

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

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Overview

1. The Machakos talks proceed in an atmosphere of cautious optimism. The mediators' scenario, shared by the GoS, is that agreement will be reached on the major outstanding issues before the conclusion of this round in mid-September, and that the framework will be fully in place before the end of the year. But there are disagreements on a number of key issues including power sharing and the status of the Nuba Mountains and Southern Blue Nile that could still derail the process. The devil lies in the details.
2. The mediation strategy of corralling the main parties into a tight process with a hard deadline, with clear international backing, has worked so far. It illustrates the importance of coordination among the main mediators and power-brokers: shortly after they adopted a vigorous and coordinated approach, the parties came to an agreement. However, Egypt remains a wild card.
3. Unsurprisingly, the endgame of the war is seeing fierce fighting, notably government offensives in the area of the oilfields and the SPLA assault on Torit. On the ground, peace is not a reality. The issue of population displacement, especially in Upper Nile, is storing up serious problems for a post-peace phase.

Machakos: Dynamics and Issues

4. Both sides are presenting the 20 July Machakos Protocol in the best possible light. Pro-government academics have been explaining that 'self-determination' does not mean secession (and even trying to argue that it could exclude separation). Southerners are fastening onto the fact that the framework includes provision for a referendum.
5. The toughest issues in the negotiations at present are power sharing and the borders of the South. As of this writing, no agreement has been reached, with the two parties taking radically opposed positions. This is expected. Much will now depend on how the mediators are able to present compromise positions.
6. Credit for the success so far must go to the coordination between the lead negotiator, General Sumbeiywo, with the backing of the external facilitators in the form of the troika of U.S., U.K. and Norway. Their strategy has been to lock the parties into a timetable with real deadlines. Gen Sumbeiywo has stressed that his assignment expires on 31 December, and that agreement must be reached on all issues by then. His claim is given added weight by the fact that Kenyan elections are due approximately at that time, at which point President Moi will step down.

7. Meanwhile, the troika has been wielding both carrots and sticks. The carrots include promises of substantially increased assistance, the sticks include a continuation of the status quo or even an intensification of pressure (e.g. through the Sudan Peace Act in the U.S.). Close coordination between the British Foreign and Commonwealth Office and Department for International Development has also facilitated a highly effective British input into the talks.

8. Both parties have been complaining that they have had their arms twisted by the U.S. and U.K. This complaint may give them some cover should they decide to pull out. The mediators should not, however, be intimidated. There is no question that popular opinion throughout Sudan is overwhelmingly in support of Machakos, and against any walkout. In addition, the agreements made so far at Machakos, and on the cards for the coming rounds, are based overwhelmingly on agreements willingly entered into by the parties in recent years. The parties are merely being required to take seriously the principles they have already agreed upon—there is nothing external in the content of the agreements.

9. There are elements on both sides anxious to see the talks fail, and matters return to the status quo. A GoS delegation led by Nafie Ali Nafie has arrived in Kenya, which has created a concern that the GoS will take a harder line in the next round. Nafie's role may complicate the negotiations. Within SPLA circles, there are also some, such as the newly-merged SAF leadership, who are unlikely to see benefits for them in the Machakos process, and who may prefer to revert to the status quo of ongoing war. The Riek Machar group, while supporting Machakos, is concerned that its merger with the SPLA has not been completed, while the negotiations are ongoing. This is a valid concern, but it is essentially an internal issue for the SPLA. The broader question of wider participation in the government of the South can be dealt with in the context of post-agreement inclusiveness and democratisation.

10. The GoS is spending considerable resources on its delegation to Machakos, including bringing a range of independent journalists and civil society organisations. This commitment of resources is an indication of seriousness, and also a marker of the fact that the GoS expects substantial additional resources to be unlocked by a peace deal. Other peace lobbies, some of them falling into the category that John Garang once called 'the vultures of peace', are also congregating in Nairobi and Machakos to offer advice, lobby for their views, and make themselves relevant.

