

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

MAY-JUNE 2002

Overview

1. The peace process is still in intensive care. As always with the Sudan peace process, the major parties are concerned with a range of other issues which impinge on the peace process itself, and some of their strategies and gambits threaten to derail the entire process. Although the pieces of the jigsaw appear to be coming together slowly, there is an ever-present danger of extraneous factors intruding.
2. The last month has seen heavy fighting on several fronts. The bloody air attack on Rier, has been met with condemnations but no vigorous response, in contrast to the Bieh attack in February. The ability of the international community to respond effectively to this atrocity is hampered by the fact that a monitoring system has not yet been set up, which means that it is difficult to ascertain whether Rier was a wholly civilian target or whether in fact it was also serving as a military base for the SPLA. Meanwhile, the GoS has also flexed its muscles by an unprecedented restriction on humanitarian access by air to western Upper Nile. The SPLA allegedly permitted its territory in Blue Nile to be used as a launchpad for an incursion into Ethiopia by the rebel Oromo Liberation Front. If this is correct, it is a misjudgment. Ethiopia's response may prove militarily and politically costly to the SPLA and the Sudanese opposition.

The Danforth Report

3. The release of Senator Danforth's report was expected to be a pivotal moment in the emergence of the U.S. position on Sudan. In the event, it was an anti-climax. There were numerous leaks, some of them in the form of Sen. Danforth's own statements to his local newspaper in Missouri, so that much of the report was known in advance. In the event, the White House posted the report on its website rather than arranging any ceremony. Meanwhile, the contents of the report were much as anticipated. The report separated the recommendation that the U.S. remain engaged from the Envoy's personal opinions regarding the possible substance of an agreement. Danforth's insistence that separation is not an option for Southern Sudan was modulated by his recognition that others, including the IGAD DoP and the 1998 Constitution, award Southern Sudan the right of self-determination including the option of separation. Maintaining the right of self-determination on the agenda is crucial to the progress of the peace process, and the U.S. has done just enough to keep it there.
4. The Government of Sudan judged aspects of the report before it saw it. It condemned the idea of sharing oil revenues with the SPLA: a proposal not found in the report, which instead dwelt on modalities for post-agreement wealth sharing. Anticipating that the U.S. would rule out self-determination, the GoS also blocked progress at the IGAD Committee meeting in late

April/early May. In the event, Danforth's position on self-determination is nuanced by the fact that his discussion of the principle was an 'observation' and not a binding recommendation. Danforth also recommended that the U.S. should not launch its own initiative but instead supports the existing peace initiatives, notably IGAD with Egyptian engagement.

5. The SPLA was more accurate in its anticipation of Sen. Danforth's opposition to the right of self-determination. The Southern political parties in Khartoum, which complained that the Envoy had not met them when he visited Sudan, strongly objected to Danforth's stand on self-determination. The disappointment of the Southern political forces and civil society groups on this score matches their confidence that there is unprecedented Southern popular unity on key issues.

6. To the surprise of many, Sen. Danforth is staying on as Envoy, while his chief of staff, Robert Oakley, is leaving. The decision to keep Sen. Danforth appears to have come from the White House. Danforth will retain a role, with minimum trips to Sudan, with a new chief operating officer, expected to be an experienced foreign service officer. By early June, the crucial appointments had not been made. Washington politics is influenced by the continuing pressure of the anti-Khartoum coalition (the presence of Danforth acts as a shield against this), and by the crisis in the Middle East, which has left the Secretary of State, Colin Powell, exposed.

7. The Sudan Peace Act still has some signs of life, but it now seems very unlikely that it will make any progress before the summer recess. Its support is wide, but not sufficiently deep to overcome the obstacles in its path. The Act's most powerful component—capital market sanctions against companies doing business in Sudan—is also its fatal weakness, as the Treasury is resolutely opposed to this measure. Assistant Secretary of State Walter Kansteiner clearly ruled out capital market sanctions on 5 June.

Implementing the Confidence-Building Measures

8. The U.S.'s most immediate problem in Sudan is that the implementation of Sen. Danforth's four confidence-building measures, especially the Nuba Mountains ceasefire and the monitoring of attacks on civilians, requires a large staff of experienced individuals. But the State Department simply lacks enough people and the capacity to put them on the ground in time. Hence, the peace plan risks becoming bogged down in the details, as the GoS manipulates the details of the implementation, and the U.S. is unable to respond to actual or alleged violations of the agreements (as in Rier and the Nuba Mountains). Meanwhile, the failure to meet the expectations of ordinary Sudanese for quick results risks losing goodwill towards the U.S.

