

Prospects for peace in sudan
Briefing
February 2002

Overview

1. The aerial attack on a food distribution in Bieh, Southern Sudan, has plunged the U.S. engagement with peace in Sudan into a crisis. It has also thrown into sharp relief the nature of the war. Among other things, the attack was most probably an attempt by hardliners in Khartoum to derail the peace process. Whether this is a temporary derailment remains to be seen. The incident challenges President Omer al Bashir to exercise leadership in support of peace, disciplining and controlling any elements in the government and armed forces that are interested in sabotaging peace.
2. The SPLA has been strengthened militarily and politically by its agreement with the SPDF, enabling it to pose a more serious threat to the oilfields. But the SPLA leadership continues to send mixed messages about its political aims.
3. Achieving harmony, if not unity, among the peace mediators remains one of the most serious challenges to peace. Despite appearances of concord between Kenya and Egypt, a common negotiating forum and strategy remain distant.

The Crisis over Aerial Bombardment

4. Of the four tests set by Senator Danforth, the most problematic from the outset was for the protection of civilians from military attacks, backed up by a verification method. The attacks in question included but were not limited to aerial bombardment, which is the most conspicuous of these forms of attack. The GoS initially refused to countenance any cessation of bombardment, offering at most a one month moratorium. During February, however, it appeared to be moving towards accepting this test, with communications to this effect from both the Foreign Minister, Mustafa Ismail, and the Presidential adviser on peace, Ghazi Salah el Din Attabani.
5. Why should the GoS be so reluctant to submit to this condition? The fundamental reason is that the GoS counter-insurgency strategy has long been based on the displacement of civilians, and air attacks are a highly effective way of achieving this. In many cases this has been policy. More broadly, however, the South has been an ‘ethics free zone’ for the army. Officers are instructed to do what is necessary and not report back. After nearly 19 years of war, this culture of impunity has become deeply ingrained in the Sudanese army command. Facing determined ground forces that mingle in with the local population, the GoS defence of strategic areas hinges on these tactics. The SPLA-SPDF unity agreement of January 2002 has increased the military threat in Upper Nile, putting pressure on the GoS forces there and threatening oil extraction. Hence GoS generals argue that they will be military vulnerable unless they can continue their established practices of air attack. As well as facilitating the evacuation of civilians from strategic areas such as the oilfields, air attacks send a powerful message to civilians in

SPLA controlled areas that there is no such thing as ‘normality’ while the war continues. Air attacks are therefore a morale weapon. Lastly, the GoS is deeply reluctant to have international monitors the war zones.

6. In the last month, three aerial attacks by the Sudanese airforce have thrown the entire U.S.-Sudanese relationship into crisis. The first attack was on 9 February at Akuem, killing two. The Foreign Minister, Mustafa Ismail, attributed this to a ‘technical fault’ and assured the international community it would not occur again. A second attack (which gained less publicity) occurred at Nimne on the same day, in which four people, including a Sudanese employee of Medecins Sans Frontieres, were killed. The third attack came on 20 February a few days after Dr Mustafa’s apology, in which a helicopter gunship killed 17 immediately and wounded many more at Bieh, centre of a World Food Programme distribution. Because of the ongoing threat of air attacks, WFP had clearly demarcated the area. A week later, the death toll has reportedly risen to 24. It should be noted that only a relatively small number of these attacks ever gain international attention, because of the presence of foreign aid workers. For example there was also an attack on Koch on 9 February, which killed four, and at least eight attacks during January.

7. The U.S. immediately condemned the attacks and suspended ongoing talks over peace awaiting a satisfactory explanation. European governments did the same.

8. Official GoS responses to the attacks betray some confusion. The first official explanation for the Bieh attack is that it was in response to a ground offensive by the SPLA. There has indeed been fierce fighting in Upper Nile. However, the day after the Bieh attack, government forces launched a three-pronged ground offensive in Upper Nile. The GoS has since blamed the attacks on lack of ‘coordination’, implying that field commanders were responsible. A party spokesman condemned the U.S. reaction as ‘hasty’ and said that a committee would be set up to investigate who was responsible. If true, these explanations would indicate a recent decentralisation in the command structure of the Sudanese People’s Armed Forces. At least until very recently, air attacks were directly authorised by the General HQ in Khartoum, not least because of their high cost. Moreover, last year, following similar though less bloody air attacks on food distribution centres, the GoS promised stricter command and control mechanisms. Whatever the truth of this explanation, the GoS has now offered a change in the command structure that ensures that all air strikes are authorised from Khartoum.

