

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

FEBRUARY 2000

Overview

The failure of the IGAD meeting in January to mark any significant progress was a grave disappointment. Neither the Sudan Government nor the SPLM appeared to be serious about making peace. Both the Government and the opposition are facing major internal political problems. The Bashir-Turabi reconciliation does not resolve the basic questions about the Sudan Government's strategic priorities. It indicates continuing weakness in Khartoum, and the likelihood of continuing unexpected political developments as an unstable government seeks to retain power. Meanwhile there is continued confusion and dissension in parts of Southern Sudan.

Despite the obstacles, the framework for an agreement exists. The first challenge is to establish sufficient unity among the mediators. If this is successfully achieved, then the parties may be obliged, reluctantly, to agree. An important medium term development is the increased policy focus on economic aspects of the crisis.

The January IGAD Meeting

The 'revitalised' IGAD structure began its work with the first meeting of the Political Committee of IGAD in Nairobi on 15-20 January 2000.

The negotiations were somewhat clouded by the speculation surrounding both negotiating teams. The Sudan Government delegation was headed by Nafie Ali Nafie, who was notably not reappointed to his position in Khartoum on 24 January. The SPLM delegation was headed by Nhial Deng Nhial, the newly-appointed Foreign Minister of the Movement. The reshuffle that resulted in his appointment, to replace Deng Alor Kuol, has generated some discontent among Southerners inside and outside the SPLM.

In addition, the SPLM did not act on the resolutions of the NDA meeting in Kampala in December, and develop a common negotiating position with the northern parties in the NDA. (The NDA Chairman also failed to deliver on this.) Instead, the SPLM presented its proposal for a confederal system during the interim period. This proposal is not supported by most of the northern NDA parties, which see it as contrary to the Asmara Agreement because it includes South Kordofan and South Blue Nile in the 'New Sudan' entity.

In this inauspicious context, the talks made no serious progress.

- The parties disagreed on religion and the state. The SPLM insisted that there could be no agreement on political issues until this issue is resolved.

- The parties agreed on self-determination for the South within the borders of 1-1-56. They disagreed on the status of Abyei, but agreed that this should remain open for discussion. This can be seen as a small hint that the government may be ready to compromise on Abyei.
- There was no agreement on self-determination for the Nuba Mountains and Southern Blue Nile, but the parties agreed that the issue to be further explored at the meeting of the Transitional Committee.
- Interim arrangements were discussed. The Sudan Government preferred an interim federation, while the SPLM preferred confederation but expressed its concern for the substance of the arrangement rather than the name attached.

The Committees are due to meet again on 21 February. But neither party gave any indication that internal consultations in the intervening month would lead to any significant concessions.

The meeting was a missed opportunity for several reasons:

- The lack of progress is a standing invitation for the Egyptian Government to claim, with justification, that IGAD has failed, and proceed with its own initiative unilaterally.
- The IGAD Secretariat on Peace in Sudan has not yet shown the energy and engagement with the issues that would indicate likely progress in the immediate future.
- The SPLM missed the opportunity for presenting the NDA's common negotiating position, thus undermining the NDA northern parties' confidence in the SPLM and in IGAD as a forum.
- The SPLM missed the opportunity for proposing that the NDA be represented as a full negotiating partner, also disappointing the NDA northern parties.

The result of this is that the question of IGAD's survival as a credible negotiating forum depends upon the decisions made by others, specifically Egypt. If Egypt should decide to bypass IGAD then it can do so with credible justification. IGAD persists on the sufferance of Egypt.

Unity and Division in the South

Observers continue to be concerned that the level of political and military fragmentation in Southern Sudan poses a severe and long-term threat to peace and security—even in the event of a comprehensive peace agreement involving the SPLM and the Sudan Government. Despite the efforts at intercommunal reconciliation in Upper Nile, chiefly initiated by the churches, this remains a very real fear. Recent developments have done little to dissipate it.

The SPLA/M reshuffle in the wake of the National Liberation Council of December has re-ignited a number of suspicions about the political and ethnic agenda of the SPLM leadership. In addition, the leadership's proposal of a new redivision of the South, with a new region to include Bor and parts of Equatoria, has created alarm among Equatorians.