9. The implementation of the Nuba plan has been extremely slow. The Nuba Mountains agreement is being undermined by the failure of humanitarian agencies to upgrade their operations in the SPLA-held areas, to the extent that some Nuba are asking if there are any tangible benefits from the ceasefire. Few additional relief or development activities have been started in the SPLA-controlled areas since the ceasefire came into effect, and no new NGOs have arrived. The first food deliveries started only in the second half of May. The UN has sent three assessment missions, frustrating the SPLA commander, who is interested in deliveries, not promises. However, the end of the fighting and the opening of roads has meant

an improvement in the situation of ordinary people. To the surprise and consternation of the GoS, the movement of people has been away from the towns and peace villages and towards the SPLA-controlled areas. It is likely that this pattern of movement of people will prompt the GoS to restrict free movement.

10. The humanitarian situation in the Nuba Mountains has exposed some gaps in the ceasefire agreement. While the JMC is responsible for authorising flights, including humanitarian access, it has no responsibility for the actual provision of humanitarian assistance. The role of the UN including OLS has not been built into the agreement.

11. In the early weeks of the ceasefire, the GoS massively redeployed forces from Kadugli southwards to the oilfields, in violation of the agreement. This violation escaped international censure. The JMC is now functioning, however, and further ceasefire violations have not been reported recently.

12. The ceasefire is due for renewal this month. There is some grassroots disenchantment with the benefits of the ceasefire, augmented by the fact that neither party has truly explained and popularised the ceasefire and its *raison d'être*. On the GoS side, it is presented as a success of the 'peace from within' programme, while on the SPLA side, it is seen as a humanitarian ceasefire to facilitate the delivery of relief.

13. Implementation of the monitoring of attacks against civilians in Southern Sudan has likewise been very slow. Three months after the parties signed the agreement, there are no monitors in place. This seriously handicaps the ability of the U.S. (and other mediators) to respond to real or alleged violations of the agreement such as the attack on Rier. The attack on Rier raises a number of important challenges, which will compel the U.S. to either expedite its monitoring or consider more radical options including an air exclusion zone over western Upper Nile or a safe haven for civilians.

14. Meanwhile, the ongoing disruption of humanitarian access by the GoS is also undermining the credibility of the agreement. The most recent and egregious example is the OLS capitulation to GoS over flights to western Upper Nile. The GoS restricted flight access in April and then prohibited all flight access to Unity State (western Upper Nile) on 16 May. By agreeing to cease flights from the Southern Sector and instead to supply the area from the North, the UN has given far more ground to the GoS than before. In retaliation, the SPLA has threatened to withdraw its own permission for flight into Wau. Western governments, led by the U.S. have reacted with strong condemnation to the flight ban.

15. The report of the Slavery Commission has been released. The report is comprehensive and balanced. It is clear that it cannot come to anything other than preliminary conclusions. The GoS will try to use the report to garner more resources for its Commission for the Elimination of Abduction of Women and Children. The Commission avoided the controversy over slave redemption schemes.

16. The overall GoS strategy with regard to the Danforth proposals has been to try to suck the mediators into the details, so that they lose sight of the wider picture. Meanwhile, it is continually testing the limits of the agreements and the patience of the mediators, believing that the U.S. will not be ready to jeopardise its investment in the monitoring processes by threatening to pull out. Because the mediators seem to care more about the victims of the war than the GoS does, the mediation then becomes hostage to the stratagems of the GoS. This is

exactly what the GoS succeeded in doing with OLS, which was initially designed in early 1989 partly as a confidence-building measure during peace negotiations.

The Peace Process

17. The U.S. position on the mechanics of the peace process is clear: it supports IGAD and wants the Egyptians to merge their joint initiative with IGAD. At a wider level, the U.S. strategy is to keep Sudan separate from the Middle East crisis. There has been both progress and inertia from both IGAD and the Egyptians. Progress includes the more regular convening of IGAD and the meeting between Presidents Mubarak and Museveni, and also the postponing of the summit which had been proposed for May or June, but which would have been premature. Neither IGAD nor the Egyptians have yet devoted major human resources and political capital to the peace process.

18. A meeting of the IGAD committee concluded in early May with no progress. The agenda was to discuss the agenda for the planned (but not scheduled) summit and subsequent IGAD meetings. The GoS delegation repeatedly refused to include interim arrangements on the agenda, on the grounds that if self-determination has been ruled out, the issue of interim arrangements does not arise. This was an optimistic (from their point of view) reading of the Danforth report. Another meeting is scheduled for 17 June, but it is likely to become stuck on the same point.

