

# PROSPECTS FOR PEACE IN SUDAN

## BRIEFING

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### Overview

1. As President Omer al Bashir celebrates fourteen years in power, and Dr John Garang marks twenty years since the release of the (first) SPLM Manifesto, the mediators and external actors hope that a full peace agreement can be reached on 14 August or thereabouts, following final rounds of talks in Kenya. They are banking on a Draft Framework Agreement, put together by the IGAD Secretariat with the full involvement and support of the U.S., Britain, Norway and other key international backers, which can be finalised after the forthcoming talks in July. The chances of success in this enterprise are relatively good: a Framework Agreement for Peace in Sudan may well be signed in August or early September.

2. Should the IGAD strategy succeed, the mediators will find that they are only half way up the mountain. Implementing the Agreement will be at least as difficult as obtaining the signatures of the principals. Should the strategy fail, it seems there is no 'plan B' other than returning to the de facto tolerance of the human suffering and destruction that has been the sorry lot of most Sudanese for two decades. Despite the optimism, the IGAD Secretariat with the full involvement and support of the U.S., Britain, Norway and other key international backers should consider a 'Plan B' for both parties that could include among other options, a no fly zone and Rapid Deployment Force for the protection of civilians in the war zone until parties resume talks where they stalled.

### IGAD's Final Push

3. The IGAD mediators are in the stage of the 'final push' for a settlement. The plan is that the peace talks will resume in Kenya, on 6 July for three weeks. In parallel there will be negotiations on the marginalised areas. The July talks will be on the general framework agreement, focusing on trade-offs and exploring with the parties their aspirations, fears, grey areas, red lines and probable guarantees. These talks will be followed by a closed session held between the mediators (IGAD Secretariat) and the external actors (principally U.S., Britain and Norway) to thrash out the final details of the Draft Framework Document to be presented to the two parties in late July. The plan is that the final session of the talks will be essentially a 'take it or leave it' round, with negotiation possible only over the details of the settlement. The delegations will then take the Framework Agreement back to their leaderships, who, it is hoped, will be ready to sign. It is planned that the only negotiations left will be security arrangements and the three contested areas of Abyei, Nuba and South Blue Nile. Procedural matters around the final signing ceremony are expected to begin in first week of August.

4. High-ranking delegations from the two parties visited Washington and other key capital cities, where they consistently received the message that the time has come for peace. Both delegations (the GoS by the foreign minister, the SPLA led by John Garang) were focusing on real issues rather than posturing. John Garang met with the UN Secretary General for the first time, and was officially received.
5. Gen Sumbeiywo visited Khartoum in early June to discuss the key outstanding issues with the GoS. He also visited South Kordofan and Blue Nile. This was an opportunity for the GoS and its supporters to reaffirm in public their hardline position on the Islamic status of the capital and that the two regions are integral parts of Northern Sudan. The IGAD Special Envoy met with an array of senior figures, but not with President Bashir himself. It seems likely that Bashir prefers not to take a public leading role in the peace process at this stage, to avoid being drawn into stating positions on key controversial subjects such as the national capital. This will make it easier for him to propose or accept last-minute compromises.
6. During Gen Sumbeiywo's visit, the GoS said that it would emphasise certain issues during the peace talks. These included the Islamic character of Khartoum, the need for rapid elections, and the need for a referendum to confirm the peace agreement and ensure popular participation in the agreement.
7. Gen Sumbeiywo is visiting Southern Sudan on 23-27 June for a similar round of discussions with the SPLA leadership. The SPLA also insisted that he visit the SPLA-controlled areas of the Nuba Mountains and Blue Nile, because he had visited the GoS-controlled parts of those provinces. It is likely that there will be agreement on the dates for the forthcoming talks. The SPLA made it clear that it will be reluctant to extend the MoU for the cessation of hostilities beyond August to end the current state of no-war no-peace.
8. The GoS approach is to be strongly in favour of peace in all public details, and pragmatic on many issues. But there is still a hard line on key issues, notably Islamic law in the capital and the status of the marginalised areas. The GoS appears to be counting on the fact that it will be seen as sufficiently flexible on other issues, for the mediators to support its position on its no-compromise issues. IGAD's 'final push' approach may work to GoS advantage if this strategy means that all the pressure is on the SPLA at the last moment. If the mediators' proposals are not consistent with the GoS red lines, however, the prospect of a last-minute breakdown cannot be ruled out.
9. The SPLA continues generally to favour a peaceful solution to the conflict but not peace at any cost. The existence of the two armies during the interim period among other things seems to be an essential ingredient of peace from its perspective. Unanimity is apparent within the rank and file of the SPLA on this issue. It is also a point of strong consensus within Southern Sudanese civil society and among ordinary Southern Sudanese both inside and outside Sudan. This is the red line that the SPLA will find it impossible to cross. Hence, the possibility of the SPLA leadership abandoning the peace process at the last moment, cannot be ruled out entirely. There are strong constituencies in Washington DC that would support the SPLA subsequent to any breakdown of the peace talks, especially if the breakdown were seen to be related to issues of civilian protection

