

**SUDAN:**  
**TOWARDS AN INCOMPLETE PEACE**

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## SUDAN: TOWARDS AN INCOMPLETE PEACE

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

With the signing on 25 September 2003 of a framework agreement on security arrangements, the Sudanese government and the insurgent Sudan People's Liberation Movement/Army (SPLA) are closer to peace than at any time in the past twenty years. However, considerable hurdles remain before any final deal is signed, and a separate, intensifying war in the west already threatens to undermine it. As the parties press forward with the last phases of negotiation, the international community's engagement should intensify in support of the final deal, in preparation for helping with implementation if successful, and in ensuring coordination between the main peace process and the conflict in the west.

While immense progress has been made on the main conflict, that between the government and the SPLA, the situation in the western province of Darfur is rapidly deteriorating, and yet another war threatens in the east. Even a comprehensive government-SPLA agreement is potentially jeopardised by an inability to agree on terms for three contested areas: the Nuba Mountains, Abyei, and Southern Blue Nile, all in the centre of the country, close to the historic north-south boundary. Most disturbing are increasing reports of major human rights violations in the west, where some 600,000 persons have been displaced in what resembles the government's strategy in the oilfields over the last four years.

ICG has argued since these negotiations began in 2002 that Sudan's war is national, not simply between north and south. Therefore, efforts must be focused on the political dynamics in other parts of the country that will continue to fuel instability even if the core conflict in the south is resolved. If there is a peace agreement between the government and the SPLA, but the situation in Darfur and the east is not addressed, the potential for continued instability and

conflict remains high, and the peace agreement itself may be undermined. Indeed, resolution of the larger conflict in the south threatens to exacerbate the other conflicts since it would purport to codify arrangements for power and wealth-sharing for the whole country.

Nevertheless, the progress toward addressing the fundamental grievances of southerners has been historic. It has been driven by three factors. First, the negotiations are at the highest levels ever. Vice President Ali Osman Taha and SPLA Chairman John Garang had never met before but they are now leading the peace process, with dozens of hours of face-to-face talks. Secondly, the parties, not the mediators, are for the first time leading the process, setting the agenda and driving the compromises. Thirdly, the international community has remained united behind the regional process led since 1994 by IGAD (the Intergovernmental Authority on Development). No alternative has been allowed.

Movement towards peace is having a profound impact on political alignments throughout Sudan. In the past, the government systematically pursued a strategy of weakening the largest parties, including those with a northern power base, some of which have developed their own armed wings. The Democratic Unionist Party (DUP) is the largest of the northern parties in an opposition umbrella grouping, the National Democratic Alliance (NDA). However, part of the SPLA's current negotiating strength derives from its success in forging alliances with northern opposition elements – another illustration that Sudan's fundamental problem concerns far wider questions of politics and governance than a straight north-south division.

The final deal now depends on the internal politics of both sides, and the degree to which they are

prepared to be flexible in the service of the national interest. If the process were to collapse now, it would be the responsibility of specific individuals and ensure that an even more intensive war would resume. This is thus a time for deeper international engagement such as the recent visit to the negotiations by U.S. Secretary of State Colin Powell. Normalisation of relations, debt relief, and significant reconstruction aid should be clearly offered in the event of peace; isolation, even potential war crimes prosecutions, should greet a party responsible for collapsing the talks.

The international community has given major support to the peace process for years, through direct assistance to IGAD and in other ways. It needs now to push the parties to broaden participation in the IGAD process and formally link it with the Darfur negotiations in neighbouring Chad, to ensure that an end to the conflict in the south does not become the catalyst for a new bloody chapter in the west. Enhanced international contributions will also be needed to protect the most important elements of a government-SPLA agreement: security arrangements, power and wealth-sharing mechanisms, elections, and the referendum at the end of the interim period on whether the south is to stay within Sudan.

## **RECOMMENDATIONS**

### ***With Regard to a Comprehensive Peace Agreement***

#### **To the Government of Sudan and the SPLA:**

1. Continue the negotiation process with a view to finalising a comprehensive peace agreement, and ensure that contact is made with groups not at the table which could act as spoilers in the implementation process, including the National Democratic Alliance (NDA) and its constituent elements, the northern opposition and civil society, southern groups outside the process, and those fighting in Darfur and Eastern Sudan.

#### **To the SPLA:**

2. Intensify efforts to heal intra-south divisions by accelerating initiatives to find a common approach to peace with government-supported southern armed groups and independent southern political groups and individuals.

#### **To the IGAD mediators:**

3. Remain intensively engaged during this final push to conclude an agreement, but allow flexibility in deadlines if necessary to accommodate the remaining complex and divisive issues; if initially only a framework agreement is reached before an end-of-year recess, ensure that the parties return quickly to negotiate the final details and that no premature signing ceremony is held or diplomatic/economic incentives are paid out until the comprehensive agreement is concluded.
4. Coordinate with the Chadian mediation team involved in the Darfur negotiations in order to build mutually supporting processes and goals.

#### **To the International Supporters of the IGAD Process, Especially the Observer Countries (U.S., UK, Norway and Italy), the UN, African Union and the Arab League:**

5. Intensify collective pressures and incentives for a final deal as the process winds towards completion.
6. Ensure that an electoral timetable is part of the negotiated agreement and is respected.
7. Support SPLA efforts to broker southern unity and reduce intra-south conflict, and if these do not succeed, consider a further external effort to address remaining disagreements.
8. Begin consultations on a possible joint mediation mechanism that could help the Sudan government and rebels in the west address more comprehensively the resolution of the Darfur conflict.

#### **To the UN Department of Peacekeeping Operations:**

9. Accelerate planning for a military observer mission as part of a final agreement and begin recruiting now from troop-contributing countries so that deployment will not be unnecessarily delayed.

***With Specific Regard to the Situation in Darfur***

**To the Government of Sudan, Government-aligned Militias, the Sudan Liberation Movement/Army (SLA), and the Justice and Equality Movement (JEM)**

10. Instruct combatants to cease immediately all deliberate killings of civilians, rape, torture and attacks against civilian targets.
11. Allow unimpeded humanitarian assistance and prioritise the protection of humanitarian relief workers and supplies.
12. Accept expanded external mediation for the conflict and link proposed resolutions to the power and wealth-sharing arrangements that are currently being negotiated in the IGAD forum.

