

PROSPECTS FOR PEACE IN SUDAN

BRIEFING

MARCH 2000

Overview

Once again, Sadiq el Mahdi has struck a bold blow, causing consternation, anger and destabilisation—and posing a challenge for the NDA which it still has the opportunity to meet. By suspending Umma Party membership of the external NDA (but still promising cooperation with the NDA in Khartoum), Sadiq has created a crisis that is containable for the NDA, but only just.

All parties in Sudan are internally weak. With the partial exception of Sadiq el Mahdi and the Umma, none of them are currently displaying the leadership or control over events that could enable a serious breakthrough. President Omer al Bashir has failed to capitalise on his move against Dr Hassan al Turabi made in December 1999, and his position today is weaker. The government appears confused and directionless, and still primarily preoccupied with what it sees as its principal threat, namely Turabi. The SPLM leadership is giving contradictory signals as to its principles and intentions. The NDA leadership is still in disarray, but the Leadership Council meeting in Asmara indicated that there is at least a political process at work in the Alliance. The NDA's commitment to a peaceful solution is now clearer than ever before. If there is to be short-term political progress, the main potential lies with the NDA, and its response to the challenge thrown down by Sadiq.

The mediators are no less confused. For the Egyptian Government, peace in Sudan remains its number one foreign policy priority. Its stratagem of pushing for a quick deal failed, primarily because its favoured intermediaries in Sudan (President Bashir and Mulana Mohamed Osman al Mirghani) could not deliver, and secondarily because it could not generate sufficient international support for its position. (The U.S. and European countries did not support Egypt because of its opposition to the principle of self-determination for Southern Sudan.) Meanwhile, the modest progress at IGAD is jeopardised by the unwillingness of key IGAD member states (Kenya and Ethiopia) to consider broadening the IGAD forum to include the NDA and Egypt. Unless IGAD is broadened in this way it is destined to fail very soon. Sadiq el Mahdi has made the Libyan-Egyptian initiative unstoppable: the challenge for other mediators is to ensure that it proceeds with the full participation of all Sudanese forces.

The NDA is (not quite) Split

On 16 March, the final day of the NDA meeting in Asmara, Sadiq el Mahdi suspended Umma Party membership in the external structures of the NDA. The immediate spark for this was the NDA decision to suspend the Secretary General (Mubarak al Mahdi) and replace his position with an Interim Executive Committee. However, the Umma move has been clear for some time, and it was expected by many as early as last December. It is not a total split:

1. The Umma will continue to cooperate with the NDA inside Sudan. In fact, Abdel Rahman Nugudallah, head of the NDA inside and a leading figure in the Umma Party, is a member of the newly-set up Comprehensive Political Solution Committee, which was agreed at the NDA Asmara meeting. It is worth noting that the internal NDA in some respects takes a tougher line with the GoS than some of the leaders of the external NDA: the Umma is *not* joining the GoS.
2. The Umma Party is suspending its membership until the NDA Congress, now scheduled for June (postponed from late March).

Nonetheless, the decision by the Umma is a serious blow to the NDA, which has generated considerable anger among other members of the NDA, and some of the governments friendly to the NDA. It opens up a genuine prospect of the very rapid return of senior Umma cadres to Khartoum, and perhaps even cooperation between the Umma Party and the GoS in the medium term. More likely is the continued opposition activism of the Umma, but independently from the external NDA—thereby weakening the external NDA.

The ripples from Sadiq el Mahdi's dramatic move will probably die down, slightly, in the coming weeks. Sadiq cannot unilaterally make a deal with the GoS, and the main potential guarantor of any such deal—Egypt—is under extreme pressure from the U.S. and western governments. The DUP and other northern NDA parties will be reluctant to proceed towards reconciliation without much stronger guarantees than those provided (or not) to the Umma. It is possible that a period of stasis will now follow.

While the Umma decision probably does not indicate an imminent deal—say in the next few weeks—it does represent part of a probably-irreversible shift towards north-north reconciliation mediated by Egypt and Libya.

The Challenge for the NDA

The Umma has thrown down a challenge to the NDA: it must respond positively and proactively to the crisis. One tendency is to feel (party-justified) anger and say that the departure of the Umma was inevitable, that it was never a serious opposition party, and that the NDA is stronger, more united—and more militant—as a result. Initial statements from some NDA members including the SPLA indicate this line, as does the renewed military action in eastern Sudan. Another tendency is to see the Umma decision as straining but not breaking the NDA, and a challenge to be met in the pursuit of a comprehensive peace.