9. Should such an attack happen again, there will be no excuses. An inquiry into the responsibility for the attacks, and action against officers found to be responsible, would be an unprecedented step. Establishing a systematic monitoring network for reporting attacks on civilians, combined with the GoS admission of a clear chain of command that reaches to the top, will dramatically change the nature of the war and restrict the GoS capacity to pursue the kind of counter-insurgency strategies to which it has become accustomed.

It is probable that these air raids are also be part of a strategy by hardliners within the

government to destabilise the incipient peace process. The Bieh attack and the U.S. response have jeopardised the ceasefire agreement in the Nuba Mountains—to date the major achievement of the Danforth initiative. Hence the air attacks have the potential for spoiling the prospects for the Danforth peace plan, in a similar way to that whereby the hardliners scuppered the Obasanjo engagement in November 2001.

Khartoum politics remains characteristically difficult to fathom. There are rumours and counter-rumours. But most observers concur that there is a hardliner camp, that includes the Vice President, Ali Osman Mohamed Taha and senior army officers, who are opposed to progress towards peace. Ghazi Salah el Din, despite his communications with the international community, is widely believed to be a key figure in the obstructionist camp.

The anti-Khartoum lobby in Washington, always vigilant for GoS abuses, has seized on the attacks and pressured the U.S. government into a tough response to the Bieh bombardment. They are calling for serious measures to counter the threat of air attacks, such as providing Stinger missiles. The U.S. administration is boxed in: it cannot compromise on this issue.

President Bashir must now act. The fact that the Foreign Minister's earlier assurance was quickly shown to be hollow means that it is now up to President Omer al Bashir himself to provide the explanation, and to make his own position clear. In reality, improving command and control is another way of referring to purging the army command. Either the President must stamp his authority on the government and army command, and move the government towards a coherent position in favour of peace, or his credibility as an intermediary for peace will be undermined, perhaps fatally so.

The fallout from the Bieh incident should not become an opportunity for more obfuscation by the GoS. A concern with the internal command and control procedures within the Sudanese army runs the risk of diverting attention from the central issue, into internal procedures that will always be opaque. The key issue is results on the ground. For the victims of the war, the U.S. is now being tested as well as the GoS: can it provide a clear and tough ultimatum to the GoS, backed up by credible alternative courses of action.

Senator Danforth's Other Tests

Nuba Mountains. The suspension of U.S.-Sudanese talks has had the immediate outcome of throwing the status of the Nuba Mountains ceasefire into doubt. The Joint Monitoring Commission, due to be established at the end of February, is now suspended, along with other humanitarian activities in the region. Until this point, the Nuba Mountains ceasefire was being implemented relatively smoothly. The U.S. and European countries were moving rapidly towards the resourcing and establishment of a monitoring team with clear terms of reference. It is important that this progress is not reversed by the fallout from Bieh.

Slavery. Plans to establish an international commission to investigate slavery are developing. Headed by Americans, this will include a range of representatives from Europe and Africa. The suspension of U.S.-Khartoum contacts also imperils this commission. Meanwhile, pressure is also mounting on the SPLA, Christian Solidarity International and other anti-slavery groups as a result of apparent new evidence about the extent to which the slave redemption schemes have been used as a vehicle for obtaining funds from gullible donors for diversion to ends other than buying back former slaves.

Europe and the U.S.

On the surface there appears to be a significant disparity between the positions adopted by the U.S. and by European countries. While the U.S. position has remained officially hardline, with ongoing suspension of development assistance and various bilateral sanctions in place, the European countries have been much softer in their approach. The EU-Sudan dialogue on human rights continues, despite its extremely modest progress. The EU recently announced the resumption of development assistance to Sudan, a significant piece of symbolism just as the U.S. was trying to coordinate pressure, that many consider ill-timed.