**To the Government of Sudan:**

13. Assume full responsibility for the protection of civilians in Darfur against armed attacks.
14. Cease all support to militias conducting attacks in Darfur, disarm government-supported militias, and hold accountable militia fighters and government security personnel responsible for human rights abuses.
15. Allow an independent assessment of the humanitarian disaster facing internally displaced persons in the region.

**To the Government of Chad:**

16. Coordinate with the IGAD mediation team in order to build mutually supporting processes and goals.

**To the United Nations and the International Supporters of the IGAD Process:**

17. Send a high level observer to the Chad-mediated process to promote greater neutrality and transparency in that process, to act as a bridge to the Intergovernmental Authority on Development (IGAD) peace process, and to ensure that the parties are committed to pay due attention to human rights and humanitarian concerns.
18. Request the UN High Commissioner for Refugees to send a high level delegation immediately to seek clarifications on the status of refugees and internally displaced persons in the region, and investigate the alleged continuing attacks against these individuals and villages in the region by the Janjaweed.
19. Coordinate with the concerned parties the inclusion of Darfur under an expanded mandate of the Civilian Protection Monitoring Team (CPMT).

**Nairobi/Brussels, 11 December 2003**

## SUDAN: TOWARDS AN INCOMPLETE PEACE

### I. INTRODUCTION

Sudan is finally on the brink of a peace agreement to end the devastation that has afflicted Africa's largest country for an entire generation. Since 1994, the regional IGAD (Intergovernmental Authority on Development) forum has hosted talks between the government and the rebel Sudan People's Liberation Movement/Army (hereafter the SPLA). The regional initiative achieved little until the latest incarnation of the talks resumed in Machakos, Kenya in June 2002, under the stewardship of a new special envoy, Kenyan General Lazaro Sumbeiywo. On 20 July 2002, the breakthrough Machakos Protocol was signed.<sup>1</sup> Since that time, the parties, under the watchful eye of the IGAD mediation team and international observers (U.S., UK, Norway, Italy, the African Union, and the UN) have inched towards agreement on the other outstanding issues.<sup>2</sup> On 25 September 2003, a further milestone was passed: negotiated directly by SPLA Chairman John Garang and First Vice President Ali Osman Taha in the Kenyan resort town of Naivasha, the agreement on security arrangements makes the

conclusion of the peace process in the next few months a high probability.<sup>3</sup>

The Naivasha agreement is momentous for two reasons: first, its provisions are sound, ultimately supporting a united Sudan, while granting the SPLA the safeguard of its own army; secondly, it was negotiated by Sudanese, without the direct involvement of the mediators or observers, for the first time in this process.<sup>4</sup>

Substantial threats, however, are emerging and require attention if they are to be managed peacefully. The conflict in Darfur continues to escalate, despite the ceasefire agreement between the government and the Darfur-based rebel Sudan Liberation Movement/Army (hereafter the SLA) signed on 4 September 2003. A humanitarian catastrophe looms in western Sudan, and the discontent that spurred the SLA to act in the first place is growing. International attention is needed there before the problem spreads to other parts of the country. Unless Chad's mediation on Darfur is first linked to the IGAD process, agreement between the government and SPLA on how to divide the power and wealth "pie" could exacerbate the conflict in

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<sup>1</sup> The Machakos Protocol won the process momentum and provided the framework for future negotiations. It was a deal in which each side gained something critical: it granted a self-determination referendum to southerners, following a six and a half year interim period, in which they would have the option of remaining with the north or seceding - a basic SPLA demand; and it granted the government the right to keep Islamic *sharia* law throughout the north, a core government position. See ICG Africa Report N°51, *Sudan's Best Chance for Peace: How Not to Lose It*, 17 September 2002.

<sup>2</sup> Other "official observers" that have joined the process later, such as the Arab League and France, do not actually sit in on the negotiations but can be briefed afterwards. Representatives of the four international observer countries are involved with and have been present at the talks, except the Taha-Garang sessions.

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<sup>3</sup> SPLA Chairman Garang told a conference in Rumbek on 30 September 2003 that the process was irreversible, and the conflict was "on the road to being over". Sudanese President Omar el-Bashir stated that he hoped that a final peace agreement could be signed by the end of the year, while First Vice President Taha was even more optimistic, predicting a final peace accord "in the next few weeks". See "Rebel leaders: road to peace in Sudan's 20-year conflict "irreversible"", Associated Press, 30 September 2003; "Sudan's Vice President says a final peace accord could be reached in weeks", Associated Press, 1 October 2003; and "Sudanese President hopes to end civil war in months", Xinhua, 1 October 2003.

<sup>4</sup> The Naivasha agreement on security arrangements calls for new joint/integrated units to be deployed throughout the south, the Nuba Mountains, Southern Blue Nile, and Khartoum. See below for details.

Darfur. As ICG has warned since the process began, the lack of meaningful participation of opposition groups can threaten the entire structure.<sup>5</sup>

The Naivasha agreement has already produced a strong ripple effect among the political actors in both north and south, who have been hastening to prepare for the new era, which many hope will usher in a democratic system. Alliances between the SPLA and the northern opposition groups<sup>6</sup> have been built and strengthened, while the government has begun a concerted push for meaningful dialogue and “consensus building” with the same groups. The release of Islamist ideologue Hassan el-Turabi from two and a half years of house arrest, less than two months after his sentence had been renewed for a further six months, symbolises the degree to which things are changing.<sup>7</sup>

The IGAD mediators and international observers deserve credit for their management of the process. The U.S. in particular has taken a critical and steadily growing part in the diplomacy, using Khartoum’s exposed post-11 September position as a former host of Osama Bin Laden and a member of Washington’s state sponsors of terrorism list as diplomatic leverage at the negotiating table.<sup>8</sup> American interest in resolving the conflict increased as the situation in Iraq and U.S. relations with the Middle East in general worsened. The pro-SPLA Christian lobby in Washington and the promise of the south’s oil also played into Washington’s calculations. The UK, Norway and Italy likewise gave indispensable support, including financial support, at various times behind the scenes as did Switzerland. Nevertheless, the process nearly fell apart after the July 2003 round of talks and remained deadlocked until the September breakthrough.