South Kordofan and Southern Blue Nile

11. The issue of the borders of the South has overtaken power sharing as the most urgent question. The GoS has objected to the inclusion of the question of Abyei, the Nuba Mountains (South Kordofan) and Southern Blue Nile in the IGAD discussions. This is based on a long-standing objection and the claim that these questions can be resolved elsewhere. The SPLA takes the contrary position, insisting that the Nuba and Ingessena (the principal peoples of these two areas) must be part of a comprehensive package. The SPLA's strongly expressed view on this has forced this question up the agenda. As of this writing, the mediators have not presented their views, but it is very likely they will insist on discussing the question.

12. The SPLA's substantive position is that the Nuba Mountains, Abyei and Southern Blue Nile must be included as an integral part of the South. The GoS's substantive position is the

opposite. There are hints that the GoS may be ready to compromise on Abyei, but it is inconceivable that it would accept the SPLA position on the Nuba and Southern Blue Nile. The SPLA would not want this issue to become the obstacle to peace, but it had not presented any alternative positions. This issue has the potential to derail the peace talks.

13. The GoS is fearful of appearing weak, and feels that it had already given sufficient concessions to the South. In addition, the Egyptian Government has argued with Khartoum that in conceding the right of self-determination for the South, it is opening a Pandora's Box, and other groups within Sudan will now begin to demand the same right. The GoS's substantive argument is that these areas are not territorially part of the South and never have been (although some areas in the far south of Blue Nile, such as Chali and Yabus, were at one time administered as part of Upper Nile during colonial times), and also that substantial parts of the population of these regions are not Nuba or Ingessena, and whose loyalties lie wholly with Northern Sudan.

14. The SPLA position has two components. The 'people's issue' is that the populations of the Nuba and Southern Blue Nile are black Africans who have suffered discrimination similar to that inflicted on the Southerners, and have fought as part and parcel of the SPLA during the war. The organisational issue is that the SPLA is concerned to maintain the political and military unity of the movement. On this question, there is no reason why the SPLA should not retain unitary command of forces based in different regions.

15. A variety of views have been expressed by others. A group of civil society organisations active in the SPLA-controlled areas of the Nuba Mountains issued a statement calling for the Nuba Mountains to be administered as part of the South during the interim period. The Sudan National Party called for the Nuba to exercise their own right of self-determination, on the same terms as the South, including the options of union with the North, with the South, and independence. Moslem Nuba aligned with Khartoum have issued their own statement, expressing a pro-GoS viewpoint. The Revd Philip Abbas Ghabboush, veteran Nuba leader, called for the Nuba to become a UN protectorate. The NDA position, encapsulated in the Asmara Declaration, is that the two regions should be given special autonomous status within Northern Sudan, while the people of Abyei should hold a referendum to determine whether they are part of Kordofan or Bahr el Ghazal.

16. From this array of positions, the mediators will need to produce some creative solutions. An agreement on Abyei, the Nuba Mountains and Southern Blue Nile must be an integral part of the overall settlement, and must be achieved before talks can proceed to other issues. The details of the settlement will depend upon the specifics of the power sharing and interim arrangements adopted.

Remaining Issues for Machakos

17. Agreement on the South Kordofan/Southern Blue Nile issue is a precondition for any agreements on power sharing. On power-sharing itself, the GoS is arguing for the centralisation of as much power as possible, while the SPLA wants the Southern Entity to have the maximum authority. The key issue here is less, what are the details of the arrangements agreed upon, but whether the two parties are committed to making it work.

18. An important question is, how to open up the process to the civilian parties and civil society. The tradition of Sudanese parties boycotting what they do not wholly agree with, or have not been part of creating, stands in the way of obtaining the broadest possible consensus in support of Machakos. But the mediators' strategy of focusing on the two principal parties has paid off and it would be a mistake to abandon it in favour of a more inclusive strategy at this point. One strategy for this is that the GoS and SPLA should lead the process until agreement is reached, and then all should be involved in subsequent democratisation.