How the NDA may respond, and meet the challenge, must be seen in the context of the decisions taken in Asmara before the departure of the Umma. Before 16 March, the key developments in Asmara were:

1. Recognition of the importance of a peaceful settlement.
2. Re-affirmation of the importance of coordinating or merging IGAD and the Libyan-Egyptian Initiative, if necessary bringing the NDA to IGAD. The Egyptians considered this a (mild) rebuff, but were ready to accept it.
3. Creation of a 14-person committee to implement the 'Comprehensive Political Solution'. Under the chairmanship of Gen Abdel Rahman Saeed (Deputy Chairman of the NDA and head of the Legitimate Command), with Nhial Deng Nhial (SPLM Minister of Foreign

Affairs) as secretary, this is a wide committee including the second level of the NDA leadership across the board. It includes two representatives from the NDA in Khartoum (Abdel Rahman Nugudalla, Umma, and Joseph Okello, USAP). After the Umma suspended its membership of the NDA-external, the external Umma representative left the committee, which now consists of 13 members (Nugudalla stayed). Gen. Abdel Rahman Saeed was named to lead a delegation to the IGAD countries and Nhial Deng to Libya and Egypt to explain the NDA position on the peace talks.

4. Replacement of the previous executive structure and secretary general with an interim executive committee, until the NDA Congress, now postponed from 26 March to 6 June. Nhial Deng Nhial was named as the interim Secretary General.

After the delegations leave Asmara in the week 20-24 March, the major political activity will focus on the activities of the NDA 'Comprehensive Political Solution' Committee (henceforth CPSC) in Egypt and Kenya. The Umma action in suspending its cooperation with the NDA-external has strengthened the hand of the Libyan-Egyptian initiative, giving the Egyptians in particular more leverage.

An intriguing scenario now presents itself. It is possible that the CPSC under Gen. Saeed will arrive in Nairobi shortly before the next round of IGAD talks scheduled for April. Gen Saeed will either present his position to the Kenyan Government, or wait for all the IGAD ambassadors to be present for the IGAD meeting. The SPLM delegation at the meeting will presumably be headed by the SPLM Minister of Foreign Affairs, Nhial Deng Nhial. But Nhial Deng has also just accepted the position of NDA Interim Secretary General, and in this position he answers to the NDA and its Chairman, Mulana Mohamed Osman al Mirgani. If the SPLM continues to represent only itself at the IGAD forum, and/or the IGAD mediators insist that only the SPLM and not the wider NDA is represented, how will Nhial Deng deal with his double position and his two masters?

Bashir Ascendant in Khartoum—But Weak

When he imposed the State of Emergency on 12 December 1999, President Omer al Bashir imposed a psychological deadline for securing progress towards peace and/or reconciliation, and securing the marginalisation of Dr Hassan al Turabi. At that time he had wide support and credibility in Khartoum. Three months on it is clear that Bashir has succeeded in neither aim, and in so failing, he has squandered much of his political capital. The GoS is now drifting without clear leadership. It will clutch at the opportunity presented by the Umma Party decision to begin to return senior party members to Khartoum.

However the implications of the Umma move for Gen. Bashir remain very unclear. Since the 'coup' against Turabi, Bashir has faced the challenge of obtaining support from the Islamists in western Sudan, who were more closely aligned with Turabi (Bashir's supporters are mostly from the riverain regions). The Umma has a strong constituency among these western groups. How the contest for their loyalty will play out remains to be seen. In addition, Sadiq el Mahdi may be ready to utilise the Bashir-Turabi split to his own advantage, playing each side.

On 9 March the Constitutional Court rejected Turabi's petition against the dissolution of the National Assembly. Although the constitution contained no article empowering the President to act in this way, and many that provided for the reverse, the Constitutional Court decided that it had no jurisdiction over such 'political' matters. This affirmed the ascendancy

of the executive and the lack of any judicial power, it made a mockery of the rule of law. Implicitly it also mocked the 1997 Khartoum Agreement, which provided for any disputes between the South and Khartoum to be referred to the Constitutional Court. If that court is nothing but an agent of the will of the executive, what use is it? In effect, this was the act of a coup—but without the bravura and sense of purpose that marks an effective coup.

