

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. March is a critical month. The chance of an agreement in the second quarter of this year hangs in the balance, with further brinkmanship on the three marginalised areas and more ceasefire violations. There are further uncertainties brought about by the probable U.S. war on Iraq. There are strong forces in Khartoum in favour of peace, and President Bashir made a strongly optimistic speech in Paris in late February. There is a lack of awareness among the civilian grassroots and the parties' rank-and-file about the steps towards agreement.
2. The main IGAD peace talks are due to resume on 22 March following discussion on the three marginalised areas. But the failure thus far of the discussions on the marginalised areas may disrupt this schedule. Progress on the marginalised areas and the following round will be critical to the chances of peace, not least because the U.S. Administration needs to report to its Congressional critics in accordance with the Sudan Peace Act.

Ceasefire

3. A violation of the ceasefire by GoS militia on 20 February jeopardised the peace process. The militia forces led by Paulino Matiep attacked in Leer. The militia is making its presence felt, raising the issue of how it should be incorporated into both the ceasefire arrangements and the wider political agreement.
4. Another significant violation was the completion of the construction of a bridge on the road south from Bentiu, which creates an all-weather road as far as Leer. In accordance with the agreement reached, this bridge should be dismantled. It will be a test of the professionalism of the monitoring team, the resolve of the mediators and the good faith of the GoS, to see that this is carried out.
5. Since the Addendum to the ceasefire agreement was signed in February, the Civilian Protection Monitoring Team and Verification Monitoring Team have needed to be enhanced. The militia attacks have also been a means of testing these mechanisms. It would seem unlikely that these teams can operate effectively in the absence of ongoing progress in the peace talks.

Karen Talks on the Three Marginalised Areas

6. While there has been tangible progress on most of the issues separating the parties, and there is the prospect of further progress, the question of the three marginalised areas of Abyei, Nuba Mountains and Southern Blue Nile remains a source of frustration. The parties convened in Karen in early March, slightly late, to discuss the question of these areas. These talks are convened under the chairmanship of Gen. Sumbeiywo, formally separate from the IGAD process.

7. The positions of the parties on the three marginalised areas remain much as outlined in previous briefings. The SPLA has now implicitly accepted that they are not part of the South, but demands that their political status be an integral part of the peace agreement. The GoS is still keen to separate them off from any agreement reached on the South and has been resisting any formal discussion of the political status of the areas. It is resisting compromise on the principle of the inviolability of the borders of Northern Sudan and the presumption that IGAD is concerned solely with the South. In addition, the GoS may be strategising that by stalling on this track of discussions, but making progress on the main IGAD track, it may be able to put sufficient pressure on the SPLA to reach an agreement without any provisions for the marginalised areas at all. This strategy may put the SPLA in a corner: either it accepts putting the three areas on a dead end track, or it jeopardises the peace process.

8. In contrast to the peace process in the South, the issues of the marginalised areas have not been given an opportunity to mature through discussion. There was incipient progress in the IGAD rounds in 1998, which was then abruptly halted. The question under discussion has been, overwhelmingly, should these areas be on the agenda? The question of how to settle the political problems has hardly been raised at all. In the recent round, the main issues of contention included the membership of the parties' delegations and setting an agenda for further discussion. In short, the parties are still discussing how to discuss the marginalised areas.

9. The GoS approach is to treat the Karen discussions as an extension of its 'peace from within' programme of co-opting community leaders, than serious political discussions. To this end it despatched a very large delegation chiefly of individuals from the three areas, disputed the SPLA's right to appoint a Southerner (Nhial Deng) as delegation leader, and pushed for the exclusion of observers from IGAD and international partners from the talks. The SPLA approach is to see the talks as inherently political, similar to the main IGAD track. It thus introduced the right to self-determination and the separation of state and religion as agenda items, to which the GoS objected. There is currently a stalemate on these issues, with the session breaking into workshops as a means for continuing the façade of progress.

10. A positive aspect of the parties' approach is that they feel the need to obtain some representation and/or mandate from the citizens of the three areas.

11. The question of the three areas will need to be revisited at least one more time before a peace settlement can be concluded. The two rounds of discussion this year so far have failed to make progress on the key political issues, but they have aired the questions and allowed the parties to feel more comfortable with the very fact of discussing them. Taken together with the civil society and SPLA consultations in late 2002, they have created public political dialogue where none existed before. Agreement on the agenda and substantial progress on the substantive issues needs to be made before the principal track at IGAD can resume.

