

# PROSPECTS FOR PEACE IN SUDAN

## BRIEFING

APRIL 2002

### Overview

1. There is a quiet determination about international peace efforts at present. Senator Danforth's report is complete and will be released in the next few days when it has been approved by the U.S. Administration. It appears certain that Danforth will recommend continued U.S. engagement with the Sudan peace process, as the U.S. involvement in various aspects ranging from the Nuba Mountains ceasefire to the outline for an overall settlement is already well-advanced. The quiescent state of the IGAD and Egyptian-Libyan Initiatives belies the fact that they are engaged in quiet, intensive discussions.

2. Meanwhile there are signs of movement in Khartoum, with GoS readiness to seize on a moment that it sees as favourable to a peace settlement on terms it will find acceptable. The key issue here is unity of the country, which is accepted by the U.S. as well as Egypt and Kenya. However, the Southern consensus on the right of self-determination including the option of secession, is more solid than ever. Although John Garang is continuing to send mixed messages on his bottom line on self-determination, it is unlikely that he could carry his Southern constituency with him if he were to jettison this commitment.

### Khartoum's Eagerness—Perhaps

3. The GoS is discussing options with a seriousness and practicality that is new. Undoubtedly this is because it feels in a comfort zone with the substantial Egyptian involvement and the U.S.'s clear preference for the unity of Sudan. Khartoum has also recognised the extent of popular support for a peace settlement, evidenced by the overwhelmingly positive reaction to the Nuba ceasefire. This is ironic in light of the GoS's attempts to whip up popular sentiment against the American involvement in the Nuba Mountains, but it is at least a pragmatic recognition of the reality.

4. The GoS has floated ideas for a new, revitalised peace process to the international mediators and regional governments during the month, in the form of a paper entitled 'A new approach to the conduct of peace negotiations.' The basis of this is a new declaration of principles, notably omitting the right of self-determination for the South, and a new forum, to merge IGAD and the Egyptian-Libyan Initiative (ELI). The new forum is a step forward in that the GoS has hitherto always opposed any such merger. However, on this occasion, the NDA is to be omitted from the proposed forum. In some respects, the proposal therefore combines the weakest element of the IGAD process (the absence of the NDA) and the weakest of the ELI (the absence of any formula for self-determination).

5. The GoS preference is for a piecemeal peace deal. Thus it prefers to regard its dealings with the (northern) NDA as ‘reconciliation’, not requiring any externally-mediated negotiations. It would also prefer to do a separate peace deal for the Nuba Mountains, splitting the Nuba forces of the SPLA off from the bulk of the SPLA in the South. This would put it in a stronger position to negotiate for a better deal with the SPLA on the basis of ‘one country two systems.’ The GoS strategy is also to put a comprehensive ceasefire first, anticipating that this would neutralise the SPLA’s strongest card.

6. The GoS appears to be united around the attraction of a peace deal on the terms laid out above—with the notable exception of the Southern members of the government. The ardent anti-peace Islamist group appears to have been weakened. It is notable that there has been a quiet removal of selected army officers, thought to be aligned with Hassan al Turabi. Reportedly, 12 senior officers (colonel and above) and 27 junior officers have been forced to resign from the armed forces. One major-general and a number of junior officers have been removed from Juba following the clash between the LRA and Sudan army.

7. President Bashir seems to be trying to shift his ground towards a constituency that can be labelled more as ‘unionist’ and less as ‘Islamist’. In a speech, he suggested that the name of the National Congress Party be changed to ‘National Unionist Party’. This coincided with reports that the DUP faction led by Sharif el Hindi, which is registered under the GoS laws, may merge with the NCP. The name ‘National Unionist Party’ is the same as the party of Sudan’s first Prime Minister, Ismail al Azhari, and its use would be a means of laying claim to that inheritance.

## **The SPLA**

8. The SPLA leader returned from a visit to Washington that included meetings with numerous supporters and sympathisers as well as several high-ranking members of the Administration including the Secretary of State, Colin Powell, and Deputy Secretary of State for Defence, Paul Wolfowitz. Garang demonstrated that he has high-level access. However, if John Garang went to Washington in the expectation of receiving a blank cheque for war efforts, he was disappointed.

