

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. The psychological and political framework in Sudan has changed: the peace process is entering a new phase. Amid the jubilation over the accord over the security arrangements, it should not be overlooked that there are still important differences between the GoS and SPLA that need to be bridged. The negotiations continue, concerned with important issues still needing resolution including wealth and power sharing and the status of the three marginalised areas. It is unclear whether the parties will meet the deadline of a deal by the end of the year. The high expectations that followed the signing of the security framework agreement have not, so far, been fulfilled.

2. If a final agreement is signed, then the peace process will enter a new phase: implementation. This introduces a new set of risks. Even if the parties are committed to achieving peace, each side will be very nervous about the security risks associated with implementing the deal, especially disengaging, demobilising and disarming their forces. This nervousness could potentially be sufficient to slow down the pace of implementing the agreement, raising the likelihood of destabilising events.

The October Round in Naivasha

3. The U.S. Secretary of State visited Naivasha and said he hoped that the negotiations would be successfully concluded before the end of the year. The parties agreed. On such a successful conclusion, he indicated that the U.S. will invite the parties to Washington DC and will also lift sanctions imposed on Sudan. This opens up the possibility of President Bush presiding at a concluding ceremony at the White House.

4. The October round of peace talks did not deliver substantial progress. The euphoria following the agreement on the security framework has not worn off, but the slow progress should be a cause for concern. The delegations appear unwilling to make further commitments in the absence of their political leaders. The SPLA's insistence on agreeing every detail, rather than signing framework agreements and filling them in later, holds out the possibility of continuing, protracted negotiations. However, this approach can contribute to sustainable peace as it reduces the risk of disputed interpretations of the agreement at the implementation phase.

5. The marginalised areas are still proving to be a contentious point. The SPLA insists that the Nuba Mountains and Southern Blue Nile should have special autonomous status, be exempt from shari'a laws and should enjoy the right of self-determination in the form of a

referendum before the end of the interim period. The SPLA further suggested that these areas should be administered by the office of the Vice President. The SPLA position annexes Abyei to Bahr el Ghazal through Presidential decree. These positions are in line with the demands of the populations living in the areas of the Nuba Mountains and Blue Nile under SPLA control. On the other side, the GoS is prepared to accept only federal or special status for the three areas, excluding the option of self-determination. It argues that the claims of these areas are different from the South, and that only Southern Sudan is entitled to self-determination. The two sides agree that the three areas demand special status: what remains to be negotiated is the nature of that special status and their future political options.

6. The question of internal power sharing in Southern Sudan has not adequately been addressed. The status of the parties that signed agreements with the GoS in 1997 is still ambiguous, as indeed is the status of those agreements. Meetings between the SPLM and some Southern armed groups took place in Naivasha. The outcomes of these meetings are yet to be made public by the parties. However, whatever the results, it is an encouraging sign for Southern leaders to be engaged in such a dialogue.

7. Concerning the status of the national capital, both sides continued to maintain their previous positions. The GoS supports Islamic law for Khartoum while the SPLA insists that a truly national capital must be free from shari'a. likely compromises range from may be to exempting non-Muslims from the shari'a, relocate the national capital or sharia free enclave in Khartoum.

8. Several issues of wealth sharing remain unresolved. These include monetary and banking policy. The SPLA insists on a separate currency, central bank and monetary authority for Southern Sudan. This viewpoint is resisted by the GoS and some mediators, partly on the grounds that it would complicate Sudan obtaining the necessary agreements with the Bretton Woods Institutions. The SPLA's distrust of financial centralisation stems from the South's experience in the 1970s, when the region received only a small proportion of the funds it was due (including aid). Alternative mechanisms for resolving this problem would include a dedicated development fund for Southern Sudan, directly controlled by the GoSS in Juba, with a special arrangement whereby its expenditure on rehabilitation, resettlement and reconstruction were exempted from expenditure ceilings and other conditionalities imposed upon the central government.

9. The parties have agreed to establish a Land Commission, to supervise the distribution and allocation of land (with special attention to agricultural land suitable for mechanised farming) and Petroleum Commission, to address the needs of people living in areas of oil exploitation. These are significant steps. The key question will be, will the people appointed to serve on these Commissions have the right combination of professional skills and local knowledge.

Politics and Peace

10. The two sides are adopting contrasting strategies for the final stages. While the SPLA is focusing on trying to make every detail waterproof, the GoS is concentrating on broadening its political base, to take advantage of the uncertainties inherent in the post-agreement political process. These different strategies may prefigure the nature of political disagreements during the interim period.