## **Security Issues**

10. One key issue is the national army. It seems inevitable that, for the interim period, there will be two separate armies, in line with the SPLA position. The issue of dispute will then be, at what level in the command structure will there be an integrated command? The mediators (and the GoS) are unwilling to contemplate two Commanders in Chief. Thus, President Bashir would find himself (nominally) as C-in-C of the SPLA, although the chain of command would pass through the Vice President.

11. The SPLA is demanding that it has a military presence in the capital. A sizeable unit under separate SPLA command will be problematic for the GoS. However, the GoS has to accept such a presence otherwise its existence in Southern Sudan will be questionable. Moreover, non-presence of SPLA in the capital will not encourage the Southern leadership to be in Northern Sudan including the capital. Their security and protection of the agreement will be at risk. Un-constitutional change of government during the interim period must not be underrated. A probable compromise proposal for the security of the national capital is that a special force will be set up to provide security for Southern leaders. This will be akin to stationing a smaller SPLA force in Khartoum, though it may not necessarily be presented in this way.

12. The SPLA is also raising the issue of the status of fifteen different national security organs. This issue has implication on human rights and the rule of law during the interim period.

## **Peace and Conflict among the Southern Groups**

13. Khartoum is trying to strengthen its hand in the South, in pursuit of its preferred option of a single national army. It is doing this by dismantling the armed forces that signed the 1997 Khartoum and Fashoda Agreements. These agreements, which were subsequently incorporated into the Constitution, provided for two armed forces in Sudan during an interim period leading up to a referendum. Khartoum is regretting these agreements now. The armed forces of SPLA United and SSDF have independent command structures. The GoS is instead strengthening the militia that it controls more directly. It may argue that these form part of the national army, but located in the South.

14. The issue of non-SPLA armed forces in the South remains unresolved, despite the best efforts of a range of non-partisan Southern groups. An All Upper Nile Peace Conference has just concluded. It was organised under the auspices of the Sudan Peace Fund/PACT, with the aim of building consensus among the people of this region, which is the most divided in the whole country. The conference convened in mid-June with only the SPLA leadership in attendance but without the leaders of other Upper Nile political and armed factions. It needs to be clarified that this process is not NSCC/SCC-led and amounts to hijacking a successful Sudanese led process. There is great unease within Upper Nile and PACT/USAID will have many questions to answer as to the motives of this conference. Is it a genuine peace process? Or is it an exercise in solidarity with one of armed groups by funding the congress in disguise? Or merely an exercise in spending money? Even the assumed joint organisers Inter-Denominational Church Committee did not attend the Upper Nile Peace Conference; they were delayed in Khartoum. The GoS only permitted six out of 68 invitees from GoS-controlled areas to attend, and it has notably prevented the attendance of the veteran Southern leader Abel Alier. Whatever the doubts and results of the conference it is a step towards wider dialogue in the footsteps of Wunlit and Liliir. Meanwhile, the SPLA's own Upper Nile

Congress is also scheduled to take place immediately at the same place after Upper Nile Peace Conference.