Had Bashir instructed the President of the Constitutional Court, Jalal Ali Lutfi (a man not known for his independence of action) to give a more balanced judgement, thereby proving liberal credentials and an opening to reconciliation with the NDA. The failure to take this opportunity smacked of lack of strategic thinking in Khartoum.

The Sudan Government has issued a new law on political parties and is floating the idea of an election for the President. How this is to occur with the renewed State of Emergency is not clear. What meaning do elections have if the executive is supreme? What credibility does their liberalisation now have?

However, Bashir has not removed Turabi's shadow, which still haunts their every move. Turabi's real power is now practically eliminated but his ghost still haunts the Government and paralyses it. In February, Turabi succeeded in sabotaging any moves towards compromise on the central issue of state and religion with the threat of declaring Jihad against anyone who mooted abandoning the Islamic state.

Bashir, and his right-hand man and guiding influence, Ali Osman Mohamed Taha, now have the worst of both worlds. They missed their chance to deliver a knockout blow to Turabi in December, and they missed their chance to establish some democratic credentials in March. Khartoum seems to be drifting.

As it drifts, it compromises. In the last month, the Sudan Government has given two important signals about readiness to compromise on key issues. These are:

1. State and religion. In mid-February Vice President Ali Osman Mohamed Taha gave an indication that he was ready to discuss the separation of state and religion. This signal was meant for the ears of two parties:
 - (i) The Umma Party. Sadiq el Mahdi has for some time been discussing the separation of state from religion but the continuation of religious politics. His arguments on this were discussed in the February briefing, and are indicative of an important nuance in Sudanese politics that could be the key to unravelling some of the GoS-NDA disagreements.
 - (ii) The SPLM. The announcement was aimed at seeking a solution to the sticking point of state and religion in the IGAD talks. In this case, the GoS formula would be that the central (federal) government would be secular but each particular state would have the option of linking state and religion. Exactly how this would be compatible with the Sadiq el Mahdi formula remains unclear.
2. Multi-party system. The GoS has been expressing its readiness to abandon the *tawali* system for some time, and has given further indications of its willingness to legalise party political activity.

These are mildly encouraging signs. However they need to be interpreted with caution. Bashir and Ali Osman are still Islamists. But they are also weak and not in full control of the course of events. Until they have completely removed Turabi and the threat he poses, they will be unable to take serious initiatives towards peace.

There are dangers in the current situation. For Bashir and Ali Osman, holding on to power is the overriding objective. They may see themselves as on a slippery slope, with events out of control and power slipping away from them. In these circumstances they may contemplate drastic action if they feel completely isolated and desperate. Alternatively, and more probably, they may take steps that close off certain options. For example, the proposed referendum on the presidency could take place very quickly, and close the door on options such as an all-inclusive constitutional conference.

IGAD Peace Talks

The IGAD talks in Kenya made incremental progress. Overall they were a disappointment but the SPLM delegation gave several important positive indications.

1. On the issue of the borders of the South, the SPLM indicated that the Nuba and South Blue Nile were demanding self-determination in their own right; and that the South (within the borders of 1-1-56) should be administered separately from these areas.
2. The SPLM indicated that it was not concerned with whether the interim arrangements were federal or confederal, but merely with the actual substantive division of powers in the agreement.
3. In the post-talks press statement the SPLM raised the option of 'agreeing to disagree' on state and religion, and moving directly to discussion of self-determination.

The GoS delegation did not compromise on state and religion at the peace talks. Because of the threat from Turabi hanging over the GoS, the issue could not be raised at this time. Turabi's ghost was frightening the GoS delegates.

The SPLM delegation did not prepare its position in consultation with the NDA, as it had agreed at the December 1999 Kampala NDA meeting. Neither did it raise the issue of NDA representation at IGAD. These gave rise to concern in the NDA that the SPLM intended to keep the IGAD forum to itself for bilateral negotiation with the GoS. However, the remarks of Dr John Garang on 10 March at the opening of the NDA Leadership Council meeting in Asmara indicated that bringing the NDA to IGAD is still on the SPLM agenda. If the SPLM leadership is serious about this, it must act immediately, or the coming round of IGAD talks will plunge the NDA into a possibly terminal crisis.