19. The Kenyan Government is currently keeping the Sudan peace process solely to itself, consulting little with the other IGAD member states. There is more consultation among the IGAD partners than among the IGAD states. Meanwhile, the U.S. is overwhelmingly talking to the Kenyans and not engaging with other IGAD governments. Kenya's lack of consultation, combined with a lack of urgency in moving the process forward, has concerned some other governments in the region.

20. It is likely that the GoS will try to raise the peace process at the African Union Summit in Durban, South Africa, in July. Its strategy will be, first, to pre-empt an unscheduled discussion of Sudan (which occurred last year in Lusaka, prompted by the President of Botswana, and which was embarrassing for Khartoum), and, more importantly, to see if it can slip through a resolution supporting the territorial integrity of Sudan.

21. The role of the NDA in the peace process remains both marginal and unclear. The most powerful reason for including the NDA is that any free elections in Sudan are certain to return a government with strong, perhaps dominant, representation of the NDA parties, and for that reason it is essential that they are part of a peace settlement. However, the NDA leadership, including the Chairman, remains elusive, and the alliance as a whole has yet to present its key propositions.

22. The substantive focus of peace discussions is focused on the question of what deal the South will settle for, trying to square the circle of the Southern demand for the right of self-determination and the international consensus that prefers 'one country two systems.' One element of this that is receiving more attention at present is the question, what guarantees will the Southerners' want for a settlement? Many Southerners suspect that the focus on guarantees is a way of shifting attention away from the question of what is to be guaranteed: they will demand a set of internal guarantees (i.e. the constitutional right to self-

determination in some form), matched by international guarantees that this right will be upheld internationally.

The Battlefield

23. There has been very serious fighting in western Upper Nile, as the GoS tries to take advantage of the last weeks of the dry season. There were several major battles with SPLA forces commanded by Peter Gadet with both sides suffering heavy casualties near Ganliel, Wankai and Nhialdiu. This was followed by the night-time bombing attack on Rier, which was reportedly used by Gadet as a base.

24. There has also been fighting in various parts of Bahr el Ghazal, with the GoS also trying to secure locations close to Aweil and Gogrial. It has made no progress. The SPLA has repulsed GoS forces close to Wau. Equatoria has been quiet, with SPLA military activity stood down for the duration of the Ugandan offensive against the LRA.

Uganda versus the LRA

25. Uganda's 'Operation Iron Fist' against the LRA has continued, involving more than 10,000 troops, but with modest success. The LRA probably has no more than 1,000 troops, but it has the advantage of the terrain, and will shortly have the further advantage provided by the rainy season. Joseph Kony cannot defeat the Ugandan army in battle, and is playing for time by hiding in the mountains. The Sudan Government has repeatedly extended the deadline for Ugandan military operations inside Sudanese territory. Uganda has refused SPLA offers to assist in the operation, and the SPLA has been frustrated by a de facto freeze on all its operations in this vicinity. This freeze is the biggest advantage that accrues to the GoS, which should be able to see out the rainy season without any military threats in this area. It is possible that information is still being passed to the LRA from Sudanese military officers.

26. Museveni has staked a great deal on 'Operation Iron Fist.' It is important for his political and military credibility to score a significant success in the coming months. With the wet season fast approaching, it is likely that no decisive action can be concluded until the end of the year or early 2003.

27. The LRA committed a massacre, killing more than 400 Sudanese villagers in particularly horrible ways. Such atrocities rule out any talks between the LRA and the Ugandan Government, which Kony had earlier offered, and which Museveni had rejected.

The SPLA, Eritrea and Ethiopia

28. Details have emerged of an incursion by more than 100 fighters of the Oromo Liberation Front into western Ethiopia from what appears to be SPLA-controlled areas. There is no clear account of exactly what occurred in late April, except that a contingent of OLF fighters penetrated deep into Wollega, and were confronted by the Ethiopian army, and both sides suffered casualties before the Ethiopians overwhelmed the force. The bulk of the OLF troops

appear to have been originally stationed in Somalia, from where they were shipped to Eritrea, before being airlifted to what is allegedly SPLA-controlled territory in southern Blue Nile, from where they penetrated into Ethiopia. The Eritrean Government planned the operation. John Garang was summoned to Addis Ababa to explain the alleged SPLA involvement to the Ethiopian Government.