Yet despite the optimism around the agreement reached in Naivasha, difficult issues remain. Garang and Taha returned to Naivasha in October in an effort to resolve those relating to the three contested areas of Abyei, the Nuba Mountains and Southern Blue Nile – power and wealth-sharing – and a visit by U.S.

Secretary of State Powell provided high profile backing. The current round began on 1 December 2003, with growing expectations of final agreement by the new year. However, the parties should not be rushed towards a premature agreement.

Discontent in eastern Sudan sharpened by exclusion from the peace process spurred the Beja Congress to renew its call to arms in mid-October.<sup>9</sup> The issues of the peripheral areas of northern Sudan are clearly not addressed in a satisfactory way through the IGAD process, as ICG has pointed out continuously. They must be resolved if a peace is to stick. The government-supported armed groups in the south also continue to pose a threat to the process, although the initial reaction to the agreement by the leadership of the South Sudan Defence Forces (SSDF) was positive, and steps are underway to facilitate contacts between the SPLA and the SSDF.

Despite the progress, the work of the international community is just beginning. It should act immediately to ensure that a serviceable international monitoring mission is operational by the time an agreement is signed. Donor governments should begin to channel their collective leverage and funding capacity to support the building of democratic institutions and human rights throughout the country.<sup>10</sup>

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<sup>5</sup> See ICG Africa Report N°39, *God, Oil and Country: Changing the Logic of War in Sudan*, 10 January 2002.

<sup>6</sup> The closest relationship has been with the National Democratic Alliance, an umbrella organisation of primarily northern armed and unarmed opposition groups.

<sup>7</sup> “Sudanese President renews detention of Islamic opposition leader”, Associated Press, 19 August 2003.

<sup>8</sup> See ICG Report, *God, Oil and Country*, op. cit., and subsequent ICG reporting.

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<sup>9</sup> “Policeman reported killed in clash in Eastern Sudan”, Agence France-Presse, 15 October 2003.

<sup>10</sup> These matters will be the subject of a subsequent ICG report.

## II. THE IGAD ROLLER COASTER

The past few months have brought several swings in the process, including near-collapse in July 2003.

### A. NEAR COLLAPSE IN NAKURU

The transition to the endgame began in early July, in the Kenyan resort town of Nakuru. The talks had been ongoing since June 2002, with incremental progress on many issues. Yet, after the signing of the Machakos Protocol on 20 July 2002, there had been no agreement on the major issues of power-sharing, wealth-sharing, or the contested areas of Abyei, the Nuba Mountains, and Southern Blue Nile (known as the “Three Areas”).

From August 2002 through May 2003, the parties had held numerous rounds of talks, each confined to a specific issue. In May 2003, the strategy of the IGAD mediators, supported by the international observer countries, shifted to an approach in which all the issues could be discussed together, and traded off against one another. This manifested itself with the presentation to the parties of the Nakuru document, an attempt by the mediators to break the deadlock by proposing compromises on the key outstanding issues.

The government reacted furiously, immediately rejecting it publicly, claiming bias by the mediators, and refusing to continue negotiations on its basis. After the government delegation returned to Khartoum, a concerted effort to undermine the document began. The criticism came from many corners, but none was more pointed than President al-Bashir’s threat that the IGAD mediators could “go to hell” if they did not come up with a reasonable alternative.<sup>11</sup> The government began building support for its rejection of the draft among northern opposition groups, through the creation and endorsement of “inclusive” political groups, including the Sudan Peace Forum and the “Group of Ten”.

Immediately following presentation of the Nakuru document, which finally confronted it with the magnitude of compromises required for a final deal, the government began exploring the possibility of switching venues for the peace talks in order to

begin afresh. The SPLA accused Khartoum of attempting to replace IGAD by the African Union (AU) and using the AU summit in Mozambique to float the idea.<sup>12</sup> The government also approached Egypt and the Arab League about becoming directly involved in the negotiations.<sup>13</sup> In addition to trying to undermine IGAD, the government also requested that Kenya replace General Sumbeiywo as acting chairman of the process.<sup>14</sup>

By contrast, the SPLA welcomed the draft as a reasonable basis for negotiations. While not satisfied with every proposal, its core demands on power-sharing, security arrangements, and the Three Areas were met.

In order to understand the harsh government reaction, one must look to the specific proposals. On the surface, the document seemed to favour SPLA positions, but as the controller of state power and resources, the government must logically “give” more in any agreement. On the whole, the proposals were fair. The mediators’ vision prioritised unity – a goal of the Machakos Protocol – by making a united Sudan attractive to the south through meaningful involvement in the central government, a substantial, guaranteed share of resources, acceptance of the core SPLA demand for its own army throughout the interim period, and reasonable suggestions for the Three Areas. In short, it provided a basis for future negotiations.

A general feeling among those close to the talks was that most proposals were acceptable to the government, with the key exception of the position on the national capital.<sup>15</sup> The draft proposed creation of a national capital district administered by the National Assembly, with provisions for equality of religions and respect for human rights and fundamental freedoms, in order to provide a symbol of national unity. Although the same document guaranteed a 51 per cent majority in the National Assembly for the National Congress Party (thus enshrining its ability to pass *sharia*-based legislation

<sup>11</sup> “Bashir warns mediators they can ‘go to Hell’ if they insist on Sudan peace draft”, Agence France-Prese, 14 July 2003.

<sup>12</sup> “SPLM/A Rejects GOS Attempts to Move Away from IGAD”, SPLM/A Press Release, 9 July 2003.

<sup>13</sup> “Sudan asks for Arab mediation to overcome impasse with rebels”, Agence France-Presse, 14 July 2003.