11. The GoS has expanded its delegation to the talks to include representatives from the Umma Party and DUP and independent Northern advisers. It is increasingly looking like a pan-Northern Sudan negotiating team.. This indicates a GoS strategy of broadening participation in the peace process, once it has resolved the main issues to its satisfaction.

12. The greater inclusiveness of the peace process is broadly welcome. However, it also has its dangers. The political parties and civil society groups that attended Naivasha all have strong constituencies and interests of their own. They could mobilise important segments of public opinion in support of their special interests. If the peace process drags on, and details assume undue importance, there is the danger that these other groups could introduce their own red lines, and slow down or derail the process over these details.

13. The untimely death of Omer Nur al Daim, deputy chairman of the Umma Party, has robbed that party of one of its most prominent and respected leaders. Dr Omer was a long-time advocate for a multi-party system, and his death in a car accident is a sad loss to the supporters of democracy in Sudan.

14. Meanwhile the SPLA's overwhelming concern is the detailed text of the agreement. It has not broadened its negotiating team. Its former alliance with many Northern parties in the external NDA is shaky. The strength of its alliances with the Beja Congress or the Darfuri SLA is unclear. Equally significantly, it has not succeeded to bring on side other Southern parties. It seems to have efforts on that direction. The importance of South-South reconciliation is heightened still more by the imminence of the peace accord. The peace accord is tremendously popular in Southern Sudan. But still lack of information, distrust and scepticism prevail. Southern Sudan is beset by rumours. There is a desperate need to broaden the base of knowledge and support of the peace process.

15. Hassan al Turabi was released from house arrest on 13 October. The main reason would appear for the GoS to be to escape the charge that it is holding any political prisoners. It is certain that Turabi will be as active as possible in the political scene. Immediately, this may complicate matters in Darfur, because of Turabi's alleged links to the Islamists among the rebels there. In the longer term, Turabi could again emerge as the most serious political threat to President Bashir.

Monitoring the Ceasefires

16. There have been significant problems in the Nuba Mountains. A landmine explosion near Kauda, on a road that was believed to have been cleared, killed eight people on 3 October and caused the GoS to withdraw its monitors. Activities of the international monitoring team and humanitarian access were briefly suspended. This was the second comparable incident, which demands international investigation. The absence of GoS monitors should not impede a thorough investigation by the JMT.

17. The IGAD Joint Verification Mission has been experiencing problems and is running well behind schedule. The GoS objected to the presence of Eritrean observers in the mission, on the grounds that it did not consider Eritrea a neutral party and supporter of the peace process. This problem has been overcome with the assistance of the external facilitators.

Darfur

18. A ceasefire between the SLM and the GoS, negotiated at Abeche in Chad with the assistance of the Government of Chad, has been in force during the month, with a number of infractions. At the time of writing, the GoS-SLM ceasefire committee is meeting again, aiming to extend the ceasefire. The SLM is concerned that the GoS may be using the opportunity of the peace process in Southern Sudan to regroup and renew its offensive in Darfur. Many observers are not optimistic that the crisis in Darfur can be resolved with only Chad as mediator.

19. The Darfur conflict continues to cause ripples more widely. A group of members of parliament from Darfur walked out of the National Assembly when the speaker of parliament refused their demand that the government should explain what is happening in the region, and should explain the steps it is taking to normalise the situation and protect citizens. A group of prominent Darfurians in the diaspora based in London, headed by the former governor Tijani Sese, has formed a Darfur Union with the aim of campaigning for human rights and humanitarian programmes.

20. The ceasefire between the GoS and SLM excluded the Equality and Justice Movement. The EJM has emerged as a distinct wing of the Darfur resistance, with strong links to the Islamist movement in Sudan. In October, an attack on Kulbus near the border with Chad, has been attributed by some to the EJM. The GoS faces a dilemma in dealing with the EJM, as prominent members are longstanding political colleagues of Hassan al Turabi.

21. The humanitarian situation in Darfur is grave, but has been receiving international attention although, thus far, inadequate assistance. USAID Administrator Andrew Natsios has expressed concern with Darfur in his visit to Sudan. Meanwhile, the generally poor law and order situation in the region, with widespread banditry, is causing problems for the residents.