Unresolved Issues for the Following Round

12. Key issues on power sharing remain unresolved. The SPLA has accepted that it cannot achieve a rotating presidency and is instead ready to settle for the first Vice Presidency, with substantial powers. The GoS describes these powers as 'veto powers'. A significant faction within the GoS, led by Ali Osman Mohamed Taha, wants to retain the first Vice Presidency and relegate the SPLA to the second Vice Presidency, a position that the SPLA is very unlikely to accept. Should the parties agree on the first Vice Presidency formula, then questions remain as to the relationship between that position and the Presidency of the South. Are they to be the same position or not?

13. The SPLA is seeking Southern participation of 40% in the central government institutions (legislature, judiciary, executive and civil service), except the Upper House of the assembly where it demands 50-50 representation between North and South. This position has two difficulties. First, quotas for people from the three marginalised areas have not been tabled. Second, the shortage of skilled personnel in the South is such that filling these quotas would threaten to drain Southern Sudan of some of the human resources necessary for reconstruction. However, the core point of a constitutional mechanism to guarantee Southern representation in national institutions is a valid concern.

14. Progress has been made on some constitutional arrangements, such as elections. Many details remain to be resolved. Prominent among these is the nature of constitutional authority in the South. The SPLA has so far been reluctant to discuss this, with the clear indication that it would prefer to have complete authority over the South. This is not a workable proposition. Southern civil society groups, led by the churches, meeting in Entebbe earlier resolved to convene a Southern leadership consultation to address this issue, along with security arrangements for the South. Some progress has been made and it is important that this meeting convenes earlier rather than later.

15. Will the IGAD discussions over a broad-based government become the de facto constitutional conference? Whatever is decided in Karen will become the framework within which any subsequent constitutional conference will be required to function. The mediators should consider allowing all parties (NDA, Umma, representatives of non-SPLA Southern groups) to attend, in order to obtain their support for the basic frameworks agreed. It is important to avoid the scenario in which mid-interim period elections are contested by parties that were not part of the IGAD process and dispute its legitimacy.

16. The status of the national capital remains a highly contentious issue. The SPLA demand for a secular national capital remains in principle but has been in practice watered down, to include only the geographical centre of Khartoum itself, leaving Omdurman and Bahri (and possibly other parts of Khartoum) under shari'a laws. The SPLA also insists, logically, on participating in the administration and security of the national capital. The practicalities of this arrangement are less important than the symbolism: will the GoS be prepared to swallow a non-Islamic capital? Can a face-saving formula be found?

17. Security issues are finally to be discussed in detail. These are likely to be the most difficult areas of all to reach agreement upon. However, the incremental process of establishing and monitoring ceasefires has addressed a number of the issues already. The GoS

will push for a status quo based security arrangement, with its forces remaining in the Southern cities and the oilfields. It will push for the militias to be classified as an independent force and remain in position. The SPLA's starting point is likely to be the withdrawal of all GoS forces well out of the South—to the 13th parallel, with its own forces a degree to the south—with one GoS unit to remain as a symbol of national unity and to provide security for Northerners who remain. The role of the militias will be controversial. Currently, effective agreement on their position is hampered by their non-representation in the peace talks, which is opposed by the GoS because it fears they will make common cause with the SPLA on key issues, and by the SPLA because it does not want to recognise them. Their status does not at present seem even to be on the SPLA's negotiating agenda. The SPLA also demands the disbanding of the Popular Defence Forces. The status of existing GoS security services will also need to be discussed.

18. Should the discussions on security arrangements begin before the Southern leadership consultation has been held, the IGAD mediators should consider holding a workshop on internal security arrangements in the South, to include representatives of all Southern militias. The political roles of Southern militia leaders—the issue of power sharing internally within the South—will also need to be considered in the context of a future Southern unity government.

19. Wealth sharing was the area in which most progress was made during the last round. The World Bank and the IMF will be serving as crucial intermediaries in developing formulae for resource allocation. An outline agreement on the central bank and monetary arrangements is also close. There will be one central bank with a subsidiary in the South. Any SPLA-issued currency circulating in the South will be a denomination of the national currency. The powers of the Southern Central Bank have yet to be defined. One issue that will arise is whether it can prohibit Islamic banks from operating in the South.

20. Another crucial wealth-sharing issue that may arise is land tenure. Land-grabbing by well-connected Northern merchants was a contributory cause for the war in several locations notably the Nuba Mountains. In some places, such as Renk, this has continued during the war. There are serious fears that peace would see the opening up of the South to carpet-baggers who would prey upon impoverished populations and buy land cheaply. Some protection of communal land ownership is essential.

