

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. A final peace agreement is within grasp. A concord on wealth sharing has been signed. The parties missed two deadlines for a final agreement (the New Year and 20 January) and have suspended until 17 February. The final hurdles are an agreement on the marginalised areas and on power sharing. The distance to cover seems to be relatively small and complex. Hopefully the February round will represent the final round of negotiations.
2. The most difficult issues will arise during the discussion of implementation mechanism of the peace agreement, especially with respect to the security arrangements and self-determination. It is crucially important that the international community and Sudanese civil society remain closely and constructively engaged with ensuring that the transition to peace is successfully completed, and the parallel transition to democracy is also effectively undertaken.
3. The war in Darfur continues to escalate and poses an increasingly serious threat. It has reached a stage at which international mediation to secure a political settlement is essential. Naivasha: What has Been Achieved
4. On 7 January, the GoS and SPLA signed a protocol on wealth sharing. This is an important step forward which promises much. However, there are important gaps and also questions about effective implementation.
5. Commentaries on the wealth sharing agreement have focused on several issues. One of these is transparency: the need for the parties to reveal their financial flows and to utilise their resources in an effective and transparent manner. Another issue is the need for people-centred development, rather than simply a division of the spoils. A third concern, expressed particularly by Southerners, is that the agreement focuses on the division of the wealth in Southern Sudan, without due attention to what will be the South's share in national resources.
6. A small but significant lacuna is that provisions for oil contracts will come into effect only when a final peace agreement is signed. This provides a loophole for the GoS to sign contracts quickly which are not subject to the wealth sharing provisions using the gap between negotiation and the signature of the peace agreement

7. A second omission is water. Given the importance of a fair division of Sudan's water resources, and the controversies over the Jonglei Canal that helped contribute to the war, this is a surprising silence. Sudanese are asking if this omission was made in order not to provoke the Egyptians. There is a distinct possibility that problems will arise in the future when the government resumes excavation of the Jonglei Canal or similar major schemes to increase the flow of the Nile northwards. Kenya is already demanding renegotiation of the Nile Water Agreement.

8. The impact of the wealth sharing agreement will depend to a significant extent on whether Sudan can negotiate a good deal for debt forgiveness with its donors. There is simply no way that Sudan can service its current debt of more than \$20 billion, and a means will need to be found for reducing this to a manageable figure. Because of the complexity of Sudan's debt, which is owed to a wide range of creditors, this will be a fiendishly difficult task. It should be begun without delay. It is a job for a joint task force composed of GoS and SPLA specialists.

Naivasha: What has Yet to Be Achieved

9. The immediate challenge for the parties is to reach agreement on the three areas of Abyei, the Nuba Mountains and South Blue Nile. A tentative agreement on the NM/SBN was reached before the talks broke up, but was not signed because of differences over the geographical definition of the NM and failure to reach agreement on Abyei. However, the differences between the parties are quite bridgeable.

10. The draft deal on the NM/SBN involves these areas coming under autonomous self-rule for the interim period. During this time they will be administered by regional parliaments, which will set their own laws. The SPLA has stated outright that this will leave them free from shari'a, while the GoS has remained silent on this question. Towards the end of the interim period (year four), the Regional parliaments will set in motion a process of 'popular consultation'. Exactly what this will entail remains to be elucidated.

11. This is a workable compromise between the parties' positions. It is less than the position that most NM/SBN civil society, the SPLM and solidarity groups had hoped for. It places the burden of deciding on the long-term future of the regions on elected assemblies rather than popular referenda, and does not specify in detail what choices may be considered in the rather vaguely described 'popular consultations'. The challenge now facing those who wish to see the best possible deal for the NM/SBN is to work within such a framework, to ensure that the parliaments truly reflect the interests and aspirations of the people. For example, a major concern of the NM/SBN people is land: ensuring that the envisaged Land Commission does its job efficiently and fairly will be an important challenge.

12. The security arrangements for NM/SBN are complex. Joint Integrated Units of the Sudan People's Armed Forces (SPAF) and SPLA will be formed, and 6,000 troops from the JIU will be stationed in each area. These troops are to be drawn from the inhabitants of the areas. At that point, the SPLA and SPAF will withdraw. However, in parallel with the provision for JIUs to exist alongside SPLA in the South and SPAF in the North, it is unclear if SPAF units in the main towns will remain in place. In addition, the uniformed services for the two areas—police, prison service, internal security—will be drawn from the region, under the regional governments, with no links to the JIU.