9. SPLA dialogue with other Southern forces has continued and intensified. A significant conference with the Southern Sudan Democratic Forum was convened in London. The SSDF originally came together as a group for convening Southern reconciliation and political consensus conferences, but appears to be evolving into a political party. As with all such high-level meetings in the last six months, the point of agreement was the Southerners’ right to self-determination including a referendum on unity or secession.

10. Garang’s personal position on this issue remains unclear: most probably he belongs to the school that advocates a united Sudan in which the combined strength of the ‘African’ peoples allows them to dominate the state. However, Southerners fasten on his written and verbal commitments to self-determination, and are determined to hold him to these promises. The question is, will Garang be ready to risk his authority by advocating for a peace agreement that compromises on self-determination?

## The U.S. Approach

11. Senator Danforth's report is complete and is under review by the White House before it is made public. However, it is clear that the Senator considers that the parties have passed the four tests that were set, and thus he will recommend continued engagement, subject to their continued compliance with the criteria. There is much speculation on what he might recommend. In this context it is worth recalling his mandate, which is to determine whether the parties in Sudan are committed to peace, and whether the U.S. should become energetically engaged in the search for peace. Beyond this, his report may include opinions which will undoubtedly influence U.S. policy on the substance of any further engagement, but may not necessarily be decisive.

12. Key aspects of the U.S. approach are evident in what is already happening. The U.S. is already deeply involved, in monitoring the Nuba Mountains ceasefire, monitoring the conduct of the war in the South, and investigating slavery. A Sudan Task Force has been set up at the State Department. This approach implies that security issues are likely to be high on the agenda. This in turn indicates an emphasis on the military leaders and the necessity of bringing the war to an end, rather than a more inclusive approach including the civilian leaders of the NDA.

13. An examination of modalities of the Nuba ceasefire and the monitoring in the South also suggests that any future peace settlement will be founded on agreement by the parties, with external monitoring, rather than a deal that requires an international peacekeeping force (which would face major difficulties). This flags up the important role of external guarantees in any future peace settlement. One debate that will ensue is, what form of international guarantee is the international community ready to offer to Southern Sudan? And what guarantees do Southern Sudanese demand?

14. The U.S. is unlikely to want to take the lead in convening a peace forum. There is no 'American Initiative' as such. Rather, its strategy to date indicates a preference for allowing Presidents Moi and Mubarak to take the lead, with the U.S. (and selected European governments) doing much of the hard work behind the scenes, so that there is considerable convergence between the parties in advance of any forum convening. Hence, the negotiating approach is likely to be focused on discreet sessions with the key leaders rather than an open round-table format. At the end of the day, Presidents Moi and Mubarak may take the credit, with senior U.S. officials standing at their shoulders.

15. Lastly and most significantly, there is the issue of the substantive components of any peace settlement. While these fall outside the immediate mandate of the Special Envoy's mission, Senator Danforth's views are likely to be influential in shaping the U.S. approach. Leaks to the press (notably the St. Louis Post-Dispatch, the paper of Sen. Danforth's home town) have focused on two issues: self-determination and oil. Any leaks must be treated with caution, as there are strong contending interests at work in Washington, some of which want to substantially change the direction of U.S. policy. The U.S. Commission on International Religious Freedom released its report on Sudan on 29 April, with a series of tough and comprehensive recommendations, which will appeal to the anti-GoS constituencies in Sudan and Washington. This is timed so as to invite comparison with the Danforth report: commentators will critique the two in parallel.

16. On self determination, Senator Danforth has made clear his opposition to separation for Southern Sudan. This reflects the general viewpoint held in the U.S. government, though the State Department may be less blunt in its expression of the point. Their preferred option is 'one country two systems', with some form of international supervision of the arrangement. If Danforth's report rules out self-determination with an option of separation, he is certain to draw fire, both from Southern Sudanese and from their friends in Washington. The Commission on International Religious Freedom recommended that the U.S. stick to the IGAD DoP, including self-determination for the South. The Administration will face a major challenge in selling any proposed settlement that does not have a clear self-determination clause to these constituencies. It will be faced with clamorous calls that it has sold out the Southerners to a perpetuity of life as second-class citizens in a Northern-dominated state, that it has left them vulnerable to enslavement and Islamisation, and that it has done a deal with Khartoum and Cairo for wider strategic interests.