29. Ethiopian rebel forces have been stationed in Southern Sudan before. For example forces loyal to the former governor of Gambella, an ethnic Nuer, were present in the vicinity of Akobo last year, and into the early months of this year. These forces were opposed by the SPLA. The SPLA will have to clarify its version of events, as the incident could have far-reaching consequences for the SPLA and the peace process. If any SPLA involvement is established, the Ethiopians will be very unforgiving of such transgressions.

30. At the end of May, the GoS reoccupied the small but strategically important town of Geissan in southern Blue Nile. Geissan is adjacent to the Ethiopian border and could only have been captured by the GoS overrunning all the territory to the north, or an operation conducted from Ethiopian territory. There were simultaneous attacks on the towns of Ulu, Meban and Deim Mansour, none of which have yet been captured.

Khartoum

31. Khartoum is undoubtedly concerned with the U.S.-led peace efforts. But the divisions within the Islamist ranks are of equal or perhaps even greater concern. Details have emerged of a reconciliation initiative between the Bashir and Turabi camps, undertaken by Ghazi Salah el Din. Although the initiative was killed off when news of it leaked (the source of the leak is unknown), the initiative itself is instructive in what it reveals about the dynamic of Islamist politics in Khartoum. The involvement of Ghazi Salah el Din is no surprise: he has regularly undertaken initiatives to reach out to potential allies of the GoS including Sherif al Hindi and Sadiq el Mahdi.

32. Two memos were exchanged between Ghazi and Turabi. Ghazi initially proposed three steps: an end to hostile public statements, the formation of a reconciliation committee, and the convening of a conference to endorse the reconciliation and select a new joint leadership (with President Bashir and Vice President Ali Osman remaining in post). Turabi welcomed the idea but insisted that the committee should be equally composed from both sides and the resolutions of the final conference should be binding (i.e. preventing Bashir from manoeuvring against Turabi). Turabi further insisted that the 1998 constitution (which he drafted) should be the basis for any future political dispensation, that reconciliation should include all political parties with general elections to follow, and that the right of self-determination should be respected. Ghazi then briefed President Bashir, who was reportedly appreciative but sceptical that any agreement with Turabi could be made to stick. When news of the meetings was leaked, Ghazi defended himself by saying that his actions were done from loyalty to the national Islamic leadership, and his only bitterness towards Turabi was over the latter's Memorandum of Understanding with the SPLA.

33. The incident reveals the extent to which the split has weakened the Islamist cause in Sudan. By their own admission, it has cost the Islamists the support of youth, students and women, demoralised the army, party and civil service, and damaged the running of the government. It has also revealed the divisions within the Bashir camp, for example between

Ghazi Salah el Din and Ali Osman. Lastly, it has thrown further doubt on the credibility of Ghazi Salah el Din as an intermediary in the peace process.

34. The final point highlighted by the exchange is the relevance of constitutionalism. There are two major forces within Khartoum which (ironically) concur on the importance of sticking to key constitutional principles: Turabi's Popular National Congress and the Southern forces in government. Turabi wants to adhere to the Islamic principles of the constitution while the Southerners have succeeded in keeping the articles concerned with self-determination alive, despite Bashir's hope that the issue could quietly slip away.

SPLA Governance

35. The SPLA planning for its second Convention is proceeding but no date has been set. It now seems probable that it cannot be convened before the end of the dry season and so the earliest date could be the end of 2002 or early 2003.

36. The SPLA announced the opening of its 'national' bank and new currency, and even began to issue the notes. However, on the advice of various specialists, the launch of this bank and currency has been postponed.

Conclusion

37. The last month has illustrated a number of serious dangers to the peace process. There is the danger of the GoS 'merchandising the peace': splitting it into small bits that are sold to the international mediators, while it remains unwilling to make serious compromises on the core issues. There is the danger of either or both parties contemplating a military solution: the GoS through its control of the oil reserves and through cooperation with neighbouring countries, the SPLA through a spectacular military gambit.

38. The IGAD process is still the only game in town. It is still in need of strengthening its capacity and improving its tradecraft. The implementation of Sen. Danforth's confidence-building measures is important, and needs to be accelerated and invested with more resources. But the implementation of these measures is not enough if it encourages the parties, especially the GoS, not to respect prior commitments agreed in other forums. The next steps in implementation should also be tied in to a clear and sequenced process of moving forward with a comprehensive peace settlement.

39. The events of May and early June certainly cloud the prospects for peace. But it is remarkable that the peace process has not been derailed. There is a need for a roadmap. The mediators also need to invest greater human resources in their activities. A 'business as usual' approach will not be enough.