International Roles

21. International guarantees will emerge as an important background issue in the coming rounds of talks, especially when the security issues arise. The option of an international peacekeeping force is not on the agenda. More likely is an upgrading or expansion of the existing monitoring mechanisms to cover the security arrangements across Southern Sudan. Several key questions will need to be added to the agenda. One is the monitoring of security arrangements in the national capital. Another is the monitoring of any agreement that involves the militia forces in Upper Nile and Juba. (The churches, UN and some independent peace institutions are well-placed to consider how to develop modalities for the latter.) The ad hoc multilateralism that has served the process so well in the last 18 months should make it possible to allocate these tasks effectively between the numerous multilateral actors (UN, African Union, IGAD, World Bank and IMF) and IGAD's international partners. In this respect, Sudan represents an excellent chance for the international community to implement a

light, multi-tasked peace operation in this spirit of the Brahimi Report on United Nations Peace Operations.

22. A related issue is the integration of human rights provisions in the peace agreement, and human rights monitoring during the interim period. A further task will be the monitoring of the power- and wealth-sharing agreements reached.

Popularising IGAD

23. The parties' leaders and their immediate circles are well-informed about the progress of the talks. They are keeping a very tight lid on information about what transpires at IGAD and what they will settle for. In one respect this is a reflection of their seriousness and is therefore to be welcomed. However, it also has a downside. Few know what has been agreed. The lack of popular awareness about the concrete steps towards agreement, alongside a lack of general appreciation of the atmosphere of optimism in Karen, runs the risk that pessimistic or frustrated commanders at a local level could take actions that imperil the peace process. It is important that officers in the SPAF and militia and commanders in the SPLA are aware of agreements when they are reached, so that they are encouraged to act within the spirit of the peace process. This can be done not only through the prompt publishing of agreements, but by a wider attendance of observers at the sessions when agreements are actually signed.

24. Should the peace talks stumble, dissemination of the areas of agreement and disagreement will make the Sudanese people stakeholders in judging the successes and failures of the peace process.

Khartoum

25. Politics in Khartoum is largely in suspense, waiting in particular for the outcome of the Karen talks on the marginalised areas. These talks have generated considerable interest in Northern Sudan and have awakened a widespread consciousness about different political options, especially for peripheral areas.

26. The Sadiq el Mahdi wing of the Umma Party continues to talk to the government. They are discussing human rights and democracy. Sadiq has emphasised that he will not join any government until there is a peace deal and a government of national unity.

27. In Northern Sudanese political circles, the Machakos Protocol is widely interpreted as a charter for the separation of the South. In this context, some Islamists both within the ruling party and outside it have begun to canvass the suggestion that the GoS should unilaterally withdraw from the South, having first secured its strategic interest in the oilfields through the militias. The argument is, why should the government spend time and resources on reconstructing the South, if it is only going to secede after the interim period? In addition, they argue that since the government has abandoned its mission to Islamise the South, there is no reason for it to stay there. Government spokesmen including Ghazi Salah el Din have responded to this by emphasising that unity is still an option, that the Southerners can be encouraged to vote for it, and that it would be a betrayal of the martyrs who have died in the South to abandon their cause.

28. The detention of Hassan al Turabi was renewed for another year on 22 February. Pressure is building on the GoS among Sudanese and international Islamists for his release. Until recently, this pressure took the form of reconciliation talks mediated by prominent Islamists; now Turabi's followers have reverted to simply campaigning for his release. In the current climate it seems extremely improbable that the GoS will agree. Ten years ago Turabi tried to bring together the Iraqis, Iranians and al Qa'ida within his Pan Arab and Islamic Conference, and the U.S. administration would clearly not look kindly on the release of an individual who consorted with so many of its declared enemies.

Darfur

29. The deterioration of the situation in Darfur is a sideshow to the IGAD talks but nonetheless raises important questions about the political dynamics set in motion by the peace process. The conflict in Darfur arises from a long history of political marginalisation (by both GoS and the sectarian Northern parties), partisan interventions by central government, local conflict over resources and political office, and vigilantism related to the weakness of the government security presence. Comparable conditions led to the war in the Nuba Mountains in the mid-1980s. Moreover, the fact that only the armed opposition is represented at the IGAD peace talks has created the logic that political participation is obtained through the barrel of a gun. The crisis in Darfur underscores the need for a fully representative political process in Sudan as an integral part of the peace settlement.

30. Much about the crisis in Darfur remains uncertain. The political motive and leadership of the Darfur opposition group is not clear. Its links to the veteran political leadership of the region is also unclear.