Some Southerners have also expressed concern about the readiness of the SPLM leadership to deal with the African IGAD Partners without insisting on their adherence to the IGAD Declaration of Principles. Recalling the August 1998 Cairo Declaration, in which the SPLM Chairman signed a statement that made no mention of self-determination for the South, there have been expressions of concern at the public welcome of South African involvement

through the African IGAD Partners, and the recent closeness between the SPLM and the new Government of Nigeria. There are reports that Nigeria has become the largest financial backer of the SPLA. The Nigerian position is strongly pro-unity, in common with Egypt, and generally in favour of a federal solution to Sudan's conflict. (Nigerians often assume that post-Biafra solution to Nigeria's crisis will automatically transfer to Sudan.)

The situation in Upper Nile remains complex and confused. On 31 January, the formation of the Southern Sudan Liberation Movement (SSLM) was announced. It was heralded as a political unification of all the disparate Nuer groups in Upper Nile, and the culmination of a process of military unification that saw the formation of a united command in November. The Chairman is Dr Wal Duany, but other senior Nuer political figures are also widely believed to be associated. The SSLM claims that it does not oppose the SPLM and instead prefers to build a common front against Khartoum, uniting all Upper Nile, in favour of self-determination. Previous attempts to build a wider Southern front against Khartoum have not been supported by the SPLM leadership, which has preferred to be the sole armed political movement in the South.

Simultaneously, Riek Machar announced his resignation from the Sudan Government and the USDF. There is much speculation that he intends to re-form the SSIM or a similar movement and rebuild a local power base. However his ultimate political destination remains unclear.

Local peacemaking efforts continue, mediated by chiefs and churches. These are important and have their own logic, which is semi-independent of any national peace process—local peace necessary whatever stage the national peace process is at, and the need for local reconciliation will continue even after the successful conclusion of a national peace accord. The SSLM declaration was careful to support all the ongoing local peacemaking efforts.

There is remarkable unanimity among the non-SPLM Southern parties on peace terms. The Southern consensus appears to be that the South should accept that the Sudan Government wants to have an Islamic state in the North, and therefore proceed directly to the implementation of self-determination in the South. The pressure is growing on the SPLM leadership to clarify its position on this key point.

An Uncertain Reconciliation in Khartoum

The power struggle between President Omer al Bashir and Dr Hassan al Turabi continues to be waged in the political arena. The failure to resolve the struggle is an obstacle to progress towards peace. But the fact that the struggle has been in the political sphere (rumours of some violent clashes in militia camps close to Khartoum notwithstanding) is an encouraging sign. The Sudan Government does not appear to have the 'killer instinct' of, say, Saddam Hussein. As the struggle for power continues, the government makes concessions that it cannot easily reverse, such as permitting political parties to organise. The prospect of an outright coup followed by a comprehensive crackdown cannot be ruled out, but at present it appears less likely than a continuation of the current non-violent political struggle.

Internal reconciliation between Bashir and Turabi continued with a series of meetings. On 22 January the National Congress *shura* convened and elected its leadership—conspicuously excluding some Bashir loyalists such as Mustafa Ismail, Amin Hassan Omer and Nafie Ali Nafie. Two days later the new government was announced, with ministerial portfolios awarded in what appears to be a compromise between the two camps. Bashir's loyalists remain prominent in the key positions associated with foreign affairs and the international peace process, while

Turabi's supporters have reasserted their influence over domestic policy. The prospects remain unclear—some argue that Turabi has succeeded in bouncing back, others that he has been forced to accept a reduced role. Most probably, the implications of the reconciliation—if it lasts—will only become clear after some weeks. Factors in the reconciliation included:

- The fact that the Constitutional Court agreed to hear Turabi's petition that the 12 December State of Emergency was unconstitutional.
- The resilience of Turabi's constituency within the government and other institutions.
- The failure of President Bashir to secure a reconciliation deal with any of the main elements of the NDA during the month after the December non-coup.
- The justified fear that dissension is gravely weakening the Sudan Government. In the words of Turabi, the crisis is threatening 'a collapse of the Islamic state in Sudan'.

The reconciliation clarified that the National Congress, which is largely Turabi's creation, continues to have a role in shaping policy. Both Bashir and Turabi remain as Islamist as ever. Enthusiasts for Bashir in the wake of the December non-coup should recall that Bashir has never expressed any secularist sentiment at all. In fact, in order to consolidate his position, he has moved further in an Islamist direction in the last month, re-asserting his support for Islamic law and the 'civilisation project' inaugurated by the NIF.