IGAD stands a chance of success in finding a solution to the problem of Sudan if and only if it admits the NDA as a full negotiating partner and finds a role for Egypt and Libya. In the current circumstances this looks improbable. Two IGAD member states are not supportive of Egyptian engagement in IGAD, namely Ethiopia and Kenya. In addition, Kenya does not support the proposal of the NDA joining the IGAD forum, on the curious grounds that this would complicate the search for peace. (Sudan is after all a complicated country, and no uncomplicated solution will work.) Given the leadership role of Kenya in IGAD, this raises two possibilities.

1. Parallel negotiations in IGAD for North-South issues and in the Libyan-Egyptian Initiative (LEI) for North-North issues. This is an inherently unstable formula for negotiations which is unlikely to produce a lasting solution.

2. The collapse of IGAD completely, to be superseded by either the LEI or some other formula. This is a more likely outcome. If IGAD formally rejects both the NDA and Egypt in the near future, the IGAD forum will not survive. The challenge for the NDA and the IPF will be solely to salvage the IGAD DoP.

The next round of IGAD is scheduled for April. Probably this will be the make-or-break round.

The Libyan-Egyptian Initiative

Despite its shortcomings, the LEI is the main game in town. The Egyptians and Libyans had diplomats in Asmara for the NDA meeting who (reluctantly) accepted the outcome of the NDA meeting, including the coordination/merger of the LEI and IGAD. The Libyans and Egyptians are impatient to move towards a high-level meeting between the GoS and the senior leaders of the NDA. They remain active in supporting Gen Bashir and have extremely close ongoing links with the Sudan Foreign Ministry.

For the Egyptians, the Sudan peace process is its number one foreign policy priority. They prefer for this to be situated in its broader agenda for playing a leading role in Africa, with strategic partnerships in sub-Saharan Africa with both the U.S. and Europe. But if necessary they will deal unilaterally with the Sudanese political forces. Their hand has been strengthened by the Umma Party move. Their hand will be immeasurably strengthened if Gen Saeed's delegation to the IGAD member states is rebuffed, or if the SPLM continues with the IGAD negotiations in the former manner of considering it as an exclusive SPLM-GoS forum. If either of these scenarios were to occur, then Gen Saeed can only report failure to the Chairman of the NDA, Mulana Mohamed Osman al Mirghani, for whom there is no realistic option but to move to a reconciliation meeting convened by Cairo and/or Tripoli.

There are some signs that the Egyptians are recognising that the Sudanese situation is more complex and more changed than they had initially anticipated. There are even some indications that they are recognising that 'self-determination' does not automatically mean secession. (But Egyptians recall that President Nagib agreed to 'self-determination' for Sudan in 1953 on the argument that Sudanese would vote for the Unity of the Nile Valley—and of course were proved wrong when even their closest allies in Khartoum voted for independence.) It is possible that one of the main impacts of Sadiq's decision will be renewed confidence in Cairo and Tripoli that they can mediate a deal irrespective of the pressures from the U.S. and Europe and regardless of the demands of the Southern Sudanese. It is possible that with Sadiq in Tripoli and soon to be in Cairo, the Libyans and Egyptians may not even wait for the outcome of Gen Saeed's mission before moving ahead.

Meanwhile, the GoS's confidence in the LEI has been greatly strengthened by Sadiq's move. The GoS increasingly sees the plan to merge or coordinate IGAD and the LEI as an SPLA agenda, and may decide to thwart any attempts at merger or coordination. It may even try to kill off IGAD altogether—though it is more likely to seek to keep it functioning as an empty shell, and try to blame its continuing failures on the SPLM.

A reconciliation conference dominated by the GoS and the main sectarian party leaderships of the NDA, convened by Egypt and/or Libya, remains the most likely outcome at the present moment. Only rapid political action by the other 'new forces' in the NDA, and major and rapid compromise at IGAD and in Cairo and Tripoli mediated by the U.S. and Europe will be able to head this off.

The Role of the International Community

The international community—notably the U.S. and European governments—should not be spectators as these events unfold. The major western powers can play a crucial role in ensuring that the LEI is contained and pushed in the direction of being a more comprehensive attempt to address the Sudanese problem, while also trying to ensure that IGAD does not expire on account of its inherent weaknesses.