19. The question of elections follows from this. Both the GoS and SPLA have an interest in postponing free elections as long as possible, preferably until after the interim period is complete. The deal would therefore meet their immediate interests. The major Northern parties are also in disarray, and would prefer to have some time to organise themselves before facing the electorate—but not as long as six years.

20. Security issues and the ceasefire have yet to be discussed. The experience of the 1972 negotiations was that these consumed more than half of the negotiating time. Control over the security organs and army will be a very hot question.

21. Human rights and democratic freedoms are not on the immediate agenda. Recent actions against the press include fines on three reporters for the *Khartoum Monitor* and the closure of the country's leading daily newspaper, *al 'Ayyam*, for one day, for publishing an article on female circumcision that was considered 'indecent.'

On the Ground in Southern Sudan

22. The SPLA has captured Torit. This must not be a reason for the GoS to suspend or withdraw from the peace talks. First, there is no ceasefire. Second, the SPLA has not objected to continuing talks while GoS offensives continue elsewhere, for example at the end of July, and recently launched a large offensive in Western Upper Nile.

23. A major ground offensive by the GoS was launched in Western Upper Nile at Tam, Keriell and Riern at the end of July, causing widespread displacement of the civilian population. A second, large offensive was launched in Western Upper Nile in the final days of August, which is ongoing at the time of writing.

24. At least seven aerial attacks in Southern Sudan have been launched in the last month. Several of these may violate the prohibition on attacking civilian targets. More attacks may be expected on Torit.

25. Progress in implementing Senator Danforth's fourth test, protection of civilians in the war zones, is still slow. The first international monitors are arriving but the infrastructure for monitoring on the ground is not yet in place.

26. The continuation of fighting, including attacks on civilians, means that many NGOs (both Sudanese and foreign) remain preoccupied with the ongoing emergency, and are understandably sceptical about the chances for peace.

27. The widespread failure of the rains has created an impending food crisis in many parts of Sudan. This adds urgency to the peace talks on all sides. The dry ground also makes it easier for fighting to continue.

28. Ongoing mass displacement raises the issue of who lives where, which is certain to become a major post-conflict question. How will people be able to return to where they lived beforehand, and how will they legitimise their claims? What institutions and procedures will there be to resolve these issues?

Khartoum Politics

29. The Mubarak al Fadl faction of the Umma Party (Renewal and Reform Group) has now been formally incorporated into the Government, taking up a quota of ministerial seats. This is the first significant broadening of the political base of the GoS in Northern Sudan since the 1989 coup.

30. At the end of August, the GoS cracked down on supporters of Hassan al Turabi and his Popular National Congress. This followed the renewal of Turabi's detention for a further year by Presidential Decree (probably unlawfully), and his removal from his residence to an unknown location. There was violence by PNC members, notably an attack on the house of the National Congress Party Secretary General and rumours of an attempted coup. This disturbance serves as a reminder that there are powerful anti-peace forces at work in Khartoum that could still try to destabilise the peace process, and any post-agreement democratisation. The wave of arrests is continuing.

31. The violence in Khartoum and rumours of a coup raise the issue of possible coups after any peace agreement is reached. Given that one of the stated motives for any putchists is likely to be 'protecting unity', a powerful deterrent would be to specify that any such illegal transfer of power would enable the government of the Southern Entity to assume sovereign powers.

32. Lam Akol, who resigned from the Congress Party and has been dismissed from his ministerial post, has formed a new party with Amin Benani, called the Justice Party. The party is supporting the Machakos Protocol. The coalition between the two is surprising, and is an indication of the likely fluidity of post-agreement politics, and the shifting coalitions that will occur.

Darfur

33. Local conflicts Darfur have gained much-needed attention. The roots of these conflicts lie in local disputes over land and local political authority, for example between the Rizeigat and the Ma'aliya. Elements of Arab chauvinism and irredentism, which have surfaced from time to time over the last two decades, are also present. A further contributor is the proliferation of light weapons and the ready availability of men trained in their use, many of them from the militia forces sponsored by the GoS to fight in Bahr el Ghazal, and the deterioration in the capacity of local government. The GoS response to the conflicts has been extremely heavy handed, involving detention without trial, torture, emergency courts with summary procedures, and death sentences.