15. The Southern leadership consultation conference planned by the NSCC and SCC on behalf of civil society, postponed in May due to the SPLA leadership's last-minute boycott, is still a popular demand among many Southern Sudanese. Many Southerners see South-South leadership dialogue as the only guarantee of peaceful and sustainable interim period in Southern Sudan. The NSCC is still awaiting clarifications from the SPLA leadership regarding the conference. A new date will be fixed in the light of SPLA leadership response to the NSCC. The Upper Nile Peace conference cannot by any means be considered as an alternative to the South-South leadership conference or dialogue. The international community including IGAD should persuade the SPLA leadership to enter into open and transparent dialogue with other southern political and armed groups before signing the peace agreement. SPLA dialogue with the other Southern groups will be the guarantee to a stable interim period in Southern Sudan and smooth exercise of the self-determination referendum.

16. The SPLA attack and capture of Akobo on 6 June underscored the ongoing divisions in Upper Nile. The town was captured from the SSLM, one of the groups due to attend the All Upper Nile Peace Conference. The SSLM claims that the attack cost 75 lives, including both officers and men of the SSLM and civilian women and children. The SPLA has dismissed the attack as a local militia feud, but in fact it was led by SPLA commanders Johnson Gony, Moses Chol Rit and Doyak Chol. The GoS is likely to retaliate. Dr Riak Gai, Chairman of the Southern Sudan Coordination Council, has visited nearby militia centres of Pibor and Waat, which indicates preparations for a counter-attack.

17. Meanwhile, there is ongoing fighting in eastern Upper Nile in Nasir Province, chiefly Mading. The GoS-backed militia, under Cdr Chol Gaka, captured Mading killing SPLA troops and civilians. The SPLA responded with a counter-attack that recaptured Mading, wounding Cdr Gaka and killing his deputy. Meanwhile there are also skirmishes in western Upper Nile, between the SPLA and Cdr Paulino Matiep, in the vicinity of the oilfields.

18. These violations of the ceasefire underline the importance of monitoring teams during the implementation phase. Will there be an international observer force or monitoring mission? If this is to be provided through the UN system then there are a number of hurdles to be cleared. Although a debate at the UN Security Council can be called at short order, first the mediators (and parties) must have a precise idea of what they will be requesting. After a UNSC resolution, it will take some time for the UN to put together a force and deploy it in Sudan. The IGAD Secretariat and the troika should begin to put in place relevant mechanisms for immediate deployment of whatever international force the parties have already indicated to accept.

## **The National Capital**

19. A second key issue is the status of the national capital. This is the most politically sensitive issue at the moment, with the potential for derailing the peace process. At the Cairo meeting last month, the SPLA, DUP and Umma Party presented a common position on a capital city subject not subject to Islamic law. The precise geographical definition of the capital territory was not specified, so that implicitly it could be a small enclave confined to the central part of Khartoum and exclude Omdurman and other parts of the Three Towns. The

word 'secular' was not expressly used. However, the strongly hostile response to this proposal by the National Congress and senior government figures suggests that it will be extremely difficult to get GoS consent for any proposal for a secular capital under any wording. The NCP insisted that Khartoum should remain Islamic at any cost.

20. The spark for the GoS's rejection of the Cairo Declaration and the prospect of a non-Islamic capital was a 'Working Paper' signed in London between the SPLA and the Popular Congress Party (headed by the detained Hassan al Turabi) on 3 June. This was not specific on the Islamic character of Khartoum but implied that it should be a 'single national capital', with its status to be decided democratically. This meeting touched the GoS's most sensitive nerve: its support among the Islamist movement. The GoS's response must be understood in the context of thus far unexplained factional discord within the Islamist movement. Various Islamist groups responded with extremely vociferous denunciations of the Cairo Declaration, including threats of selective assassination of eleven prominent secularists by a fringe extremist organisation calling itself the Society of Muslims-Koranic Battalion. Northern political parties and civic groups organised a solidarity rally aimed at keeping Khartoum Islamic. The GoS cracked down hard on students and civil society organisations planning a counter demonstration in favour of the Cairo Declaration: their proposed 'Khartoum Declaration' would have isolated the GoS and its position. These opposition groups are still determined to meet and produce this resolution. The crackdown has been implemented with a viciousness not seen for some years, indicating more the depth of infighting within the Islamist movement than the sensitivity of the issue itself.