There is still some life left in the existing strategy of revitalising IGAD and promoting coordination and/or merger with the LEI. The international community should try one last time to ensure that IGAD can succeed, at its forthcoming meeting in April, at addressing the Sudanese crisis comprehensively and moving decisively towards solutions.

Leading western powers have already exerted much influence on Egypt to approach the Sudanese problem in a more comprehensive and open-minded manner. This approach will no doubt continue. But Egypt is probably confident that should it succeed in brokering a deal—even if only a partial one—most western powers will support it on the grounds that Egypt is their main strategic partner in the region.

A third option should not be ruled out. Should IGAD enter a terminal crisis, the alternative of convening a third peace forum, without prejudice to either the achievements of IGAD (specifically the DoP) and the strengths of the LEI, should be actively considered.

Other Developments

Money

In important ways, the opening of the oilfields has not affected Sudan's overall economic position. The estimated \$300-\$400 million in government revenue from oil sales is but a fraction of the \$1bn plus due (but not paid) in annual debt service, or the approx. \$800m annual income from international development assistance lost in the last ten years. Oil money does not allow Sudan to repay its debts, to put money into its capital budget, or to begin serious economic development—or even to finance the sort of arms buildup that would make a major strategic difference in the war. But oil has brought private wealth to Sudan again. Some of this—perhaps the majority—is through the indirect psychological impact of encouraging Sudanese expatriates to invest in Sudan again. The prospect of sharing in the oil bonanza, real or imagined, is no doubt an important motive in the readiness of some leading NDA politicians, who also have substantial business interests, to return to Sudan. The prospect of improved commerce also encourages leading GoS figures who have business interests to look more seriously at political compromise.

The SRRA Memorandum of Understanding

The Memorandum of Understanding (MoU) proposed by the SRRA and SPLM for international NGOs operating in SPLM-controlled Sudan came into force on 1 March. It was a debacle. The substance of the MoU is unexceptional and, had it been proposed three or four years ago, would have been welcomed by most NGOs as the appropriate assumption of responsibility by the SPLM with regard to humanitarian operations. But in the last two years a number of back donors, especially the EU, have become so frustrated with the SPLM and

SRRA that they were unwilling to compromise. Meanwhile the SPLM/SRRA handling of the matter was rather undiplomatic and unyielding. These two uncompromising viewpoints resulted in a wholly unnecessary clash. It was a public relations disaster for the SPLM and a serious setback for humanitarian operations in Southern Sudan.

The difference between the two sides is not great, and the issue can be resolved with some mutual flexibility and a little patience. However, much damage has been done to the international image of the SPLA, and to relations between the SPLA, the humanitarian community, and the people of Southern Sudan.

Human Rights

Human rights concerns remain significant in many areas, both government and opposition. While the GoS has lost the will or the capacity to impose major repression on leading opposition figures, there are still widespread arrests and detentions of lesser-known figures. Bombing raids on civilian targets in the South and the Nuba Mountains are the most publicised component of a wider pattern of ongoing abuses in the war zones. Meanwhile there are also some serious concerns for human rights in NDA and SPLA-held areas.

The need for international and national human rights monitors in all areas of Sudan remains as great as ever.

Conclusion

Until Sadiq el Mahdi's dramatic move, all sides in Sudan were afflicted by internal paralysis, arising from exhaustion and lack of clear leadership. Sadiq has not provided the necessary leadership to move towards a comprehensive solution, but he has laid out a clear map for the immediate future: reconciliation along the lines envisaged by the Libyan-Egyptian initiative.

For half a year or more there have been signs of imminent dramatic developments regarding peace in Sudan, principally the possibility of rapid reconciliation between the GoS and the northern parties under Egyptian auspices. To date, the internal weaknesses of all parties and external pressures have prevented this scenario from materialising. Those obstacles still remain. But it is just possible that the next month may see make-or-break developments that may radically change the political landscape. If IGAD fails to embrace the NDA and Egypt and Libya, and the Egyptians and Libyans are ready to be a little more flexible and accommodating on key issues (notably self-determination), then the Egyptians may once again succeed in playing their historic role as the principal external power broker in Khartoum.