The implications of the current balance of power in Khartoum for the peace process are potentially disturbing. If Turabi's group retain control over domestic policies and key Islamist programmes such as Islamic Law and the 'civilisation project' remain in place, then it is unlikely that the Sudan Government will be able to make real promises of compromise on key issues of difference with the opposition. The President and Foreign Minister may offer compromises, but may not have a sufficient power base to ensure that necessary compromises are made in subsequent detailed negotiations. In the longer term, however, the weakness of the Sudan Government means that it is losing control over political events, and is likely to become still weaker in the near future.

The politics of the last months in Khartoum have underlined the fact that the Southern Forum wields no real power at all. The South remains completely marginalised in Sudan Government politics. The implementation of agreements on the South, notably the 1997 Khartoum Agreement, is not a priority at all. The presence of Southerners in government positions is simply a symptom of tactical differences among Southerners about how to pursue a Southern agenda, and the opportunism of some individuals.

The NDA Still in Disarray

After its remarkable show of resolve and unity in Kampala, the NDA has relapsed into its more customary disarray.

- There has been a near-complete failure to build on the successes of Kampala, including a failure to develop the common negotiating position and a failure to act on the decision to try to have the NDA admitted to IGAD as a full negotiating partner.
- The Umma Party is displaying more coherence and strategic thinking than any other NDA member. There is little doubt that the Umma will return to Khartoum, the question is when

and on what terms. Dr Omer Nur el Daim has been named to head Umma delegation to return but he has not yet gone. It seems unlikely that he will be authorised to move until there are some new political developments favourable to the Umma Party. These could of course happen at any moment. However, the Umma leadership is finding that any strong moves it makes towards reconciliation with Khartoum engender a strong opposite response from leading members of the party, including the leadership inside Khartoum. The Umma Party therefore has hard work to do in order to be able to contemplate a return to Khartoum that retains its political unity.

- Mulana Mohamed Osman al Mirghani has become handicapped by the internal weaknesses of the DUP. Most DUP members recognise that the party badly needs internal structures for policy making and consensus building, which can then be the basis for party discipline. But it is unclear that the DUP leader acknowledges this problem, and still less that he is ready to tackle it. Mirghani is also hampered by the fact that his political position depends crucially on his chairmanship of the NDA. The NDA Congress is still scheduled for late March, and should Mirghani make any unilateral move that further upsets the other parties in the NDA, his chairmanship may be in danger. He is caught between Egyptian pressure for a rapid reconciliation and internal pressure in the opposite direction.
- Representing the outlook of the more militant elements in the NDA, Beja Congress guerrillas attacked the oil pipeline near Sinkat and temporarily destroyed it. Beja Congress leaders in Cairo could not openly claim credit for this attack without jeopardising their position in Egypt. (Gen. Abdel Rahman Saeed and Brig. Abdel Aziz Khalid are still *personae non gratae* in Egypt.)

The Egyptian-Libyan initiative continues apace, with the foreign ministers meeting with Mirghani and Sadiq. Unfortunately the former five-man NDA committee for heading the NDA interaction with the Libyans and Egyptians has collapsed. Instead, the two Sayeds (Sadiq and Mirghani) negotiate as individuals. This makes it difficult to know what has been discussed and to call them to account.

The military position of the NDA forces in eastern Sudan has not improved. There are indications that, some months after the warming of relations between Sudan and Ethiopia, Ethiopian security units have begun closing the border areas to opposition military activity. Eritrea has made rapid strides towards normalising relations with Sudan, including returning the Sudan embassy in Asmara to the Sudan Government, reactivating joint security talks in Kassala, sending high-level delegates to Khartoum and most important, receiving a state visit from President al Bashir. However, contrary to some reports, Eritrea has not taken action to restrict NDA activity in the border areas.

Despite the strategic and tactical differences between the NDA member parties, the institutions of the NDA are still functioning when it comes to developing position for peace negotiations. In meetings of NDA members, clear negotiating positions are expressed. In meetings to determine peace issues (for example in Libya), clear stands are taken. Unfortunately, the mechanisms for implementing agreements are not in place. For example, al Mirghani has not yet approached the IGAD member states and Egypt with the request that the NDA join IGAD as a negotiating partner, despite the instructions he was given to that effect in Kampala.

