

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

JANUARY 2003

Justice Africa
5 January 2003

Overview

1. Peace hurts. The Machakos process has reached a stage at which the two parties must make serious political decisions. The consolidated pressure for peace, from the Sudanese people (whom the leaders of the parties are accustomed to ignore) and from the mediators (whom they cannot ignore), is pushing the reluctant leaderships towards making these necessary decisions. Both sides are vigorously criticising the mediators, in precise proportion to their level of activism. In these circumstances, public criticisms must be read as compliments: they indicate that the mediators are seriously engaged with the tricky issues.
2. The GoS has made a number of bellicose statements, and it is playing provocative games with the Southern militias. These indicate a readiness to, at minimum, push the boundaries of what is allowed under the ceasefire, and at worst, return to war. The first step in stopping this stratagem is to recognise it for what it is, and to study the different dimensions of the militia problem and possible initiatives to resolve the issue. The fighting at Tam in Upper Nile must be halted. The GoS has also been involved in a curious diplomatic gambit with Nigeria, circumventing IGAD.

The Next Rounds of Peace Talks

3. Talks resume on 15 January in Nairobi, when the issues of Abyei, the Nuba Mountains and Southern Blue Nile will be discussed. The last month has seen vigorous debate in Sudan on these issues, in large part a result of the Kampala conference in November. The SPLA convened a conference at Deim Mansour in Southern Blue Nile, at which it received a mandate from participants to negotiate on behalf of the region, and the demand that the region be considered as part of the South was endorsed. (Unlike any party of the Nuba Mountains, the southern-most part of Southern Blue Nile, the Uduk-inhabited area of Chali el Fil, was administered as part of the South in the colonial period. The Ingessena hills have always been administered as part of Northern Sudan.) The very fact that the SPLA felt it necessary to seek a mandate for peace negotiations is an interesting development that has not gone unremarked in different parts of Sudan. Representatives of the Misiriya and Hawazma tribes in South Kordofan held a demonstration and presented a memorandum demanding that they too be included in the peace talks. The issue is, what positions the parties will present at the forthcoming peace talks.
4. Many of the issues to do with power-sharing and wealth-sharing are technical. Technical advice is needed for many, and technical committees can help resolve key questions. For example, on the issue of a census for Southern Sudan, a technical committee will be needed.

On how to manage the Southern Sudan Peace Fund (or rather, funds, because the Arab League is setting up an Arab fund for this purpose), technical advice will also be necessary. The two parties accepted this at their meetings in Washington DC.

5. The tensions between peace and democracy are emerging clearly. This is manifest on the question of elections. The Machakos process is converging upon a formula which awards the presidency to the National Congress Party, as a party, and the vice-presidency to the SPLA. Thus, should either position become vacant, it is the right of the party in question to fill the post. This neatly avoids the GoS fear of the vice-president assuming the presidency should the presidency become vacant. But it creates another set of difficulties surrounding the elections to be held approximately midway through the interim period. If the elections return the NCP and SPLA as majority parties in North and South respectively, this is not a problem. But there are serious doubts as to whether either party could command majority support in a free vote. If either or both parties were to be voted out of office, this could be a crisis for the peace agreement. On the other hand, postponing the elections until the end of the interim period would also be unsatisfactory. The middle option, of holding parliamentary but not presidential elections, could threaten the outcome of a president and vice-president who are entrenched in power but do not command majorities in the parliaments.

6. Another area of difficulty concerns accountability for human rights abuses. If there is one issue upon which the GoS and SPLA leaderships agree, it is that there should be a policy of forgive and forget. However, there is widespread demand for some form of transitional justice. Recently, Sadiq el Mahdi has fastened onto this issue, and proposed a Truth and Reconciliation Commission. Most probably, the parties will seize on this issue, make a watered-down version the subject of an agreement at Machakos, and then insist that the issue is closed.

7. The GoS and SPLA sent delegations to Washington DC for talks. These were designed to keep the peace process on track and conduct public relations. No statements were signed. The visits were thus modestly successful.