21. The Egyptian factor may be significant in any ultimate resolution of this issue. The Cairo Declaration could only have been signed with the clear assent of the Egyptian government. President Husni Mubarak's trip to Khartoum last month and his second planned trip may well be intended in part to pressure the GoS on this issue.

22. This issue is still unresolved, and different proposals are under discussion among the mediators and external supporters. The most probable compromise position to be forwarded by the mediators is that, within the capital territory, rights will be based on citizenship alone, and that individuals will be able to choose whether they are subject to Islamic law or secular law. There are many difficulties with this formulation—and indeed with any attempt to find a compromise between two fundamentally incompatible legal systems. It remains to be seen whether such a compromise will be acceptable to either party. Another compromise would be to propose a shari'a-free enclave, but limit it to a small area of the centre of the city.

## **Accountability**

23. Another dimension to the intra-Islamist dispute has been the re-surfacing of the issue of accountability for human rights abuses. On several occasions the PCP has made it clear that it is ready for an examination of the human rights record of the NIF government, and has leaked some information from its dossiers and threatened to publish more. It does this confident that those it is naming are either in security officers in government now or are dead.

24. On its side, the GoS has launched a fierce counter-attack on the record of Hassan al Turabi, accusing him and his supporters being responsible for oppression, totalitarianism and human rights abuses when he was in de facto ruler. However, this approach runs the risk of making President Bashir look foolish: was he not President during the time when Turabi was

allegedly pulling the strings? The human rights card is likely to be played ruthlessly as the Islamists continue their infighting.

## **Power Sharing**

25. Various formulae for power-sharing have been broached. The GoS prefers two Vice Presidents (one to be Ali Osman Mohamed Taha), and failing that, a single VP who cannot succeed the President in case the Presidency becomes vacant. It may also consider the proposal floated by Mulana Mohamed Osman al Mirghani for a five-man Republican Council, that would keep both Bashir and Ali Osman at the summit of power. The SPLA's preferred position is a rotating presidency, which the GoS will not accept, but failing that, is ready to accept a single Vice Presidency with enhanced powers (including virtually exclusive authority over the South). The SPLA is demanding a broad-based government that includes the NDA.

26. The mediators are likely to settle on the following: the President will be from the North and there will be a single Vice President from the South. The VP will not be able to assume the Presidency: should the President be incapacitated, then it will fall upon the ruling party in the North to nominate as successor. Similarly, the VP will not take over the position as C-in-C of the national army. Elections will be held for all constitutional positions before the mid-term of the interim period, with the same formula holding: President from the North, VP from the South.

27. The formula of President from the ruling party of the North and the VP from the South is quite compatible with a variant of the Republican Council proposal. A State Council of five, with representation across parties and regions, could have these two pre-eminent constitutional positions reserved for North and South. This would have the advantage of ensuring greater buy-in to the agreement from parties that command widespread popular support across Sudan, such as the Umma and DUP.

## **The Marginalised Areas**

28. The issue of the marginalised areas is perhaps the most difficult issue still outstanding. This is one area in which the GoS is resolutely uncompromising. It will not bring Abyei, Nuba Mountains and Blue Nile into the main negotiating process which, it maintains, is solely concerned with the South. The GoS is ready to discuss these areas, even in the same location at the same time, with a simultaneous agreement to be signed. But it is not ready to accord this agreement the same legal status as the overall Framework Agreement. In addition, its substantive concessions on the three areas are very minor. For Abyei, it is ready to contemplate a referendum, but on the other two areas there is no compromise. However, the parties have renewed the Nuba ceasefire agreement for a further six months.