31. The mountainous terrain controlled by the Darfur opposition group makes it exceptionally difficult for the GoS to mount a military operation using ground forces. Some military response is likely, however, perhaps using aircraft. Serious humanitarian concerns arise in the context of such military actions.

The South

32. Dr Riek Gai is struggling to establish control over the Southern Coordination Council in Juba. His clearest agenda is to promote the role of the militias, but other aspects remain unclear. He has yet to articulate a vision or goals for his role. Meanwhile, regional assembly elections are threatening to descend into chaos, because of irregularities in the process of nomination and the unclear role of the National Congress Party. The Electoral Commission has suspended the elections in Upper Nile.

The Region

33. The final demarcation of the Ethio-Eritrean border, scheduled for March, has been postponed from March until June, with completion scheduled for August. The reason for this is that the border commission placed the disputed town of Badme, where the war began in May 1998, approximately one and a half kilometers inside Eritrean territory. It is extremely difficult for the Ethiopian government, having militarily won the war, to explain to its population why it should withdraw from the town that whose forcible occupation by Eritrea

sparked the fighting in the first place. This is a fix needing international attention and pressure. From the viewpoint of international diplomacy, the timing is unfortunate. Meanwhile, hit-and-run raids by the Eritrean National Alliance forces, based in Sudan and Ethiopia, have increased. This situation needs to be watched carefully.

Washington

34. The consequences of a U.S. war on Iraq are inherently unpredictable. A conflict will set in train numerous processes whose consequences will become clear only in the long term. Sudan's support for international jihad-ism including Usama bin Laden was an unforeseen outcome of the 1990-1 Gulf crisis. The repercussions of that, notably a decade of international ostracism, make it improbable that the GoS will follow a comparable path. But no scenario can be ruled out. In the short term, the most likely impact will be the withdrawal of most or all U.S. diplomatic personnel from the region and a reduction in U.S. focus, energy and resources for Sudan.

35. President Bush continues to make it clear that peace in Sudan is the Administration's policy. This clarity and consistency keeps the Administration focused on the peace process. It should remain a factor if and when the U.S. begins its offensive against Iraq.

36. The anti-Khartoum coalition in Washington DC is powerful and well-organised. It succeeded in obtaining additional aid funds for Southern Sudan in the recent budget. While assistance to most of Africa stagnates or declines, aid to Southern Sudan increases. This should also help to keep Sudan on Washington's agenda.

37. Under the provisions of the Sudan Peace Act, the administration becomes due to report on the parties' commitment (read; GoS commitment) to peace in April. The anti-Khartoum lobby will be active in painting Khartoum's recent actions in the darkest possible terms. There are indeed disturbing indications of lack of good faith, especially concerning the fighting in Upper Nile. But the balance of evidence is undoubtedly in favour of continuing the present policy of actively seeking peace. Over recent years, sabre rattling by Khartoum's most vociferous adversaries in the U.S. has certainly helped frighten the GoS into negotiating. It would be very unfortunate if this lobby were to succeed in its stated aims and put in place a U.S. policy aimed at forcible regime change. Should there be a war on Iraq, Congress is more likely to be quiescent and to support the Administration's Sudan policy.

38. The Administration must also issue a report on war crimes to comply with the Act. This is an important issue. It is unfortunate that over the last seven years or so, USAID has neglected to support groups in Sudan that have been seeking to compile this information. To refocus the energies of the Administration on rapidly collecting the necessary information at this stage would threaten to divert scarce human resources from the task at hand, which is pursuing peace.

What Next?

39. The GoS strategy of refusing to compromise on the marginalised areas raises the possibility that they will raise the stakes as the end of the month approaches. It is possible that the GoS will argue that the IGAD main track must resume, despite no agreement on the

three areas, or else the ceasefire will not be renewed. The GoS will then try to portray the SPLA as the one responsible for abandoning IGAD.

40. How is this to be averted? The key is to ensure that the three marginalised areas are discussed seriously. Until there is agreement between the parties on the agenda for these negotiations, and some progress towards an agreement, the Karen discussions should be extended and the main track of IGAD negotiations should be delayed. Ideally, agreement should be reached on the political settlement of the three areas before moving to the issues of security arrangements and power- and wealth-sharing, but there are also arguments in favour of resuming the discussions at a later date when the parties have had more time to reflect on the issues.

41. The ceasefire will be due for renewal shortly. It is important that it is renewed for a further six months, with this extension providing a deadline for achieving a complete peace deal. In the meantime, it is important that the CPMT and VMT be strengthened and enlarged.