<sup>14</sup> This request reportedly was submitted during a face to face meeting between the head of the government delegation, Dr. Ghazi Salah al-Din Attabani, and Kenyan President Mwai Kibaki, in Nairobi on 21 July 2003. ICG interviews, July 2003.

<sup>15</sup> ICG interviews, July and August 2003.



if it wished), the government rejected the proposal on the capital as undermining *sharia* in Khartoum and, therefore, directly contradicting the Machakos Protocol.<sup>16</sup> A leading member of the government delegation explained:

It's no longer a question of Islamic jurisprudence, it's become a political question. The beauty of the Machakos Protocol is that it resolved state and religion. We want fair treatment for non-Muslims throughout the north, and for Muslims throughout the south. We object to the SPLA tactics on this as a matter of principle. If we re-open the issue of state and religion, we have the right to re-open other issues.<sup>17</sup>

Vice President Taha remained ominously quiet during July and August. Yet, by sending positive messages to the mediators and observers on the process, he positioned himself to transform his international image from extremist to peacemaker.<sup>18</sup>

## B. MOVING ON TO NANYUKI

After much activity by the internationals but very little movement by the parties, talks resumed in mid-August 2003 in the resort town of Nanyuki, near Mount Kenya. The parties stuck to their procedural demands – the SPLA would negotiate only on the basis of the Nakuru document, while the government continued to refuse this.

What ensued was two weeks of difficult negotiations that achieved little. The procedural disagreement surrounding the Nakuru document proved to be too great to overcome. Moderate success was achieved only in the closing days of the round, when the parties agreed to direct negotiations by two teams of two people each, in the presence of General Sumbeiywo, but this was rapidly overtaken by events.

Much was going on behind the scenes. SPLA Chairman John Garang was making inroads with northern politicians, having travelled to Cairo to meet with Umma Party leader Sadiq al-Mahdi, Democratic

Unionist Party (DUP) leader Mohammed Osman el-Mirghani, and the Egyptians.<sup>19</sup>

Kenyan Foreign Minister Kalonzo Musyoka also visited Cairo. During a meeting with Taha in Khartoum, he offered to host a Taha/Garang summit. Such a meeting was attempted in December 2002 by Nigerian President Olesugun Obasanjo, but failed to materialise.<sup>20</sup> The idea had been floated again as early as March 2003 and was revived after the deadlock on the Nakuru draft.<sup>21</sup>

Taha enthusiastically accepted what he saw as an opportunity for a political victory and international redemption if he could reach an agreement with Garang. However, some were less enthusiastic, and a power struggle ensued inside the NCP. Led by the former presidential peace adviser, Dr. Ghazi Salah Al-Din Attabani, many involved in the process up to this point saw themselves as becoming marginalised by Taha. However, the more powerful Taha faction ultimately carried the day, and the vice president is reaping the benefits of his transformation into a peacemaker.

The SPLA was initially less than enthusiastic about a summit. It has traditionally resisted direct involvement of its top leadership in the negotiations out of concern that if these failed, a resumption of war – a step for which Garang was already under pressure – would be inevitable. The SPLA convened a conference in Rumbek at the end of the August, which brought together roughly 2,000 of its military officers. The official goal was to begin transferring some of the elder military men into the civil service, and to reduce the number of commanding officers.<sup>22</sup> However, a strong message also emerged from the military meeting: to resume the war. The talks to that point and the cessation of hostilities were seen as working in favour of the government and against the SPLA. The SPLA feared “no war, no peace” would allow the government to continue to profit from oil revenues and thereby build up its military strength. With no tangible diplomatic progress since the Machakos Protocol, and increasing signs that the

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<sup>16</sup> “Bashir warns mediators they can ‘go to Hell’ if they insist on Sudan peace draft”, Agence France-Presse, 14 July 2003.

<sup>17</sup> ICG interview in Nairobi, 13 August 2003.

<sup>18</sup> ICG interviews, August and September 2003.

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<sup>19</sup> “Garang in Cairo for talks on stalled Sudan Peace Talks”, Associated Press, 14 August 2003.

<sup>20</sup> It is reported that President Obasanjo brought Taha and Garang to Abuja in order to facilitate the meeting without their knowledge. When Garang was told that Taha was in Abuja to meet him, he boarded his plane and flew back to Nairobi.

<sup>21</sup> ICG interview, 14 October 2003.

<sup>22</sup> ICG interviews, August and September 2003.

government was not serious about a comprehensive peace agreement, a vocal lobby urged Garang to return to the battlefield.

Also influencing the SPLA were overtures from elements in the government urging Garang not to meet with Taha. Claiming to represent the interests of President al-Bashir, a small group that stood to be marginalised by Taha's direct leadership of the process attempted to set up an alternative negotiating channel for the SPLA leadership. Concerned about a potential split within the NCP ahead of the negotiations, the SPLA avoided any potentially confusing side deals and rebuffed the secret offers.<sup>23</sup>

Against this background, and with some persuasion from the international community, Garang came to Naivasha on 4 September 2003 to sit down with Taha.

### **C. THE NAIVASHA AGREEMENT**

From the start, the talks represented a new development in the peace process. Rather than negotiating through the mediators as previously, Garang and Taha dealt face-to-face, without non-Sudanese. Their delegations had relied on IGAD to generate ideas in earlier rounds but they quickly took their own creative initiatives. The opening session was devoted to a broad discussion touching on all issues and floating several ideas, after which they decided to make security arrangements the first focus.<sup>24</sup>

Within the first week, they found a framework for the security agreement. Garang proposed creation of integrated units of 21,000 soldiers – half SPLA, half government (SAF) – that would be deployed in

sensitive areas throughout the country. The SPLA and SAF would also maintain independent forces, but the independent SAF troops would be re-deployed from the south once the integrated units had been established, essentially greatly reducing the government presence there.