29. A conference was organised on the issue of Abyei, by the Sudan Peace Fund (based in Nairobi) in early June. This turned out to be an exercise in solidarity with the SPLA, in which the participants mandated the SPLA to negotiate on their behalf. It asserted that Abyei is part of Southern Sudan demanded immediate restoration of the area to Bahr el Ghazal. This outcome was foregone after the GoS prevented invitees from GoS areas from attending.

## **Popularising and Implementing an Agreement**

30. Popularising the agreement remains an important component of the peace process. To date, the negotiating process and the content of draft agreements remains a closely guarded secret. Even some of the members of the delegations to the peace talks confess to being in the dark about what is being discussed and agreed. The population at large, including senior commanders of the armed forces on both sides, are even more at a loss. For that reason, there is widespread caution about the peace process, and considerable scepticism about what is being achieved. Trust has not been built, and the process for democratic affirmation of the peace may be more uncertain than the parties expect.

31. Implementing the agreement will be as big a challenge as negotiating it. The GoS and National Congress Party are actively preparing for the challenge of peace. Various sectors of the party base are being actively mobilised, including the youth, women and the 'special entity' of the Islamist movement. This mobilisation was critical in sparking the popular demonstrations in favour of an Islamic capital. This demonstrates that GoS supporters are strongly under the impression that it is possible to have peace on their terms, and is an indicator that some issues may remain explosive even after formal agreement is reached.

32. The GoS has also been active in briefing the leadership of the army on the peace process, with a high-level delegation visiting garrisons and the Gabiet training school in eastern Sudan.

33. In the South, the SPLA is pursuing contacts with the Arab League (and has invited its Secretary General to visit Southern Sudan). Many international organisations are gearing up for post-conflict operations.

34. The Southern population both in GoS and SPLA areas are in the dark on the peace process. In absence of information rumours abound among Southerners wherever they are. Fortunately, the ordinary people in Southern Sudan are yearning for a just peace. They even have their red lines: There must be at least two separate armies in South Sudan. Another issue of importance is demilitarisation of the towns Juba, Malakal and Wau. The security in these towns should be provided by the police under international monitoring. International presence in various forms during the interim period should be guaranteed by peacekeeping forces and monitors. People insist that the North cannot be trusted and therefore there must be firm international guarantees to the peace agreement.

## **Social and Economic Issues**

35. Social and economic issues are relatively uncontroversial in this stage of the peace process. The SPLA is still insisting that its New Sudan Pound should be a recognised currency. At the minimum, it will have to agree that the New Sudan Pound is a denomination of the Sudanese Dinar. The key socio-economic issues will arise in the post-conflict period.

36. HIV/AIDS is recognised by both parties and the mediators as an extremely important post-conflict issue, but has not yet been incorporated into the peace process. At present, HIV prevalence in Sudan is unknown due to reliance on just four surveillance sites, none of which are in conflict zones, and an official figure of 2.6% is almost certainly too low. It is expected that the end of the war will see a substantial return of refugees and displaced people,

increased internal movement and trade, and widespread demobilisation of former combatants. The fear is that these conditions will facilitate a rapid spread of HIV. The implications of this include sickness and early death among all sections of society, most particularly the scarce educated people who will be needed to run an administration of Southern Sudan. A generalised HIV/AIDS epidemic would place a heavy burden on the country's inadequate health infrastructure and contribute to impoverishment and food insecurity.

37. Sudan's national economy has been posting good GDP growth in recent years, averaging 5-7%. Its inflation has been coming down. The Bretton Woods Institutions have been, overall, favourably impressed with the government's economic management. However, this has been possible due largely to the oil windfall and the fact that Sudan's debt management strategy has been simply not to pay what it is due. It has even had difficulty in repaying the relatively modest repayments due on its debt to the IMF.