17. Concerning oil, it seems likely that Sen. Danforth will both highlight the role of oil extraction in intensifying the war, and the potential role of shared oil revenues in building peace. The Commission on International Religious Freedom has taken a tough position in line with the Sudan Peace Act, calling for economic sanctions.

18. The U.S. has been in contact with the NDA and Umma leaderships, but it is not likely to give them equal place at the negotiating table. In addition, the NDA and Umma leaderships have not succeeded in impressing either the Special Envoy or the State Department. The Commission on International Religious Freedom has called for an inclusive process that encompasses civilian parties and civil society.

19. Southern Sudanese will scrutinise every word of Danforth's report. They will be quick to fasten onto what they see as any double standards, particularly any hint of compromise on the separation of religion and the state, and on the right of self-determination. On the latter, they will point to the list of agreements that include self-determination including the IGAD DoP and the 1998 Constitution, and will argue that it is only by including an 'exit option' that the South can sufficiently frighten Khartoum into honouring any agreements. The U.S. will present 'realist' responses to these criticisms. For example it can argue that a referendum with a separation option is only realistic when both parties are ready to accept that outcome, and if this is not the case, then a such a referendum is merely a recipe for a new or continued war. Whether the U.S. will be able to convince the SPLA leadership to accept this argument is another matter. At present, there is a rock-solid consensus among the Southern political class in favour of self-determination and for the outright rejection of any proposal that waters this down. Most Southerners' bottom line is that a settlement that excludes self-determination is inherently unjust and will not work.

## **European Positions**

20. The British government has set up its own Sudan Unit, based at the FCO and including representation from DFID. The Special Envoy is Alan Goulty, reporting to both Clare Short (Secretary of State for International Development) and Jack Straw (Foreign Secretary). Clare Short is personally committed to Sudan and is ready to become more deeply involved. Her heavyweight engagement is an important asset, and one of the challenges for the FCO-DFID Sudan Unit is to ensure that Short's personal involvement is used most strategically and effectively. British engagement must also be seen in the context of Tony Blair's commitment

to Africa and the leading role of the British Government in supporting the New Partnership for Africa's Development (NEPAD) process.

21. Several European countries are actively engaged. The Norwegians are particularly engaged and are leading the Nuba Mountains monitoring effort. For most, the sequence of activities is ceasefire first, followed by negotiations for a peace settlement with the SPLA. The EU received a bad press on account of its very poor timing, when it announced in January that it had set in motion a process that could lead to the resumption of development aid by the end of the year. This adverse publicity has obliged the EU to emphasise the conditionalities attached to this resumption, and in turn this has made the human rights lobbies in Europe more vigilant in watching over the EU-Sudan dialogue. The differences between EU and U.S. positions are currently marginal.

## **Regional Dynamics**

22. There is speculation that events in the Middle East could derail the peace process. For example, some Sudanese fear that the U.S. might be ready to give Egypt a veto over the Sudan peace process in light of the country's pivotal role vis-à-vis the Israel-Palestine crisis. This fear is partly misplaced. Cairo has not linked the Middle East crisis and the Sudan peace process. However, a wider recognition of Egypt's importance has already led to the U.S. giving Egypt (and the ELI) a more prominent role than it had before.

23. President Bashir has made strong expressions of support for the Palestinians including a non-specific offer to assist their struggle. This is clearly playing to a popular audience in Sudan and has been well-received. These statements have annoyed the U.S. but Bashir has not crossed the line of provoking any serious U.S. complaints. The re-opening of camps (formerly used by the Popular Defence Forces) for training Sudanese 'volunteers' to fight in Palestine should be seen in the context of the GoS's increasing problems with obtaining conscripts to fight in the civil war. It is more probable that any mujahidiin who graduate from these camps will fight in Sudan rather than ever leaving the country.