13. The disagreement that held up the finalisation of the NM/SBN accord appears to have been over the geographical definition of the 'Nuba Mountains'. Historically, the NM has included at one time or another the districts of Lagowa, Jebel al Dair and Haiderat/Sound. The current administrative boundaries exclude these areas. The SPLA wants them included, the GoS does not. However it is notable that the January 2002 agreement in Switzerland for a ceasefire in the NM specifically included Lagowa. Because these districts Lagowa, Jebel al Dair and Haiderat/Sound include indigenous Nuba populations, it seems fair to include them as part of the NM.

14. There has been no progress on the issue of Abyei, with each party still sticking to its opening position. The GoS wants Abyei under the Presidency for an indefinite period until consultations and studies have been carried out. The SPLA argues that because the district was taken into Kordofan by the administrative decision of a paramount chief, it can be taken back to Southern Sudan by a similar executive decree that simply annexes it to Bahr el Ghazal.

15. A compromise position on status of Abyei should be in line with the 1972 Addis Ababa Agreement and the 1995 Asmara Declaration, namely that there should be a referendum before the end of the interim period.

16. The final set of issues for discussion will be on power sharing. The three-week break before the talks resume will be an opportunity for the parties to test popular opinion in North and South on this issue. Most probably, the parties will meet again, ready to dilute their commitment to electoral democracy. This would be unfortunate.

17. The NDA Chairman, Mulana Mohamed Osman al Mirghani, has presented a memorandum to the SPLA and GoS asking for NDA representation in the forthcoming round of discussions on power-sharing. During the upcoming Hajj, it is expected that Vice President Ali Osman Mohamed Taha will meet with the NDA Chairman. The agenda for their discussion will be the implementation of the Jeddah Agreement, which provides for power-sharing between the GoS and NDA.

Implementation

18. It is now four months since the protocol on security arrangements was signed on 25 September. The implementation of this protocol is absolutely pivotal to the success of the peace agreement. It is discouraging that since September, the Technical Committee for Security Arrangements of the parties has not yet met to work out the details. Given the complexity of the task, and especially the sensitivities of the relocation of 90,000 GoS forces from Southern Sudan in the first two years, it is imperative that this planning starts without delay.

19. International support to, and guarantees for, the implementation of the security arrangements will be important. The relocation of the SPAF forces from the South may require financial assistance. Donors need to consider how it will be possible to provide this assistance immediately within the restrictions imposed upon their aid budgets. Technical assistance for both parties may be necessary. The model for monitoring and (where necessary) enforcement needs careful consideration. The current mechanisms for ceasefire

monitoring (JMT, CPMT, JVM) have had a mixed record. Something more robust that includes UN Security Council involvement will be required.

Khartoum

20. Despite the approach of peace, the GoS continues to override basic human rights. There have been arrests of Popular Congress members and human rights activists, as well as an ongoing crackdown on anyone suspected of opposing GoS policy in Darfur. The newspaper al Ayyam was closed and suspended, for unclear reasons (at first, on allegations of tax irregularities, later on the charge of endangering national security). Charges have now been dropped. However, even while it is talking peace in the South, the GoS is showing few signs of a serious move towards democracy and respect for human rights.

21. Hassan al Turabi has made provocative comments condemning U.S. involvement in the peace process. The import of these remarks is as yet unclear. Dr Turabi risks becoming a potential spoiler to any agreement signed on anything in Sudan. It is possible that he is anticipating serious implementation problems in the agreement, and positioning himself as the champion of an alternative approach that may mature in a year or two's time. As always with Turabi, his methods are inscrutable, while his motives are transparent: he is pursuing his own best interest.

22. The other major political parties are positioning themselves to take best advantage of the unfolding peace deal. The DUP has resumed official political activities in Khartoum (without having yet registered), in the form of a major rally in Omdurman and a strategy of 'public engagement'. Meanwhile, the DUP leader and NDA Chairman is pursuing the power-sharing accord signed with the GoS in Jeddah. The Umma Party leader, Sadiq el Mahdi, has reactivated his negotiating committee with the NCP, while simultaneously talking about opening a wide democratic front. He appears to be keeping his options open.

The South

23. The IGAD process leaves the fundamental issue of South-South reconciliation to the discretion of the SPLA/M. The SPLA/M leadership prefers to pursue this dialogue on its own terms, which entails waiting until a peace deal has been signed. However, the SPLA/M is continuing to talk on a bilateral basis with select Southern armed groups.