38. Generous debt relief must be an integral part of a post-conflict package in Sudan. The country's international debt of \$22 billion is, proportionately, one of the largest in the world. Most of this debt is accrued arrears on debts run up in the 1970s. Unusually for a highly-indebted poor country, this debt is owed to a large range of lenders including not just the 'Paris Club' of OECD governments, but also banks, Arab governments and Eastern European countries. The complexity of the debt will make a comprehensive debt agreement more difficult, because putting Sudan on the fast track for HIPC debt relief will only address a portion of its debt burden.

## **Darfur**

39. Darfur has been militarily quiet during the last month. The GoS is divided as to how to respond to the insurrection, with some leading figures advocating force and others advising negotiation. The GoS is unable to focus on the Darfur crisis with the singlemindedness that it warrants, making it likely that a policy of force will prevail. The army will however be incapable of defeating the rebels, and any excesses that it perpetrates will merely escalate the resistance. As the rainy season progresses, however, military activities on both sides will be constrained. Arrests of students and activists have intensified. The humanitarian needs in the area will escalate as long as the conflict continues.

40. The SLA has many issues to resolve. It is led by young and relatively inexperienced politicians, who followed the SPLA pattern of beginning its military activities before their political agenda had been clarified. As a result it is now rapidly trying to cope with a huge influx of recruits to its numerous camps. At the same time it is working hard to establish good working relations with the various Darfur leaders outside the country, many of which it distrusts. The SLA is overwhelmingly led by Fur and Zaghawa, with Masalit and other 'Zurga' (black) leaders and groups rapidly mobilising. It also faces the challenge of how to deal with the Darfur Arab Alliance, which has traditionally turned to Khartoum for support, but which shares many of the same grievances over the neglect of the region.

## **The External Partners**

41. President Bush is visiting Africa in July but it seems very unlikely that he will go to Kenya and play any personal role in the peace talks. One reason for not visiting Kenya is the ongoing security alert related to the presence of al Qa'ida operatives in the area. A second



reason is the uncertainty over the endgame of the peace process, so that it cannot be guaranteed that Bush would be present at the required moment, or indeed that the peace deal will be successfully concluded. It is more probable that Senator Danforth would attend any final signing. However, most Sudanese are hoping that President Bush himself will be ready to bless a peace agreement.

42. While the State Department is wholly committed to the peace process, and President Bush has indicated that peace is his policy, the U.S. posture on Sudan still remains ultimately ambivalent. However, it is remarkable the degree to which the U.S. is part of a very wide array of international partners with a very similar approach to Sudan. This coalition has been an extraordinary asset in the peace process. It has compensated for any U.S. foibles. The more it can remain in place to oversee the implementation of any deal, the better.

43. The ad hoc multilateralism of the external partners has been pivotal to the success of the peace process thus far. To a significant extent, the peace process gained momentum when all the key international players began to coordinate their approaches, giving the parties no option but to concur or to pull out altogether. While the key leverage has come from the U.S., Britain's Special Envoy has provided the crucial elements of diplomatic persistence and understanding. It is important that this combination of coordination, leverage and experience remains even after the signing of any peace agreement: the implementation phase will also prove to be difficult.

## **Conclusion**

44. Peace has never seemed closer in Sudan. But the last leg of the peace marathon may be the most difficult. Infighting among the Islamist movement remains a threat. The GoS is standing firm on the issue of Islamic law for Khartoum, and the mediators and external partners may not necessarily be in a position to wring the final concessions out the GoS, having gone so far along with the peace process, and being so clearly committed to a peace agreement in the near future. A 'plan B' for pressuring the parties, especially the GoS, will need to include quickly-implementable measures for protection of civilians in the war zones should there be a sudden irruption of fighting.

45. If a peace agreement is signed on schedule, the challenges ahead will be no less daunting. Many of these issues need to be addressed now. The international community, both governments and NGOs, should begin to support various Sudanese specialised conferences focusing on the issues that need to be tackled during the pre-interim period once the peace agreement is concluded. Six months pre-interim period may not be a long time for fund-raising and conducting informed consultations on issues of constitutional drafting and other relevant issues.