It is unlikely that the NDA will begin to develop the necessary institutions at this stage for effective implementation of agreed programmes and actions. However, the ability of the NDA leaders to agree on a common programme for political action including peace terms, when

they are together in a common negotiating forum, is a healthy sign. It implies that one of the absolute priorities for mediators in the coming months is to establish a negotiating forum at which the NDA can be fully represented as a negotiating partner.

The NDA in Khartoum remains somewhat enigmatic, while very influential in the politics of the external NDA leadership. The NDA in Khartoum is still weak and disorganised. It tends to take a tough line in opposition to the government, insisting that the time is not yet right for the external NDA leadership to return to Khartoum. However it is insistent that a peaceful solution should be found.

The Egyptians Continue . . .

Egypt's prime concern in Sudan is to pursue its joint initiative with Libya and seek a settlement that suits its interests. Its energetic political and diplomatic work continues apace, with constant meetings with leading NDA figures in Cairo. No other mediator has a comparable sustained engagement with any of the parties to the conflict. Even when all appears quiet, the Egyptians are active.

Egypt's major problems are:

1. The internal weakness of the major NDA parties, especially the DUP, makes it difficult for an elite-led approach to succeed quickly. As soon as the Egyptians make progress with the leaders of the Umma and DUP, internal problems surface within those parties.
2. Egypt has given no public sign that it is ready to acknowledge the right of self-determination for Southern Sudan.

It will be a surprise if the Egyptians do not produce a public initiative and announce a breakthrough of some kind in the coming weeks.

Egypt is seemingly unworried by the return of Turabi to a position within the Khartoum political establishment.

Egypt is impatient with what it perceives as the Southern-bias and over-concern with Southern issues of some non-African potential mediators.

Unifying the Mediators?

The complexities of establishing a peace process that represents all the parties to the conflict are compounded by the challenge of unifying the mediators. The mediators all have different interests in peace. Some have clear national interests (e.g. Sudan's neighbours, especially those that have suffered destabilisation from Sudan). All have sentimental and symbolic interests in peace (all would like the credit that comes from a successfully-negotiated settlement, and for some—e.g. Egypt or Nigeria—this would help to cement a wider regional strategy). But all have learned to coexist with the Sudanese conflict, and few are willing to invest major political resources or take major risks in order to bring the conflict to an end.

No African or Arab mediator is perceived as fully neutral in the conflict. Each one is compromised by a specific national interest in Sudan or a principle it sees at stake, or by its past or current alliances with certain Sudanese political forces. Among the IGAD Partners, the U.S. is

seen as essential but not neutral, and most European countries are seen as partial in one way or another. Even if they are perceived as neutral by the Sudanese parties, some external parties are seen as non-neutral by Egypt, which is potentially a major handicap.

Unifying the mediators implies adopting a common negotiating forum. IGAD is widely recognised as the most legitimate forum. Egypt—the most likely alternative—has signalled its readiness to harmonise its work with IGAD or to join, but only under favourable conditions (i.e. as a full partner in the mediation). However, there are few signs that those conditions are likely to be in place quickly, and Egypt is meanwhile moving rapidly on its joint initiative with Libya. The challenge is facing IGAD: it must move very rapidly to catch up, or risk becoming marginalised. However, if progress at IGAD entails developing the modalities for implementing self-determination in the South, then the Egyptians are likely to see this as a signal that they should move directly towards a national conference with the aim of thwarting any secessionist possibilities.

Unifying the mediators is probably half of the work of achieving a comprehensive settlement. Once the IGAD member countries, the IGAD Partners and the African IGAD Partners have agreed on a common forum and a common set of principles, then the parties have no option but to negotiate in earnest.

Can IGAD rise to this challenge? It is far from certain. The IGAD member states all have other priorities. In the case of Eritrea and Ethiopia, the war between the two dictates regional political calculations, including the politics of bilateral relations with Egypt, that may conflict with bringing Egypt to IGAD as a full mediating partner. The IGAD countries may be unwilling to expend the necessary political capital to bring Egypt to IGAD, or may simply not have sufficient time and diplomatic resources to expend on this complex task.