24. The Southern Coordination Council and Southern Ministers in government civic leaders of the are continuing to travel and mobilise support South-South dialogue, visiting Cairo, London and east African capitals.

25. The Southern civic organisations are continuing to find ways and means to conduct inclusive South-South dialogue. Some are in contact with the SPLM peace desk, civil society and political secretariats on the issue.

Darfur

26. As well as being a humanitarian and human rights disaster in its own right, the war in Darfur poses an extremely serious threat to the viability of the peace agreement. If the war

continues, political and economic stability cannot be achieved in Sudan. The conflict exposes one of the weak points in the IGAD negotiating strategy, namely its inclusion only of major armed groups. For Sudanese constituencies that have been consistently excluded from power, this sends a simple message: they can best pursue their political agenda by forcing the government to negotiate under international auspices. Hence, alongside security issues, the major demand of the SLA at the last round of (abortive) peace talks was that they should be recognised politically and should have a power-sharing deal. The GoS rejected this out of hand. It also rejected international suggestions that the Darfur problem could be settled utilising the same model as that suggested for the NM/SBN.

27. In the last twenty years, conflicts in Darfur have consisted of three major overlapping elements. One is local strife, over land and access to political office at regional/state level. These are not 'age old animosities' between 'Arabs' and 'Africans'. To the contrary, 'traditional' conflict in Darfur consisted either of the military activities of the pre-colonial Sultanate of Dar Fur (which was centred on the Fur areas but was a multi-ethnic empire) and armed disputes among different pastoral groups over grazing and water. The current cycle of conflict dates from the 1980s, when a regional government was established in Darfur, and competition between a handful of leading politicians took on an ethnic colour. A Fur bloc (allied with a number of other indigenous groups such as Tunjur, Berti, and Daju, and intermittently with the Masalit bloc of the far west) was formed, in parallel to an 'Arab alliance' consisting of the indigenous groups within the Baggara confederation plus camel herders in northern Darfur (including the Jalul and Mahariya clans of the Rizeigat and others). Initially, the Zaghawa were aligned with the Arabs. The initial disputes were purely concerned with power, over controlling the regional government, an unfortunate example of how decentralisation can destabilise a region. However, the regional government was also bankrupt, due to economic crisis, the costs of setting up a regional administration in el Fasher, and Khartoum's failure to provide grants-in-aid (partly on the pretext that Darfur should raise its own revenue). The paralysis of local government meant that local disputes could not easily be resolved: district officers were often absent, the police had no fuel, etc. The older 'native administration' system based on village sheikhs had been dismantled, and while the individuals remained, possessing some social authority, they rarely had the resources to intervene.

28. In the mid-1980s, local disputes were worsened by a combination of drought and increasing pressure on resources. People in Darfur have always been mobile, and spontaneous north-south seasonal migration and resettlement was a response to the droughts of 1982-4 and 1987. Semi-nomadic pastoralism has become an increasingly precarious way of life, due both to protracted economic crisis and the polarisation of livestock ownership among herders. As a result, formerly pastoral groups needed farmland to support themselves, and this led them into conflict with farming communities and banditry. In the period 1987-9, there was extensive violence connected with these factors. In 1989, the incoming al Bashir government took two logical steps: it appointed a military governor who was not from Darfur (thereby removing local competition for the post) and re-established the native authorities. Immediately thereafter, Darfur experienced relative peace. However, it is precisely these traditional authorities that have now provided the socio-political bedrock for the insurrection.

29. The second component to the Darfur conflict is its national dimension. The region is neglected and has, along with eastern Sudan, the lowest proportion of its people holding positions in the central government. But it has a substantial electorate. National politicians of all shades have consistently sought to manipulate Darfur for their own agendas. The Umma

Party's arming of Arab militias in the 1980s seriously escalated the violence in that period. The SPLA sought to establish a Darfur front with its ill-fated expedition into the region in 1991. Among the errors made by the SPLA was a simplistic analysis of the ethnic politics of the region: it seemed to assume that there was a downtrodden 'African' Fur majority ready to rise up and overthrow its 'Arab' oppressors. The SPLA was, like the Sadiq government, conscripting Darfur for its own agenda. The Darfur reality is far more complicated. On that occasion, the government restricted its crackdown to a roundup and incarceration of intellectuals and community leaders, and did not launch a widespread scorched-earth counter-insurgency. In fact, it sought to further strengthen the native authorities, seeking to win them around with material reward and by playing on their devout Islam. This was a short-term expedient. By the late 1990s, Darfurian Islamists were dissatisfied with their continuing marginalisation in Khartoum (several of them published a 'Black Book' that documented their systematic under-representation in government). The split in the Congress Party confirmed this: their modest stake in central government was all-but-eliminated.