Eastern Sudan

22. As if to advertise its presence, the Beja Congress staged a couple of guerrilla attacks in Eastern Sudan. One of these killed a policeman. Another blocked the road to Port Sudan. The GoS has accused Eritrea of harbouring the Beja insurgents and said the act will not go unpunished. These attacks do not currently represent a strategic threat to the peace process. However, reprisal by the GoS could lead to dangerous escalation. Moreover, they illustrate the dangers of localised disturbances if the peace process is not seen as fully inclusive by armed groups. Continuing insecurity in the Beja area also threatens a humanitarian crisis.

23. Even though the NDA is weak, it remains a platform for groups such as the Beja Congress. The external NDA delegation to Naivasha, supportive of the SPLA, included the Chairman of the Beja Congress.

The Role of Third Parties during the Interim Period

24. The Sudan peace agreement is approaching successful completion in large part because of the pressures that the two parties have been under. The people of Sudan, exhausted by twenty years of war, are demanding peace. The international community, headed by the troika of the

U.S., Britain, and Italy and by IGAD and most of its member states, has equally made it clear that the option of continued war is not acceptable. The parties agreed, in the presence of Colin Powell, that the final agreement would be signed by the end of the year. This has created an environment within which the GoS and SPLA have come to agreement. This section will examine the question of what international third parties can do to assist the parties in implementing this agreement.

25. Experience of the successful conclusion of peace negotiations indicates that the final stage—implementation—is just as important as the earlier stages of opening negotiations and reaching an agreement. In most if not all peace agreements, the parties reach a compromise but do not trust one another to adhere to the terms of the agreement in good faith, without external guarantees. Such guarantees are particularly important during the phases of military disengagement and demobilisation, when each party is vulnerable to a surprise attack by the other. In the absence of such guarantees, or if the guarantors' credibility has been shown to be lacking, hardliners or extremists in either camp could derail a peace agreement by repeatedly testing its limits, to the point at which it becomes vacuous. The most notorious example of a peace agreement failing, in part because of the shortcomings of its guarantors, is the 1993 Arusha Accords that brought to an end the first phase of the Rwandese civil war. Because of the small size and timid operational mandate given to the UN Assistance Mission to Rwanda (UNAMIR), the agreement rapidly lost credibility and extremists were able to undermine it and ultimately launch the 1994 genocide. In other cases, for example Zimbabwe-Rhodesia in 1979-80, more robust and credible action by third party guarantors has enabled mutually-distrustful adversaries to implement a peace agreement.¹

26. How do these considerations relate to the special conditions of Sudan? Several specific considerations need to be taken into account.

27. First, an international peacekeeping force cannot be ruled out. A monitoring presence (building upon the JMC, CPMT and JVM) will be obviously needed. However, the sheer size of the country makes effective monitoring very difficult. It will be very easy for either party to hide away a secret reserve force in a remote area, and indeed both sides are likely to do this. Monitoring is further complicated by the profusion of militias and the possibility of either belligerent conducting deniable military activities by proxy. No third party, or even a coalition of third parties, will be willing to put the huge numbers of international monitors in place to ensure effective coverage of all the war zones. It would be prohibitively expensive.

28. Any international monitoring mechanism will have to be targeted on the most sensitive areas (e.g. the major war zone towns and where the seats of government will be located, especially Khartoum and Juba, and the likely flash points such as oil fields). Another part of the solution to this problem is for monitoring systems to include an interface with Sudanese civil society organisations, which can collect information and submit complaints. Sudanese CSOs have far greater and more effective information systems than any international monitors could ever aspire to. Care will have to be taken to ensure that the system is not clogged up with excess numbers of complaints, and that attempts to bias it through submitting partisan or bogus complaints do not succeed. However, overall, the agreement will have to be self-policing: the parties will need to know that it is in their interests to make it work. This means that the key elements for monitoring will be political: the extent to which

¹ See, inter alia, Barbara Walter, Submitting to Peace: The Successful Settlement of Civil Wars, Princeton University Press, 2002.

the parties are adhering to their key political promises. The security arrangements committee agreed in Naivasha should begin to explore ways and means of monitoring both the military disengagement and the political indicators of these military steps.

29. Second, the parties have long experience of working with third party guarantors, and also of manipulating them. This history of manipulation is evident in the way in which Operation Lifeline Sudan has been repeatedly undermined and compromised, and the way in which the monitoring arrangements for the ceasefires have been handled over the last eighteen months. Therefore, unlike many newly-concluded peace agreements after civil wars, the third parties already have damaged credibility in terms of their practical role in implementing their commitments.