Taha was initially amenable but needed the agreement of the military establishment. A delegation was sent from Khartoum, led by Defence Minister General Bakri Hassan Salih, to negotiate the details, and immediately began to backtrack. General Bakri's team rejected the concept of integrated units as well as the withdrawal of the independent government forces from the south in exchange for deployment of integrated units.<sup>25</sup>

Eventually, however, the parties overcame this obstacle. The first sign that an agreement would be reached was the two-month extension on 21 September 2003 of the cessation of hostilities (due to expire on 30 September).<sup>26</sup> Despite Bakri's initial reservations, the government accepted the concept of re-deploying independent SAF units to the north but wanted a large integrated force in the south and an extended period for re-deployment. The SPLA wanted a smaller integrated force in the south and a quicker re-deployment. The parties also discussed the size of the integrated forces to be deployed in the Nuba Mountains and Southern Blue Nile, as well as in Khartoum. The presence of SPLA soldiers in eastern Sudan was the largest bone of contention, with the government seeking complete withdrawal, and the SPLA pushing to keep a small force.

The concept of integrated forces is not new in the Sudan. It featured in the 1972 Addis Ababa Agreement, although there were no provisions for insurgent (Anya-Nya) forces in the south outside of those to be integrated into the national army.<sup>27</sup> The government may have resisted integrated forces in the current agreement because of the difficulties encountered in the 1972 agreement, preferring joint forces.<sup>28</sup> The differences are significant. Joint units would presumably be commonly stationed but retain their own command and control structures. They

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<sup>23</sup> Ibid.

<sup>24</sup> Security arrangements have been one of the most sensitive and most difficult issues in the negotiations. An IGAD round devoted to them in April 2003 achieved little. There had, therefore, been little progress prior to the summit. The SPLA has insisted on maintaining its army throughout the interim period, arguing that a military capability was the best guarantee for implementation of an agreement. The 1972 Addis Ababa Agreement began to fall apart following manipulation of the integrated southern forces by Khartoum. Traditionally, the SPLA held that security arrangements should be discussed only after political issues were resolved. This is the position in the 1994 IGAD Declaration of Principles (DoP), which has served as a framework for the IGAD process since the government officially accepted the DoP in 1997.

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<sup>25</sup> ICG interviews in Naivasha, September 2003.

<sup>26</sup> "Sudan warring factions to extend truce – Minister", Reuters, 21 September 2003.

<sup>27</sup> The Anya-Nya was the southern rebel movement during the first civil war, 1956-1972. For more, see ICG Report, *God, Oil and Country*, op. cit.

<sup>28</sup> ICG interview in Naivasha, 19 September 2003.

would not be the core of a new institution that could serve as the “national” army. Truly integrated units would, in theory, lose their partisan character and undermine the government’s attempts to paint the SAF as the true national army.<sup>29</sup>

Although the issue of joint or integrated units remains unresolved,<sup>30</sup> the mutually acceptable compromise provides for joint/integrated units of 24,000 to be deployed in the south, 6,000 in the Nuba Mountains, 6,000 in Southern Blue Nile, and 3,000 in Khartoum. The government is to re-deploy all independent SAF from south to north (defined by the borders at independence in 1956) by the middle of the third year of the peace agreement. The SPLA is to re-deploy its independent forces from the Nuba Mountains and Southern Blue Nile to the south following creation of the joint/integrated units. In exchange, General Bakri gave the SPLA a verbal commitment that the excess SAF troops in the Nuba Mountains would be re-deployed north of Dilling, and those in Southern Blue Nile would be re-deployed north of Sinja and Sinnar.<sup>31</sup>

This was a major breakthrough, allowing each party to argue to its core constituents that it had maintained its position. It not only resolves some of the most difficult issues in the negotiations, but it also signals a new commitment to end the conflict. That the agreement was negotiated entirely by the parties, without direct input from IGAD or the observer countries, would have been unthinkable a few months ago.

#### **D. TOO GOOD TO BE TRUE**

Nevertheless, there remained serious obstacles to a comprehensive peace agreement as the October 2003

round began, including power and wealth-sharing and the status of the Three Areas – the latter by the parties’ own recognition the thorniest of all. In earlier sessions they had initialed partial agreements on these issues but left the toughest points for later.

The Naivasha compromise had settled the security arrangements in the Nuba Mountains and Southern Blue Nile but this appeared to involve a trade off for the government’s withdrawal of SAF troops from the south in excess of its half in the joint/integrated units there. That compromise was silent on security structures in Abyei, where the SPLA has little military presence.

With this behind them, the parties tackled the political status of the Three Areas head on. Although lower level delegations arrived on 6 October to convene the “technical committees”, it was soon apparent that they dared not make substantial moves. Even once Garang and Taha arrived, disagreements over the status of Abyei and the details of the political arrangements for the Nuba Mountains and Southern Blue Nile quickly emerged. The Colin Powell visit on 22 October 2003 provided some impetus, but despite U.S. hopes that a partial deal would be ready to coincide with that occasion, there was simply not enough time to overcome wide gaps. Powell met separately with both leaders and in a public ceremony urged them to finalise a deal by their self-declared deadline of 31 December 2003.<sup>32</sup>

Little progress was made on the Three Areas. The initial SPLA proposal called for Abyei to be annexed immediately to Bahr El-Ghazal, through a presidential order. The SPLA sought a high degree of autonomy for the Nuba Mountains and Southern Blue Nile, including on the role of religion in the state, as well as referendums to decide their ultimate status. The government proposed autonomy for the Nuba Mountains and Southern Blue Nile, with no reference to a referendum or popular consultation, and that Abyei remain in the north but be administered directly by the presidency.<sup>33</sup>

Discussions on wealth-sharing showed the most promise, but fell short of agreement as the stalemate on the Three Areas chilled SPLA positions to the extent that the government accused it of backtracking

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<sup>29</sup> There would also be an implication, displeasing to Khartoum, of de facto confederation since the new “national force” would be flanked by two legally equivalent independent forces, north and south.

<sup>30</sup> The agreement speaks of “joint/integrated units” that would be a symbol of national unity during the interim period. These units would be governed by a joint defense board under the presidency, consisting equally of both parties and based on a common military doctrine to be developed within a year. The understanding of the parties is that these units would initially be joint, and would slowly integrate over the the interim period. “Agreement on Security Arrangements During the Interim Period”, 25 September 2003. ICG interviews in Naivasha, October 2003.