24. The GoS has floated its new peace modalities to the governments of the region, and sent a delegation to Ethiopia in addition to its ongoing contacts with Kenya. The Ethiopian position is broadly constructive: it will welcome a merger of the initiatives and any accelerated process towards peace. Ethiopia has consistently advocated the right of self-determination for Southern Sudan, although it prefers to consider any referendum on unity or separation as a last-resort rather than a scheduled event in which the two options have equal value. Ethiopia has consistently had an astute analysis of the Sudan peace process, but has equally consistently failed to do the substantial diplomatic and political work needed to bring about a settlement.

25. Ugandan cooperation with the Sudanese armed forces has continued in the aftermath of the operations against the LRA begun last month. The military operations have been more prolonged and effective than the Ugandans initially anticipated, largely because of the effects of the LRA's attack on the Sudanese-Ugandan liaison units, and the Sudanese anger following the killing of 22 Sudanese soldiers. Sudan has increased its cooperation with the UPDF, extended the time period for Ugandan military operations in Equatoria, and transferred officers from Juba who had the closest contacts with the LRA. As a result, the LRA is in serious disarray. This Sudanese-Ugandan cooperation does not (yet) jeopardise the

Ugandan-SPLA relationship. Museveni has been clear in his insistence that the SPLA is a legitimate liberation front which he will not abandon. However, if the peace process matures, it is possible that Museveni will pressure Garang to accept a peace deal—or perhaps challenge him to ask what kinds of Ugandan guarantees he would like to enter into a deal.

26. Kenya is consumed with speculation on the question of who will be the presidential candidate for the newly-merged KANU-NDP party ticket. Elections are due in December but the date could be brought forward. President Moi will continue as chairman of the party even after leaving office, indicating that Kenyan policy towards Sudan is likely to continue unchanged in the medium term. Meanwhile, the question of whether Kenya should buy oil from Sudan has generated controversy. The official government position is in favour of the purchase, but MPs, church leaders and others have campaigned strenuously against it and have succeeded in freezing the proposal. Whether this party-level consensus is translated into the policy of the next government remains to be seen.

27. The decision of the Ethio-Eritrean border commission was handed down on 13 April. This has had a broadly positive, though somewhat mixed reception on both sides, indicating that it is essentially a fair decision. It seems that both sides will respect it. A certain level of mutually hostile rhetoric has continued, indicating that rapid normalisation of relations between the two countries is not in prospect. This rebounds to the advantage of Khartoum, because Eritrea and Ethiopia have similar long-term interests in a broad-based government in Sudan.

28. Relations between Khartoum and Asmara have entered a phase of mutual accusation, in the context of a widely-reported military build up by the SPLA and Eritrean Defence Forces close to Kassala.

## **IGAD and the ELI**

29. The apparent inaction in both the IGAD and ELI processes is deceptive. While the current U.S.-instigated momentum continues, there is no need for high-profile meetings. In fact, leadership meetings at this stage would be premature. A regional summit might also be premature, if agreement has not first been reached among the major players as to its outcomes. An IGAD meeting is scheduled for early May which may lay out a timetable for progress on substantive issues.

30. The lower profile of the two initiatives indicates that they are entering a phase of cooperation with each other and with the U.S.-led efforts, moving away from their recent history, which was marked by competing with one another and seeking to hold meetings simply to keep themselves on the map. The low level of institutionalisation of the ELI also becomes an advantage in the context of a discreet, behind-the-scenes process, resulting in a summit.

## **The Warfront**

31. Fighting has continued in the oilfields. In the main production fields in western Upper Nile, the areas of operation of the GNPOC), have not been affected by recent fighting. Activities in the more southerly exploration areas (e.g. the Lundin concessions) remain

suspended while military operations continue, conducted by both sides. Although the Sudan Government has recently been on the offensive, it does not have the strategic upper hand. In this region, the war is essentially in a stalemate: the SPLA can occasionally penetrate the security perimeter of the production areas, but it cannot seriously interrupt production. On its side, the GoS is unable to secure additional areas. This means that for the foreseeable future, oil production will be limited to the currently-producing areas—essentially the areas in which oil reserves were explored before the war began—and unable to expand to new areas, which contain the bulk of Sudan’s oil reserves.