30. To address this problem, the governments involved in international monitoring will need to consider in advance the likely violations of the agreement and how they should respond. For example, any programme of demobilisation on the scale required is virtually certain to meet with some resentment and even resistance. This can be minimised by generous incentives for demobilisation and immediate funding of relocation of the GOS army north of 12 parallel. However, under all conditions, the question is not whether there will be a mutinous response by some troops, but when it will occur and how it will be handled. The security arrangements committee should consider this at an early stage, and should involve international monitors in any contingency plans. At a political level, it is likely that there will be unfilled posts among the quotas allocated to the South. If a directorship allocated to the South is vacant, will the Northern deputy have full authority in the interim? Or for how long will the deputy remain with only limited authority? Such questions will need to be considered in advance.

31. Third, there are important asymmetries between the two sides in terms of their political capital, human resources and confidence in the internal political process. Northern political leaders have a long history of the give and take and political machination of civil politics. Sadiq el Mahdi for example has said that his only guarantee is his domestic political constituency. Successive governments in Khartoum have a record of signing agreements that provide it with perhaps half of what it wants, and then obtaining a large part of the balance through stealth and manipulation. For Northern politicians, this is part of the political game. For Southerners, it is betrayal. The chronicle of Sudanese politics by the former vice president, Mulana Abel Alier, is entitled, 'Sudan: Too Many Agreements Dishonoured.'² The Southern experience is that all significant political gains have been achieved through armed struggle, and periods of civil politics have witnessed retreat, as better resourced and more skilful Northern operators have divided Southerners and bought some of them off. The scarcity of educated Southerners and their relative poverty has left them vulnerable to such manipulation. Thus, Southerners have sought perhaps 90% of their ideal agreement, fearing that they will lose out in the implementation. For them, external political guarantees are far more important than for their Northern brethren.

32. A key part of the solution to this problem lies in effective monitoring of the fulfilment of the political components of the agreement. But the greater part lies in Southern political finesse. This challenge can only be met and overcome if Southerners are united and ably led. A key task for Southern leaders is to create a common front among themselves, and extend that to including Northern allies. The aim of this is both to consolidate their own

² Exeter, Ithaca Press, 1991.

constituency, and also to prevent spoilers who have short-term interests in conflict from either sabotaging the peace on their own behalf, or acting on behalf of others who want to divide and rule.

33. A structure of incentives and disincentives needs to remain in place during the implementation phase. Once an agreement is signed, there will be many reasons why the international coalition could fall apart. The U.S., EU and World Bank will lift their key restrictions and extend assistance to the government, NGOs and UN agencies will crowd into the South (their lobbying power disproportionate to the resources they dispense), and oil companies will rush to the country. Very rapidly, there will be strong financial and institutional reasons for continuing engagement with, and assistance to, Sudan. As a result, it will be more difficult for assistance to be frozen if either party is seen to be failing to implement its part of any agreement.

34. What is the solution to this problem? Perhaps the best option is to lift the restrictions on assistance and investment gradually. This faces two major challenges. The first and most important is that Sudan needs material assistance rapidly. The country needs not just relief and rehabilitation but development and private investment, and it needs it rapidly. There should be a quick peace dividend. In response to this, rehabilitation assistance for war-affected regions should be made the immediate priority for unconditional assistance. Second, the legal and administrative requirements of every donor, not to mention their political and financial calculations, are different, and it would be extremely difficult to keep them all in line with such an approach. But some donors (for example the U.S.) and some forms of assistance (e.g. accelerated debt relief under the HIPC initiative) will be both more cautious and more conditionality-laden than others. There should be plenty of opportunities for external pressure on both parties during the interim period. The important challenge is to ensure that those opportunities are utilised if the need is there.

The Region

35. IGAD has just concluded its annual summit in Kampala, at which a sub-regional agenda for peace and security was tabled. Meanwhile the African Union is preparing an extraordinary summit in February 2004 to discuss and agree the protocol for its Peace and Security Council. The Sudan peace agreement comes at a moment when the African continent appears to be more serious about a regional approach to peacemaking than ever before. Peace in Sudan will certainly boost the morale of IGAD and the African Union. In turn, an effective IGAD and AU will be important for anchoring the Sudan peace deal within a regional peace and security order. North-east Africa is chronically conflict-prone and there is a constant potential for unexpected events to destabilise the peace process.