The IGAD partners are in a similar situation. Each of them—especially the U.S.—have more important bilateral considerations in their relations with Egypt and will be unwilling or unable to expend the political and diplomatic resources necessary to bring Egypt to IGAD. Sudan is simply not the overriding consideration in western policies towards Egypt. The Sudan Government is undoubtedly aware of this and has factored it in to its calculations. Many of the NDA parties including the SPLM may not yet have done so and may still be working on the assumption that the U.S. will continue to stick to its publicly stated positions.

Work for IGAD

The IGAD Sudan peace secretariat has essential work to do even if the Egyptian-Libyan initiative proceeds. The IGAD talks are the venue in which the modalities of any agreement involving the SPLM is being established. The more detail that can be worked out and agreed upon at the IGAD forum, the better.

The fundamental stumbling block at IGAD is religion and the state. Many Southerners and some in Khartoum would like to see the parties agree to disagree on this, so that the talks can move directly to the issue of self-determination and modalities for its implementation. The long delays at IGAD have now put the Sudan Government, and the Egyptians, in a strong position:

- If the IGAD talks remain stalled on religion and the state, then this assists the Egyptians in their preparation for a national reconciliation conference that focusses on the northern sectarian parties.

- If the IGAD talks bypass this issue and move directly to arrangements for self-determination, then this creates a strong incentive for Egypt to move quickly so as to block any possibility of secession.

This challenge can be met by the following:

1. Continuing to try to unify the mediators, as above.
2. Accelerating efforts to bring the NDA to IGAD in line with the December 1999 NDA Kampala meeting resolutions.
3. Continuing substantive and detailed negotiations in the IGAD committees. In the February meeting, the Transitional Committee should discuss interim arrangements for Southern Sudan, and the Political Committee should discuss the issues of Abyei, South Kordofan (Nuba Mountains) and South Blue Nile.

A reserve policy—a ‘Plan B’ will need rapid development so as to harmonise the IGAD forum with the Egyptian-Libyan initiative, should that move towards fruition.

Economic Issues

In the long term, the viability of any peace settlement in Sudan depends crucially on the effective handling of Sudan’s economic crisis. Previous transitions to peace and democracy have been fatally undermined by economic crisis. It is encouraging that some Sudanese parties and international donors have recognised this. However, they are some way short of developing the necessary comprehensive approach to the economic challenges.

Some of the current initiatives to address economic and social issues include:

- Some IPF members are discussing economic components of the peace with the Sudan Government. A meeting is proceeding in Khartoum on 14 February. This is criticised by some on the grounds that it is giving unwarranted encouragement to the Sudan Government—economic pressure has been instrumental in bringing Khartoum to the negotiating table and it should be maintained until a comprehensive agreement is reached, rather than prematurely lifted.
- There is much international concern over the impact of the oil industry on the Sudanese economy and the Sudan Government capacity to wage war. An independent report commissioned by the Canadian Government is due for publication shortly. Most analyses suggest that oil revenues are unlikely to bring any benefits to Sudan as a whole unless there is a comprehensive peace agreement.
- The Economic Society of the New Sudan is addressing some of the specific issues that arise concerning economic planning in Southern Sudan in the current context.
- The Steering Committee for Human Rights in the Transition (now renamed the Committee for the Civil Project) has been researching the issue with a number of Sudanese professionals and is planning the ‘Kampala 2’ conference in part to address these issues.

As the peace process gathers momentum, the way in which fundamental economic issues are addressed will prove a critical factor in the success or otherwise of any comprehensive settlement.

Conclusion

Events in Sudan are moving rapidly, but the deadlock in the peace process is unlikely to be broken very rapidly. The challenge for mediators is to put the pieces of a very complex jigsaw in place, one by one. However it is likely that the Egyptians will shortly try to move forward on their joint initiative with the Libyans, which may create new political realities.

The unstable reconciliation between Bashir and Turabi means that the Sudan Government is not well placed to negotiate effectively. The SPLM has major issues to resolve before it is able to take the lead in making progress.

In the meantime, the key to progress is Egypt. Active Egyptian engagement in a comprehensive peace process has emerged as an essential prerequisite of a successful outcome. The challenge for the Sudanese parties and the mediators is to unify the mediators, if possible, and if not, harmonise the peace initiatives in such a way that the basic principles are not abandoned.