<sup>31</sup> ICG interview in Naivasha, 15 October 2003.

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<sup>32</sup> “Sudan: Peace Deal Expected by end of 2003”, IRIN, 22 October 2003.

<sup>33</sup> ICG interview, 27 October 2003.

on areas previously settled.<sup>34</sup> The SPLA's demands for separate central banks, and currencies upset both the government and the World Bank and IMF experts involved in facilitating the process.<sup>35</sup>

Despite the visits by Powell and Norwegian Minister of International Cooperation Hilde Johnson, the talks ended on 26 October 2003, ostensibly for Ramadan. The IGAD mediators and the observer countries tried to convince the government delegation to remain for further negotiations but things had deteriorated too much.

Although the government had negotiated through Ramadan in 2002, a number of factors made this year different. The presence of Dr. Ghazi Salah al-Din Attabani alongside Taha, and the later arrival of Ghazi's brother-in-law, Mubarak al-Fadl, led to attempts at brokering side deals with the SPLA that some felt undermined and unnerved Taha.<sup>36</sup> The government's perception that the SPLA had backed out of an agreement on wealth-sharing also led to its decision to break for Ramadan.<sup>37</sup> "The SPLA weren't willing to close the deal", said one observer close to the talks. "There were other distractions around Powell's visit, but Taha left because he was furious with Garang. This was a missed opportunity to bring the process to closure. The longer the talks go on, the more the internal politics will threaten to undermine the process".<sup>38</sup> Other observers view SPLA intransigence as having been triggered by the government's reversal on Abyei.<sup>39</sup>

Whatever the case, both sides' positions hardened during October, partly due to internal politics, and the recess was necessary to rebuild internal consensus. Negotiations resumed on 1 December 2003, amid expectations that further breakthroughs could be reached by the New Year. The SPLA decision to send a delegation to Khartoum on 5 December and the government's acceptance show how far the

parties have come over the past months.<sup>40</sup> The delegation met with various political parties and representatives of civil society and presented a message of peace, democracy and human rights at rallies and other public appearances.<sup>41</sup>

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<sup>34</sup> ICG interview, 27 October 2003.

<sup>35</sup> ICG interview, 27 October 2003.

<sup>36</sup> ICG interviews, October 2003.

<sup>37</sup> ICG interview, 27 October 2003.

<sup>38</sup> ICG interview in Nairobi, 27 October 2003. Another official close to the process was more optimistic: "There were too many people around, and too many conflicting agendas represented in Naivasha for real progress to be made. The break in the talks is probably a good thing for the process. It will allow the parties to regroup, resolve their internal differences, and return ready to make a deal". ICG interview, 29 October 2003.

<sup>39</sup> ICG interviews, November 2003.

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<sup>40</sup> "Sudan delegation to visit capital", Associated Press, 3 December 2003.

<sup>41</sup> ICG interview, 10 December 2003.

### III. THE POLITICS OF THE NEGOTIATIONS

#### A. THE REMAINING ISSUES

##### 1. The Three Areas

The Three Areas are rapidly shaping up as the most difficult issue left. While the parties agree on the broad concept of autonomy for the Nuba Mountains and Southern Blue Nile, they differ over the definitions of that autonomy, the question of popular consultation with the inhabitants, and the status of Abyei. These questions are exposing internal splits between hardliners on both sides and the more moderate delegates who want to be flexible on these questions to facilitate the broader peace deal.<sup>42</sup>

Abyei may be the single hardest nut to crack because there is no foreseeable win-win scenario for both parties.<sup>43</sup> The Nakuru document of early July 2003, which offers the only real proposal to date on each of these areas, proposed a referendum for the Abyeians (defined as inhabitants as of the 1972 Addis Ababa Agreement) to choose between joining Bahr El-Ghazal (in the south), or staying in Western Kordofan (in the north).

A referendum for Abyei is a core SPLA demand. Its maximum position, proposed during the Naivasha round, calls for Abyei's immediate restoration to Bahr El-Ghazal through a presidential order. The SPLA definition of Abyei as the area annexed to Kordofan by the British in 1905 includes the nine Ngok Dinka sub-clans. The SPLA would accept a limitation on the right to vote to the Ngok Dinka, and a geographical definition that did not take in traditional Misseriya territory.<sup>44</sup>

The government has consistently rejected any proposals that could conceivably allow Abyei to join the south and thus perhaps secede. The discovery of large oil deposits there in the past year is a factor, and its position has only hardened throughout the negotiations. With the potential of eventually losing the oil reserves in the south, the government will

fight tooth and nail to retain Abyei. Interestingly, during the initial Garang/Taha discussions, Taha reportedly offered two options for Abyei: a referendum, or a presidential order that would shift Abyei to Bahr El-Ghazal.<sup>45</sup> However, the subsequent government proposal in Naivasha made no mention of this and instead called for an objective inquiry into the "different dimensions" of the question. Under this scenario, Abyei would be administered by the presidency until the study was completed. In the October round, Taha suggested that Abyei be administered separately from Western Kordofan and Bahr El-Ghazal under the presidency, with no reference to its final status.

Informal government-SPLA contacts in Naivasha indicate that a referendum for Abyei may ultimately be acceptable for Khartoum.<sup>46</sup> If so, it will do everything in its power to ensure that the result keeps it in the north. The government has been aggressively resettling the neighbouring Misseriya people into traditional Ngok Dinka territory. Combined with the massive displacement of the Ngok Dinka over 30 years, the demographics of Abyei are shifting radically. Attempts by USAID and UNDP to repatriate Ngok Dinka have been marred by poor planning and follow-up and met with resistance from Khartoum. Finally, while the government accepts that the nine Ngok Dinka subclans are part of Abyei territory, it has been trying to expand the geographical definition to include Muglad and Meiram, two traditional Misseriya areas that could shift the balance of a vote in its favour.<sup>47</sup>

A referendum is the only just solution, held within the historical boundaries, though provisions must be included in any agreement to guarantee the continued grazing rights of the Misseriya pastoralist communities. International involvement will be critical in helping to monitor all aspects of a referendum. One way to lessen the "winner take all" impression would be for the parties to negotiate a separate agreement on the sharing of oil revenues from oil deposits found in Abyei. Such an agreement on oil revenues should last beyond the interim period, ideally eight or ten years, and be designed to provide substantial benefits to the "loser" on Abyei's status. The agreement should cover two contingencies, one in case Abyei opts to join the south, and one in case its opts to remain in the north. Immediately after the

<sup>42</sup> ICG interviews, October 2003.