30. What is new in the current conflict is that Darfur's national agenda is, for the first time, in the hands of leaders from Darfur itself. While the interests of Darfur remain clearly in focus the SLA will continue to be internally strong and gain sympathy throughout Sudan and internationally. Their challenge is to formulate a political agenda that represents the interests of their people, in an inclusive way. The SLA has the opportunity to build bridges to key constituencies, for example those represented by the Equity and Justice Movement, Sudan Federal Democratic Party and respected elder politicians from the region. The greatest long-term strength of the Darfur bloc is electoral numbers: it potentially represents a critical swing group in the national assembly.

31. The Janjawiid militia is reportedly the single major source of destruction and abuse. The GoS cannot claim ignorance. Its armed forces were unable to cope with the Chadian-style highly mobile landcruiser-based raids of the SLA. Its air attacks on rebel bases will have little impact. In this context, its only hope for effective counter-insurgency is to try to clear the population itself. There is plentiful evidence of GoS involvement in the planning and implementation of the Janjawiid attacks. The militia approach has been practised for more than twenty years in western and southern Sudan, in almost all cases with direct support from Khartoum, and any denials by the GoS carry no credibility at all.

32. The third component in Darfur's conflicts is the external dimension. Between 1986 and 1990 this consisted of Chadian and Libyan involvement. Chadian exiles used Darfur as a base to attack Chad (Idris Deby successfully did so), while the Chadian army (sometimes with French assistance) counter-attacked against them inside Darfur. Fortunately, the Chadian dimension is now absent.

33. The scale of the current war and humanitarian crisis in Darfur means that action must be urgent. The depth of the political problem means that a solution must be sought with care and consultation. A settlement will need to address the central political agenda of the SLA and other Darfurian groups including the EJM, namely fair representation of Darfurian interests in central government and national policymaking. Despite current GoS rejections, a form of local self-rule and popular consultation will be required. It will also need to address the profound social, economic and ecological problems of a vast, poor and long-neglected region.

34. The crisis in Darfur is too severe for it to be resolved through internal Sudanese processes. The mediation of Chad, while welcome, is insufficient: Chad simply does not

possess the diplomatic resources or political leverage to bring about a solution on its own. Unfortunately, the GoS is reluctant to accept international mediation. Britain could play a leading role in pushing for stronger international mediation. It is critically important that heavyweight international mediation and humanitarian intervention be brought to bear on this crisis.

The International Community

35. Advocates of the Sudan peace process within the U.S. administration had hoped that there would be a framework agreement ready for signature immediately prior to President Bush's State of the Union address on 20 January. This would have given the President the opportunity to point to a foreign policy success, and would have cemented a commitment to Sudan in the competitive list of policy and funding priorities for the administration. It did not work out. The opportunity for some kind of ceremony in Washington will recur, but without the same prominence. The U.S. commitment has not faltered, but as the election grows closer and the budget deficit deepens, high-level attention to Sudan cannot be expected to remain at today's level. The State of the Union address clearly shifted the administration's focus to domestic affairs.

36. Many international donors have expressed interest in scaling up assistance to Sudan. The UN agencies are increasing their activities. But the level of diplomatic representation in Khartoum remains low, a legacy of more than a decade of international isolation. Many countries (including the U.S.) have far-reaching sanctions on Sudan, which will take some time to lift. At a time when aid budgets are not increasing, and there are major competing demands (notably the HIV/AIDS epidemic), there are serious obstacles to Sudan obtaining the generous assistance it will need if peace is to translate into a substantial improvement in the material welfare of most Sudanese. The international community's political commitment to the Sudan peace process now needs to be matched by a financial commitment to rehabilitation and development.

Conclusion

37. The news from Sudan is good: peace is just around the corner. But as the peace process achieves the solidity and complexity necessary to bring the war to an end, a substantial pressure from international community with another deadline is crucial.

38. The international community will need to devote substantial energy to ensure the effective implementation of the peace agreement.

39. It would be a terrible tragedy if peace in the South were to be achieved just as Sudan enters a new and equally vicious war in Darfur. As well as humanitarian assistance, the Darfur war needs immediate political attention by the international community.

40. The GoS and the SPLA/M should commit themselves to peaceful settlement of Darfur conflict. Such commitment should form part and parcel of the Sudan Peace Agreement.