It is clear that there are elements within the GoS that are planting the seeds of South-South tribal conflicts in the future. The SPLM and the international community must embark on practical and transparent South-South dialogue immediately for sustainable peace agreement.

59. The NDA and the international community must put pressure on the Government of Eritrea to immediately release Brigadier Abdel Aziz Khalid. The arrest of Brig. Abdel Aziz is a flagrant violation of humanitarian international law and he should be allowed to leave the country to destination of his choice.

60. The IGAD Secretariat and IGAD Partners must monitor closely and facilitate the work of the security arrangements technical committees of Sudan Government and the SPLA. The work of this committee could drag on for months if the parties are not monitored. Most peace agreements crumble due to disagreements on the security arrangements and Sudan will not be an exception. It is advisable also a similar committee to deal with the referendum Protocol should be set up so that the protocol becomes part and parcel of the comprehensive peace agreement.

ANNEX I