However, the U.S.-EU disjuncture should not be overstated. There is a common vision within the relevant government departments, and something of a division of labour—for example as manifest in the Burgenstock meeting to agree the Nuba Mountains ceasefire, followed by Norway's leading role in monitoring the ceasefire. The Swiss may also play a role in monitoring attacks on civilians.

The British Government has positioned itself to take a leading role in the peace process. The Secretary of State for International Development, Clare Short, is personally committed to finding peace in Sudan. A special Sudan unit is being set up, headed by the head of Middle East and former ambassador to Sudan, Alan Goult, as a special envoy.

Senator Danforth has reiterated that he does not have any peace initiative to propose. He will produce his report in March, and the GoS response to the Bieh incident is likely to be a determining factor in his recommendations.

IGAD and the JLEI

Presidents Moi and Mubarak are formally at the forefront of the peace efforts. General Sumbeiywo, IGAD Special Envoy, visited Cairo in January and was received by the President. The U.S. and the Europeans still maintain public faith in IGAD, and Sen. Danforth has also praised the Egyptians for their engagement in peace efforts.

One plan that has been floated is for a summit to include the Presidents of Kenya, Egypt and Sudan, and the Chairman of the SPLM. The GoS has objected to this on the grounds that John Garang is not a head of state and should not be admitted to such a summit, and does not represent Southern Sudan. It is uncertain what such a summit would achieve other than a boost for the prestige of the mediators. In contrast to a number of other

conflicts, the parties have been talking to one another consistently, and symbolism alone is unlikely to achieve any significant breakthrough.

The IGAD Sudan Peace Secretariat remains weak. It has not succeeded in developing the institutional capacities, skills and institutional memory that would be required for it to play an assertive and proactive role in the peace process. Gen. Sumbeiywo has access to the President of Kenya, but is still not a sufficiently senior figure to automatically command the respect of the parties in Sudan. In addition, the Kenyan government has not involved other IGAD Member States in the Sudanese mediation, thereby weakening his efforts.

The JLEI still lacks a secretariat of any kind, and remains in the hands of the respective foreign ministers. Given the close political engagement of both Egypt and Libya with Sudan, the initiative remains a hostage to political expediency.

Despite continuing talk of a merger between IGAD and the JLEI, progress towards a unified forum remains meagre. The process is still fiendishly complicated, headed by the formalised but ineffective IGAD and the flexible but equally ineffective JLEI. The U.S. has not indicated that it will step forward from its current role of backing the regional actors, and on the contrary, continues to see itself as steering a process from behind the curtain. European countries think likewise. This arrangement is a recipe for an extremely cumbersome process that is easily diverted, delayed or derailed by the special interest of one or other regional players, or the tactical ploys which the parties—especially the GoS—are extremely adept at playing.

The NDA

The NDA Leadership Council met in Asmara on 26-27 February. The objective of the meeting was to draft the NDA's detailed peace terms, including its draft constitution, interim arrangements, and the make-up of the transitional government. This is envisaged as the prelude of a visit to the U.S. Ever since the 1995 Asmara Conference, the NDA has been committed to these processes, but has only made modest progress, in fits and starts. Agreeing these documents is in fact the one task that the NDA is supremely good at. It works well as a negotiating forum for settling differences between diverse parties including the SPLM and a range of northern parties. The communique is awaited.

The NDA leadership has cooled towards the JLEI. Both the Egyptian and Libyan governments have failed to prevail upon the GoS to allow the NDA leaders in Khartoum to attend NDA meetings in recent months, first in Cairo and now in Asmara. The two governments have also referred to the civil war in Sudan as an 'internal affair', and many in the NDA no longer see them as putting any serious pressure on Khartoum to reach an accord.

The NDA is therefore placing more hope in the U.S. and European initiatives, and is hoping that the positions reached on substantial issues at Asmara and subsequently can be a foundation for a future settlement. However, there is also deep suspicion about the

possible substance of any new peace initiatives. And the NDA remains excluded from IGAD.