<sup>43</sup> For more on the background of Abyei, the Nuba Mountains and Southern Blue, see ICG Africa Briefing, *Sudan's Other Wars*, 25 June 2003; and ICG Africa Report N°65, *Sudan Endgame*, 7 July 2003.

<sup>44</sup> ICG interview in Nairobi, 27 October 2003.

<sup>45</sup> ICG interviews in Naivasha, September 2003.

<sup>46</sup> ICG interview, 29 October 2003.

<sup>47</sup> ICG interview in Naivasha, 15 October 2003.

referendum, the “loser” should receive a generous share of the oil revenues, which would slowly be reduced over the life of the agreement.

The Nuba Mountains and Southern Blue Nile are less contentious. The Nakuru draft offered both substantial autonomy, with decision-making powers over a number of key areas such as education and the state legal systems, and guaranteed budgetary support from the central government. It left open the possibility of a referendum, a key SPLA demand, by allowing for political parties to run on such a platform in elections and then negotiate the constitutional status of the state with the central government.

While the government is willing to accept limited autonomy for these two areas, it has resisted any discussion of self-determination referendums. A government proposal in the first round at Naivasha stated simply that “self-administration” would be the basis of the solution. One reason why Khartoum wants to keep tight control is that the solution for Nuba and Southern Blue Nile will likely become a model for resolving the rebellions in Darfur and eastern Sudan. Khartoum fears the wrong precedent could lead to the country being divided into numerous autonomous ethnic blocks outside its control.

The SPLA is generally satisfied with the proposals presented in the Nakuru document though it complains that the mediators did not clearly guarantee the right to some sort of referendum or popular consultation. In a second round at Naivasha, the SPLA proposed that each area hold a self-determination referendum to choose between remaining in the north, joining the south, or independence.<sup>48</sup> This is wholly unacceptable to the government. The fact that the security arrangements for these areas were subsequently resolved should also help solve the political questions.

The Nakuru document laid out a just solution for the Nuba Mountains and Southern Blue Nile, balancing autonomy with retention under the northern administrative umbrella. Tying the constitutional status of each state to the election outcomes was a stroke of genius that allows both sides to claim victory. However, ambiguity exists regarding the status of *sharia* law in these areas, and the immediate functions and make-up of their administrations

following an agreement, but before the local and state elections.

*Sharia* in these areas is contentious and is best left untouched in an agreement. The alternative should be to ensure that the state maintains guaranteed decision-making powers over a number of areas that would otherwise be ruled by religious law, such as education and local legal practice. This would allow the SPLA to operate in a non-religious environment and administration, without undermining the government’s success in getting acceptance for *sharia* law throughout the north in the Machakos Protocol. Immediately after an agreement is signed and until elections can be held, these areas should be jointly administered by an SPLA/government-nominated parliament made up of local citizens. Care should be taken to represent the area’s regional and other opposition parties in that parliament.

## 2. Power-sharing

The most important part of the discussions on power-sharing may be those surrounding the position of Vice President Taha in a peacetime administration. It has become increasingly evident over the past year and a half that his buy-in to the process was instrumental in achieving success at the negotiating table. He took the first step towards securing a major position for himself in a new government by suggesting the creation of the post of deputy prime minister and that Garang become first vice president, allowing Bashir to remain president. Taha also suggested that these three posts should be exempt from elections, and guaranteed for the full six-year interim period.<sup>49</sup>

There has not yet been any formal agreement on the presidency but the SPLA recognises the need to include Taha in an agreement and is willing to protect his position, perhaps as a second vice president, provided that his competencies and powers are clearly delineated and do not undermine Garang’s role. Despite its rhetoric of democracy, and increased pressure from its NDA allies, the SPLA will likely accept that the presidency not be contested in elections during the interim period.

Assuming an agreement by the parties to exclude the presidency from elections, the international observers and IGAD mediators must ensure that ironclad dates

<sup>48</sup> ICG interview, 29 October 2003.

<sup>49</sup> ICG interviews in Naivasha, September 2003.

and guarantees are provided for elections at the local, state and national level during the interim period.

Garang and Taha have not yet discussed the question of *sharia* in the national capital in detail. It is widely believed by those associated with the process that the SPLA has been using the issue as a negotiating tool and will ultimately give up its demands on Khartoum for concessions on other outstanding issues.<sup>50</sup> Senior SPLA negotiators have confirmed that the national capital will not be a deal breaker, but Garang himself has never indicated that he intends to back down. Giving up on the capital in conjunction with exclusion of the presidency from elections could further damage the APLA-NDA alliance, as these are two of the most important issues to the northern opposition groups. The Nakuru draft proposed creation of a national capital district in Khartoum, with the National Assembly responsible for legislation there and equality of all religions.

If the government allows a referendum for Abyei, it likely will look for a corresponding compromise by the SPLA on the capital. Therefore, it will be crucial that certain understandings be reached as part of the agreement that laws will be the domain of the parliament after the elections, and municipalities will have specific powers to carve out local exemptions to objectionable laws. All this will require sustained negotiation and a spirit of compromise.

Representation in the national civil service and other levels of government is an unresolved power-sharing issue. In addition to the long-running debate over the percentage of SPLA representation in national structures, opposition representation in the National Assembly and civil service has also become hotly debated. The Nakuru draft proposed that the National Assembly be divided along north/south lines, with 66.6 per cent for the north (of which 51 per cent would be from the current National Assembly, with the rest from the northern opposition), and 33.3 per cent for the south (of which 26 per cent would be appointed by the SPLA, with the rest from the southern opposition). This distribution ahead of elections, however, must offer greater representation to the northern and southern political oppositions (non-SPLA, non-government) than the suggested 23 per cent; otherwise it will likely limit the broader buy-in to an agreement that is needed. Opposition forces throughout the country can rightly claim a

third of the seats in the National Assembly ahead of the elections, with the government maintaining 40 to 45 per cent and the SPLA nominating 21 to 26 per cent.