36. Peace in Sudan will undoubtedly lead to a shift in the axis of power in the Horn of Africa and Nile Valley. Will this prefigure a radical and lasting change not just in the realpolitik of the region, but in the way in which security and foreign policy is conducted? Or will this be a brief moment of hope, as occurred in 1991 with the ending of the war in Ethiopia and Eritrea? Much will depend on whether a new government in Khartoum can agree upon a common approach to national security and foreign policy. If the current GoS and the SPLA are able to converge on a common vision for collective security, then the region may begin to escape from the cycle of conflict and destabilisation that has disfigured it in the past. The readiness

of IGAD and the AU to contemplate new forms of regional security cooperation may facilitate this.

37. On the other hand, if the GoS and SPLA are narrowly concerned with their own internal security and political power base, and see the neighbouring countries as tactical allies in these manoeuvres, then little will change. The governments of Egypt, Eritrea and Uganda (especially) will doubtless be ready to play client politics in Khartoum, seeking specific tactical advantages for their narrowly-defined national interests. Ethiopia is likely to continue its more strategic, if less than energetic, approach. The recently-published Ethiopian government white paper on foreign policy and security strategy identifies a united and peaceful Sudan as an important economic and political partner for Ethiopia, in particular given the immediate threat it still faces from Eritrea and the longer-term challenge posed by Egypt, and especially the latter's reluctance to cede rights to use the Nile waters to its upstream neighbours.

38. Eritrea's ambivalence towards the Sudan peace process and towards regional cooperation in general pose a challenge. However, an opportunity may be opening up. Dr John Garang could use his links with the Eritrean leadership to mediate an improvement in relations between Eritrea, Sudan and Ethiopia.

39. Egypt has not been pro-active in the IGAD process, handicapped by its incapacity to make any positive contribution to the process. In October, both the Arab League and the Egyptian government made strong and simultaneous statements opposing any peace deal that imperilled the unity of Sudan. To many Sudanese, such statements make Egypt appear arrogant and insensitive: why should it be more concerned about Sudan's unity than the GoS itself? Egyptian policy towards the Horn is marked by a long time horizon and the steady pursuit of a limited set of aims, which include continuing to consume its current share of the Nile Waters and maintaining the inter-state status quo. The continuing identification of many Northern Sudanese political leaders with Egypt and the Arab world will stand in the way of defining a clear commonality of interest among the states of the Horn and the emergence of a common security doctrine for the sub-region.

The United States

40. In response to the requirements of the Sudan Peace Act, President Bush has assured Congress that the parties are negotiating in good faith. It seems likely that President Bush considers a ceremony at the White House as an appropriate conclusion to the Sudan peace process. It would be a significant and much needed boost for America's beleaguered policy in the Muslim world.

41. The U.S. administration may decide to consider peace in Sudan as a one-off foreign policy success. Or it may recognise that it can be the foundation for building a more robust peace and security order in the Horn of Africa. Pursuing the latter approach is important to protect a peace agreement from being undermined by instability elsewhere in the region. This will in turn require an investment in regional and international approaches to peace and security. A form of ad-hoc multilateralism has served the U.S. well in its engagement with Sudan thus far. A more principled and formalised multilateralism will be necessary if it is to consolidate this achievement and make it the basis of a robust policy for the region.

42. The visit by Andrew Natsios, Administrator of USAID, to Northern Sudan, demonstrates Khartoum's political rehabilitation and the level of priority that the U.S. Administration is placing on the country. At the beginning of October, a conference organised by the Center for Strategic and International Studies in Washington DC, on post-conflict health challenges, brought high-level participants from both parties. Among the priorities identified was the need to respond pro-actively to the challenge of HIV/AIDS. Very little is known about the state of the HIV/AIDS epidemic in Sudan, and improved monitoring of prevalence levels is a re-requisite for designing effective interventions.

Conclusion

43. The current modest progress in the peace process threatens a loss of momentum, a slowing that is compounded by the break for Ramadhan. Although there are no immediate prospects of the peace process being derailed, such delays are cause for concern. Unexpected events inside Sudan or the region always hold out the potential for creating problems.

44. A month is long time in Sudanese politics, especially at present. The Ramadhan break is an opportunity for the parties to engage in internal (North-North South-South and Pan-Sudanese) dialogue, reconciliation and the popularisation of the peace accord. If this is done, the next round should find the parties in the best position for meeting the deadline. The mediators and envoys should be pro-active in encouraging the parties in this direction during the coming month.