8. Both parties have criticised the British Special Envoy. The GoS Speaker of Parliament, Mohamed Ibrahim al Tahir, took the unusual step of making a public announcement without first having a parliamentary debate to give him the mandate. He criticised the British Special Envoy, Amb. Alan Goulty, for allegedly travelling in secret to different parts of Sudan. This criticism reflects GoS discomfort with the British Government raising sensitive issues such as the status of the Nuba Mountains and Southern Blue Nile. The SPLA has also criticised the British, whom it sees as too close to Khartoum. Meanwhile, however, the GoS has asked for greater UK involvement. The mediators should not be deterred by any abuse, public or private. On the contrary, they should become concerned if the parties become too comfortable with them.

Khartoum

9. Sudan celebrated its 47th anniversary on 1 January. For the first time, the President made his New Year and Independence Day address in Southern Sudan (at Malakal). This is a belated gesture to include the South in celebrating Sudanese national independence. Or is it an indication that, with oil, Southern Sudan is finally part of Sudanese national identity?

10. The GoS has extended the State of Emergency for another year, and by implication thereby renewed the detention of Hassan al Turabi. This illustrates its reluctance to move seriously towards democracy and respect for human rights.

11. The GoS continues to make military preparations should the war resume. President Bashir has provocatively said that 'peace can come through the barrel of a gun.' The GoS feels that its military position has recently grown stronger every month. The defection of Cdr Peter Gadet is a major boost. Oil diplomacy is ensuring that most of the neighbouring states are becoming more friendly to the GoS. But the GoS's greatest asset is the high morale of the armed forces following the capture of Torit in October. This battle was a much more considerable setback for the SPLA than it has admitted, as it lost substantial quantities of heavy armour.

The South

12. The unity negotiations between the SPLA and Riek Machar's forces are complete, with Riek Machar taking the position of second deputy chairman. Riek has travelled to Western Upper Nile, where his forces have since come under attack by the former SPLA commander Peter Gadet and Gen. Paulino Matiep. The fighting is heavy and is ongoing at the time of writing. Cdr. Riek is warning of further attacks in the area.

13. Southern Sudanese civil society is proving an effective force for peace. It is growing in confidence. The churches have played a particularly important role. It is important that they continue to do so, along with wider Sudanese civil society forces. Further progress was marked by the Entebbe conference for South-South reconciliation, convened by the New Sudan Council of Churches (see below). The conference resolved that the SPLA should play the leading role in a future Southern Government, but did not resolve that the SPLA was the sole legitimate representative of the South, as some delegates might have wished.

The Militia Issue

14. When Cdr Peter Gadet arrived in Khartoum, he held a press conference in which he promised to fight the SPLA and protect the oilfields. At the end of the year he duly moved from Mayom, at the head of militia forces commanded by Gen Paulino Matiep, towards Tam. His aims include to attack Riek Machar's forces and to try to win over his own former troops, who remained in the field when he defected from Nairobi to Khartoum. Although Cdr Gadet had a high reputation for combat effectiveness, he had also a bad record of executing his officers for relatively small alleged infringements of discipline. By some counts he had put forty before the firing squad in the last 18 months.

15. The GoS is presenting the Tam attack as a 'militia raid' and thus not an action by its forces. This is not correct. It is undoubtedly a serious violation of the Memorandum of Understanding on the cessation of hostilities. If it is not immediately stopped, there is the additional danger that the SPLA will retaliate by sending its own militias to fight in Upper Nile and elsewhere.

16. The Tam attack is a test for the U.S. monitoring team. The agreement on Senator Danforth's final test includes provision for controlling militias as part of GoS forces. The Tam must be properly investigated and condemned if the peace process is to remain on track.

17. A likely GoS response to condemnation of the Tam attack is that the SPLA took over Akobo (without fighting) and Jikau (with fighting) from the SSDF during the period when the MoU was in force, without condemnation by the mediators. This objection is an argument for scaling up the ceasefire monitoring team and making it swifter and more effective.

18. Dr Riek Gai has taken over the Southern Sudan Coordinating Council. He is seen by many as a power brought to create disunity among the pro-GoS Southern militias. His predecessor, Gatluak Deng, had succeeded in uniting the Southern militias and creating consensus around core political issues including self-determination. Military intelligence opposed his attempts to create a unified force. Dr Gai has come to Juba without a military constituency of his own, but with the backing of military intelligence and GoS hardliners. Their strategy is the time-honoured one of 'divide and rule.' Dr Gai is persuading Dr Michael Wal of the SSLM to join the GoS, pursuant to the agreement of 21 July.