32. A significant development has been a GoS offensive in northern Upper Nile, in the area of Adar and Yel-Melut, where the concessions have been granted to the Chinese. This is an area with a relatively small and inactive SPLA presence (it falls under the Southern Blue Nile command), and there has been no recent SPLA offensive in the region. Recent army operations in the area have burned 21 villages in a scorched earth campaign. Apart from the human rights violations (and the lack of a military pretext for them), this operation indicates the readiness of the GoS to expand its oil extraction in areas that are more secure, but may be commercially marginal (oil from Adar has to be transported by barge on the Nile).

33. SPLA forces, augmented the remnants of SAF, massed on the Eritrean border close to Kassala. There were suggestions that the SPLA leadership was contemplating a military operation in the area, partly in order to justify the unity agreement with SAF and to remind Southerners that the eastern front was still militarily active.

## **Civil Politics**

34. The NDA has not revived. No leadership meeting is planned. Its Chairman, Mulana Mohamed Osman al Mirghani, remains largely silent. His brother Ahmed, who returned to Khartoum last year, is said to be in discreet negotiation with the Government, although there is no NDA authorisation for this. Gen. Sumbeiywo, the IGAD Special Envoy, met with the NDA Chairman’s representative and deputy, Farouk Abu Issa, in Cairo.

35. In May, the NDA will be convening a seminar in Asmara on ‘peace through development’, the phrase coined by John Garang to encourage developmental activities in the non-government held areas. The rationale for this is that \$1 million in U.S. funding is being processed, and the NDA needs to present projects. While all accept the rationale for relief and capacity building of institutions, the rationale for development while the war continues is more controversial.

36. The Umma Party has recently been divided on the question of whether to join the government or remain in opposition. While Mubarak al Fadhil, chair of the political section, advocated a deal, others were opposed. Sadiq el Mahdi stood above the fray. A compromise has been reached whereby negotiations continue, but with a deadline or ceiling after which a deal will be achieved, or the party will cut off talks and stay firmly in opposition. A number of Umma leaders believe that the Government has manipulated them, holding them hostage while the negotiations continue, effectively neutralising their opposition while granting them no real power.

## **The Nuba Mountains**

37. The Nuba parties are beginning to take advantage of the opportunities opened up by the ceasefire. Previously, the three Nuba-dominated civilian opposition parties had come together in a solidarity group. They are the Sudan National Party (SNP, headed by Dr Amin Hamouda), the Free SNP (headed by the veteran Nuba politician Father Philip Ghabboush) and the General Union of the Nuba Mountains (GUN, headed by Yousif Abdalla Jibreel). The chair of the solidarity group is due to rotate among the three: Father Philip is due to hand over to Yousif Jibreel. It is possible that Fr Philip's preference for registering the group under the GoS 'tawali' political parties law will split the group, with the others refusing to register on the Government's terms. The hand of the Government in provoking this split cannot be ruled out.

38. The GoS is also trying to establish its own 'civil society' organisations for the Nuba Mountains, partly in order to appropriate international aid funds destined for the region, and partly in order to create 'independent' organisations that can operate in the SPLA-administered areas, furthering the Government's agenda there. The free movement of people and goods is an opportunity for using the imbalance of material resources to attract the desperately poor Nuba people to GoS programmes. It is also a chance for the GoS to advance its agenda of promoting a separate peace for the Nuba, resisting the SPLA and NDA approach of seeking an overall national settlement.

## **Conclusion**

39. The good news is that, at long last, there appears to be a serious peace process that is bringing all the external actors into line, and that the GoS is showing an unprecedented seriousness about peace. American commitment is crucial to this. The Danforth Report will be a framework of action for the next stages of this engagement.

40. The bad news is that the peace process itself may run into major difficulties over the issues of self-determination and a fuller representation in the peace process. Self-determination remains the crux of a peaceful resolution of the Sudan conflict. The majority of observers concur that Southern Sudanese will reject any proposal that does not include self-determination with a separation option, while the mediators themselves are oriented towards unity. Mediators are well-advised to search for a formula that can square this circle.