The SPLA

The SPLA leader Dr John Garang visits London and then the U.S. in March. His position is strengthened by the Bieh incident. It is hoped that his confidence will not lead him to overestimate his political and military capacity, and thereby missing opportunities. Garang's most likely approach is to use the international outrage against Khartoum to press for Washington to provide him with more direct and indirect assistance, up to and including military equipment. While the anti-Khartoum lobby in the U.S. will advocate dramatic action in support of the SPLA, it is very unlikely that the administration would countenance military support. On the ground, he will continue to try to strengthen his military position. This runs the risk of simply polarising the situation still further while not making any progress towards openings for peace. However, in the aftermath of Bieh, the Southern Sudanese and SPLA will make stronger and more credible appeals for humanitarian and military assistance from the international community.

In a surprising move, the SPLM and the Popular National Congress (of Hassan al Turabi) reaffirmed their Memorandum of Understanding, signed a year ago. At a meeting in Bonn, Germany, representatives of the two parties agreed to continue and even deepen their cooperation (though the details remain secret). At a press conference in London, addressed by both SPLM and PNC spokesmen, both Northerners and Southerners expressed their suspicion of this process. This agreement was rendered more surprising by public statements by PNC spokesmen opposing the Nuba Mountains ceasefire.

Self-Determination

The January Nairobi Declaration of unity between John Garang and Riek Machar raised expectations of a clarified Southern position on key issues to do with peace. Subsequent events and statements have indicated that the SPLA leader's position is not wholly unambiguous. Meeting with Southerners subsequent to the Nairobi Declaration, Dr Garang has spoken of the possibility of a compromise on self-determination, and the possibility of accepting a 'one country two systems' formula.

Pressure on the SPLM leader to maintain a clear line on self-determination will come from a number of sides. The SPLM Convention, scheduled for May, is likely to see vigorous debate on the subject. In London, the Southern Sudan Democratic Forum is being established, bringing together a range of groups, united on the platform of the right of self-determination for Southern Sudan, as defined by the boundaries of 1-1-56, to be exercised in a referendum.

In Khartoum, the Southern Coordinating Council passed a resolution requesting that the referendum on self-determination, scheduled for 8 March, be postponed for two years. The resolution was tempered with preconditions: that a military security committee be established and become functional (as envisaged in the 1997 Khartoum Agreement), that

an advisory council be created, and that rehabilitation activities be financed. This has been presented to the President by the Southern Council and the parties signatory to the Khartoum and Fashoda Agreements, but has not yet been signed by the President. Thus the Southern parties in Khartoum have kept the issue of self-determination alive.

This issue is significant because the 14th Constitutional Decree, passed in April 1998, is the clearest commitment by the GoS to self-determination, to be exercised in a referendum, with the two options of unity and separation for Southern Sudan. In all other cases of reference to self-determination, such as the IGAD DoP, the GoS is able to argue that it was ready to discuss self-determination, but had not agreed to it, or had at least not agreed to the separation option. However, this is the exception, where the right of self-determination is spelled out in the clearest possible language in the Government's own constitution, and hence Southern Sudanese aligned with the GoS are holding on to this promise.

Implications

The Bieh attack has put President Bashir on the spot. Senator Danforth's test has become a much tougher one than he, or his generals, could have envisaged. It really has become a test of seriousness about peace. If they pass the test, they are relinquishing their favoured method of fighting the war, and it follows that they are truly serious about pursuing peace. To this extent, the current crisis over the peace process has clarified the position of Khartoum and may thereby advance the prospects of peace. Should Bashir fail to decide in favour of peace, and/or fail to impose his will on his government and army, then the prospects for peace will be much diminished. At the same time, the international community will be challenged to come up with serious methods for the protection of civilians in the war areas, short of supplying weaponry that would only serve to escalate the conflict. The U.S. in particular needs to identify possible measures such as safe havens and no-fly zones.

A second challenge is maintaining the momentum on the Nuba Mountains ceasefire, in the absence of a breakthrough on aerial bombardment.