19. This also represents a threat to the peace process. Disunity among militias raises the risk of renewed fighting (as at Tam) which the GoS will try to pass off as 'internal Southern conflict.' The GoS might then portray any breakdown of the peace process as the result of the SPLA's failure to command a united position among Southern Sudanese. The SPLA should respond to this scenario by becoming more serious about internal South-South reconciliation, and taking measures to accommodate the legitimate security concerns of the militia forces within the agreements to be negotiated at Machakos.

20. The Entebbe conference concerned itself with the militia issue. It was notable in that there was high participation by both SPLA field commanders and militia leaders aligned with the GoS (though many commanders were prevented from attending by the GoS). They demonstrated their practical focus and commitment to peace by discussing substantive issues such as how to ensure security during the interim period, and coming to agreement that the militia commanders need to be recognised as a real force. This contradicts the SPLA leadership position. But the SPLA has not succeeded in creating unanimity among Southerners on this and several other issues pertaining to its role.

21. The conference resolved that there should be a Southern leadership consultation to resolve key issues of peace and security in the South. Archbishop Paulino Lokudu and Mulana Abel Alier were appointed to consult and choose a place and time. It will be an important test of GoS genuineness about peace, whether it allows militia commanders to attend this meeting.

22. The militia issue may emerge as a major stumbling block to peace. If the parties are genuine about peace, they should take steps to recognise the existence and legitimate concerns of the militias, acknowledge their own command role (particularly the GoS), and the need to accommodate them in the peace process. The first step should be to include the militias in the ceasefire MoU.

The Region

23. The Kenyan elections were a resounding victory for democracy. It stands as a shining example of democratic process prevailing against a determined incumbency. Gradually, across Africa, the bar is being raised on what constitutes an acceptable form of choosing a

government. Along with other ruling parties in the region, both the GoS and the SPLA will have to take note, that the days of readily fixing elections are receding into the past. Sudan's National Congress Party signed a memorandum of agreement with KANU in December, just a fortnight before the latter's heavy electoral defeat, suggesting a GoS misjudgement on this issue.

24. With regard to Sudan, much will not change (after all, many of the new faces are in fact old faces). The new government of President Mwai Kibaki will continue to lead the IGAD process, with the active support and encouragement of the international mediators. Former President Moi is likely to continue to have a role as 'elder statesman' in this regard. Kenya will also remain the base for humanitarian operations into Southern Sudan. However, if Kibaki begins to deliver on his promises to clean up corruption, the scope of action for both GoS and SPLA activities in Kenya may be curtailed.

25. Uganda has long been a safe haven for the SPLA, its support taken for granted by the SPLA leadership. However, the close personal relationship between the Ugandan President and the SPLA Chairman is not replicated in the Ugandan government system and wider society. Especially, after the GoS recapture of Torit, senior Ugandan officials are openly asking questions about SPLA capacity and strategy, and are ready to host meetings on Sudan despite SPLA attempts to stop them.

26. The Nigerian president, Olusegun Obasanjo, has again become active in the Sudan peace process. He announced his intention to bring the Sudanese peace initiatives together and invited the parties to Abuja for consultations. This initiative appears to reflect the Nigerian mandate within NEPAD for peace and security, the fact that former Nigerian Foreign Minister Papa Gana Kingibe has been appointed African Union special representative for the Sudan peace process, and Nigeria's concern to ensure that the principle of unity (especially in a religiously-divided country) is maintained in African politics and diplomacy. The IGAD Special Envoy expressed his surprise at the Nigerian initiative, implying that he had not been consulted in advance.

27. The GoS accepted the Nigerian invitation after former President Ibrahim Babangida visited Khartoum, and reportedly then showed a letter from John Garang expressing his consent to attend the meeting. A three-man delegation including Vice President Ali Osman Mohamed Taha, Foreign Minister Mustafa Ismail, and Peace Advisor Ghazi Salah el Din, travelled to Abuja. This is a powerful, high-level delegation. John Garang also went to Abuja, probably because of his sense of obligation to the Nigerian President. But he did not bring a delegation, and declined to meet the GoS delegation. There has been much speculation as to Nigerian and GoS motivation in this surprising move. Nigeria has an obligation to explain what happened.