34. There has also been a wave of arrests of alleged members of ‘Darfur Liberation Front’ and others suspected of fomenting opposition. The human rights situation in Darfur needs close scrutiny. Local conflicts and banditry in Darfur are serious problems that warrant firm but judicious government handling. Ironically, one of the earliest actions of General Bashir on taking power in 1989 was to successfully conclude inter-tribal peace negotiations in Darfur, following conflicts that had been inflamed by partisan interventions by the previous elected government.

Regional Factors

35. Egypt has not concealed its unhappiness with the Machakos Protocol. President Mubarak has reiterated his opposition to the secession of Southern Sudan. The Egyptian Government refused to send an observer to the talks, on the grounds that it would participate only in negotiations established in line with its own framework (i.e. the JLEI, which explicitly ruled out any possibility of separation for the South). The GoS has made modest efforts to reassure Egypt, while also making it very clear that the war is a Sudanese affair to be settled by the Sudanese themselves. Egyptian criticism is actually helpful for the GoS: every opportunity that arises for Bashir to underline that it is for Sudanese to resolve the conflict and not Egyptians, increases the President’s standing at home.

36. Amr Musa, Secretary General of the Arab League, has said that the Machakos agreement does not threaten any Arab country. This is a powerful endorsement, especially in view of Amr Musa’s former position as Egyptian foreign minister. However, the Arab League is opposed in principle to Southern secession.

37. Ethiopia’s role in the talks is very low profile, but reportedly highly influential. The Ethiopian Prime Minister has urged both President Bashir and John Garang to come to an agreement. Ethiopia strongly supports the view that the right of self-determination is not only compatible with unity, but in a multi-ethnic state (of which both Sudan and Ethiopia are examples) it is a guarantor of voluntary unity.

38. The Ugandan military offensive against the LRA shows no sign of achieving its aims in the short term. The LRA has proven itself capable of striking into northern Uganda, attacking in Southern Sudan, abducting relief workers and embarrassing the Ugandan Government. If the Sudanese civil war is resolved, President Museveni will no longer be able to blame the LRA insurrection on Khartoum, and will need to pay more attention to the domestic roots of the problem.

International

39. The EU strategy of holding back on the disbursement of development aid until various conditions on peace and human rights have been met, has given the external facilitators an important stick to wield. But now the EU encounters the dilemma of whether to release the assistance to the GoS rapidly as an immediate reward that will bring tangible benefits, or whether to continue to tie it to the implementation of commitments undertaken.

40. An array of international donors is lining up for major engagement with Sudan. There is a danger that Sudan’s capacity will be overwhelmed by these initiatives. It will be important

for there to be maximum coordination and Sudanese ownership of processes and programmes.

41. The progress of the Sudan Peace Act in the U.S. Congress has been halted, and its reach has been scaled back. It is a potential stick to be wielded in the negotiating process, but the possibility of capital market sanctions against oil companies operating in Sudan has been abandoned.

Conclusion

42. The Machakos negotiations stand at a critical juncture. While the two parties have shown great determination to reach an agreement, each side is currently taking hardline positions on key questions, which could cause the talks to break down.

43. The question of South Kordofan/Southern Blue Nile (Nuba/Ingessena) has emerged as a major issue dividing the parties. While each side appears intransigent at present, there are possible compromises to be found. This question needs to be resolved in order to move on to the questions of power sharing, wealth sharing and security arrangements.

44. Ongoing fighting should not be considered a valid reason for either side to abandon the negotiations. There is no ceasefire so it is expected that each side will utilise its military strength to the maximum to obtain the strongest position when the ceasefire comes into effect.

45. Progress in the peace talks is destabilising for many political actors that had become accustomed to indefinite war. Hence, local upsurges in violence and attempts to destabilise the peace process are to be expected. The need for humanitarian assistance and human rights monitoring is growing, not lessening.