28. Eritrea is actively canvassing for becoming host for U.S. military bases in the Horn. In contrast to its earlier pride in its independence and self-reliance, the Eritrean government is begging the U.S. to become a client state. The Pentagon is favourably disposed—Eritrea has a longer coastline and is a more pleasant locale than Djibouti, the American army's current operational base in the region. The State Department is opposed, fearful of the erratic behaviour of President Isseyas and his bad record on human rights. The Eritrean government shows no sign of domestic political liberalisation. However, one consequence of its lobby for U.S. friendship is that it is less likely to play a destabilising role in the region.

American Policy

29. The Horn of Africa is a sideshow for current U.S. concerns in the wider region, which are the probable attack on Iraq and the ongoing attempts to destroy al Qaeda's presence in Yemen. For the U.S. government, the priority for the Horn, including Sudan, can be summed up as stability. This includes maintaining surveillance to ensure that no al Qaeda operatives escape to Somalia (or indeed Sudan), and ensuring that there are rear bases in the region. Troops from north-east African countries to serve as peace-enforcers would also be welcome. Khartoum's continuing cooperation in counter-terrorism is valued.

30. In this context, the last thing that U.S. strategy needs is a resumption of war in Sudan. The grand strategy is firmly behind achieving peace. However, this does not prevent departments and individuals within the U.S. government, for example in USAID, pursuing programmes that may run contrary to this aim.

31. Senator William Frist, a long-standing friend of Sudan who has visited Southern Sudan to perform voluntary service as a physician, has been chosen as Senate majority leader. This will be helpful in ensuring that Sudan remains on the political agenda in Washington.

32. A U.S.-led attack on Iraq will certainly cause difficulties for the Sudan peace process. But such is the extent of U.S. power, and such is the breadth of the (albeit reluctant) alliance constructed at the UN and in the region, that it is very improbable that a new Gulf War will spark serious political unrest in countries such as Egypt and Sudan. We can expect anti-American demonstrations by Islamists, who will mobilise a wider constituency on this issue than on domestic ones, and rhetoric from the leadership. Khartoum still retains some links to Baghdad, but it is unlikely that these will move beyond welcoming delegations and making speeches, to dangerous activities such as helping Iraq conceal weapons.

33. The major problem that is likely to arise with Machakos, in the context of a war on Iraq, is that the U.S. will be able to devote fewer people and less political attention to Sudan. For example, the already-limited and overstretched U.S. personnel devoted to the peace talks and to essential tasks such as monitoring the agreements, may be withdrawn. Thus a greater burden will fall upon the other mediators.

34. This last point underlines the importance of multinational participation in the implementation of the peace process. Much of the success of the peace process thus far can be attributed to a division of labour between different international partners, in pursuit of a common strategy. While there are arguments in favour of the U.S. unilaterally establishing a monitoring system in Southern Sudan (it is quicker and simpler for one country to do it), it would now be advisable to move towards multinational participation in this mechanism, thus making it less vulnerable to a reduction or withdrawal of U.S. personnel. At some point it may be appropriate to place ceasefire and peace monitoring mechanisms under UN auspices.

Conclusion

35. The GoS is showing disturbing signs that it is ready to resume the war. But its current strong military position may be illusory. Should the peace talks break down, it is likely that the overwhelming majority of Southerners will believe that the SPLA has made substantial concessions, which the GoS has not reciprocated. In this context, it is quite possible that the

SPLA will rally a much larger coalition of armed forces, and mobilise more fighters, than it can field at present, and the GoS will have a nasty surprise. Despite its current gambits, the GoS would be unwise to trust the loyalty of any Southern militias. The GoS may also find that the patience of Northern groups, including both political parties and civil society, is at an end.

36. The mediators continue to face a considerable task that demands patience, focus, energy and a thick skin. They will need to continue to apply pressure to the two parties if they are to succeed in achieving peace. The first task is to recognise the Tam fighting as a violation of the ceasefire.