The other proposals of the mediators in the Nakuru document (between 25 and 35 per cent of civil service positions for qualified southerners, of which not less than 20 per cent would be at middle and higher positions; and 38 per cent representation for southern states in the Council of States, regardless of southern administrative structures) are fair and should continue to be supported by the international community.

### 3. Wealth-sharing

These issues are the closest to being resolved, thanks in large part to the efforts and ideas of experts from the World Bank and the IMF. The areas of disagreement boil down to: the central bank, the question of currency, the division of oil resources, and the status of the petroleum commissions.

The SPLA has traditionally pushed for a separate central bank and a separate currency in the south, arguing that the northern currency and banking system are representative of the Islamic regime. There was informal agreement during the last round to create a new national currency for the whole country. The debate has now shifted to how to bridge the time gap until that new national currency would be ready. Maintaining the existing currency until then throughout the country would make the most sense. The SPLA should be dissuaded by its international supporters from introducing its own currency in the south simply so it can be bought up by the central bank after the launching of the new currency. Such a plan would be short-sighted since it would sound alarms among donors and harm the southern economy.

With the bulk of the currency question resolved, the SPLA's argument for a separate southern central bank becomes less persuasive. It is understandable why the SPLA would want to distance the southern economic system from the Islamic banking systems that will continue in the north, but a subsidiary of the central bank in the south, largely under SPLA control, would allow the region to create banking laws as it wished while ensuring that the country had a unified monetary and fiscal policy emanating from the centre. Discussions in Naivasha examined the possibility of the director of the central bank of

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<sup>50</sup> ICG interviews, August and September 2003.

southern Sudan (there is dispute over the name of the southern bank) being a deputy of the central bank in Khartoum, although no agreement was reached.<sup>51</sup>

The division of oil revenue remains highly emotional and contested. For this reason, the World Bank and IMF experts had tried to steer discussions away from percentage distributions and focus instead on the fiscal needs of each side and each level of government. The SPLA rejected this and has resumed discussing oil wealth in terms of a flat percentage distribution between north and south. The Nakuru document proposed that oil revenue produced in the south be divided 48 per cent to the south, 50 per cent to the central government, and 2 per cent to the oil producing states. This remains fair and may prove to be the division ultimately agreed upon.

The final disagreement on wealth-sharing stems from the SPLA's demand for creation of petroleum commissions in both north and south, in order to enable the southern Sudan government to enter into new oil contracts in areas under its control.

## **B. THE RULING PARTY'S CALCULATIONS, POWER STRUGGLES**

In addition to the formidable international pressures to make the necessary difficult compromises, the government and the SPLA can no longer ignore the yearning of the Sudanese people for peace across the north/south divide. This sentiment swelled into the open during the huge spontaneous rallies that greeted the return of Vice President Taha and John Garang to Khartoum and Rumbek, respectively, after the Naivasha breakthrough.

An added internal factor is the ruling party's desperate effort to survive. The National Congress Party (NCP) is the latest incarnation of Sudan's Muslim Brotherhood (known as the National Islamic Front, NIF, prior to its 1989 coup d'état). A decade and a half of autocratic rule and repression have left the remnants of Sudan's once powerful Islamist movement divided, isolated, and ideologically disoriented. The movement committed near-fatal mistakes in the 1990s when the NIF de facto dissolved itself into the organs of the state, particularly the security agencies. The efficient and disciplined ideological organisation that it was

during its rise from the fringes of the student movement in the 1960s to the centre of the political landscape by the mid-1980s became consumed in the pursuit of power and wealth.

However, Sudan's Islamists remain better organised than any of the parties in opposition to them. The latter, including the breakaway Islamist faction of Hassan al-Turabi's Popular Congress Party (formerly the Popular National Congress), have watched helplessly as the ruling party used its long monopoly on power to build a formidable network of "security companies" and other front enterprises that remain privileged sub-contractors for business generated by the state throughout the economy, including in the lucrative service, construction and oil sectors. Peace and the bounty that would come with it would only consolidate the economic might of the Islamist machine, boosting the ruling faction's chances of electoral success. Dismantling of "security companies" and absolute transparency in management of oil revenues are thus prerequisites at the same level as the restoration of fundamental freedoms if the democratic playing field is to be truly level in the postwar era.

The inner circle of decision-makers around President al-Bashir consists of a few dozen members of the old guard of the NIF and prominent members of the so-called "Palace Group", including the "Group of Ten", whose 1999 memorandum demanding reforms of the ruling party's decision-making structures and regulation of its relationship with the state pre-empted reforms that Hassan al-Turabi, the movement's ideologue and the engineer of its rise to power, was pushing for from his position as speaker of parliament. Their memorandum triggered the walk-out of Turabi and his loyalists (the "Manshia Group"<sup>52</sup>), who formed the Popular National Congress party. Despite recurrent rumours of further power struggles and splits within the inner circle, events have proven time and again that dissent is discreetly contained, and instincts of collective survival prevail.

A relatively junior position in the public service does not necessarily reflect an official's position in the NCP. Several government negotiators are deep within the inner circle although their public positions are less prominent. Former Presidential Peace Advisor Ghazi Salah al-Din Attabani and the lead

<sup>51</sup> ICG interviews, October 2003.

<sup>52</sup> Named after Turabi's residential area.



government negotiators, Mutrif Siddig and Sayeed al-Khateib, as well as two who intervened at the first round of Naivasha talks, Nafei Ali Nafei and Bakri Hassan Salih, were among the initiators of the "Group of Ten" memorandum. The negotiations between the government and the SPLA at one level engage two political movements that seek to protect themselves and maintain their privileged positions in Sudanese political and economic life.

In a letter he sent in April 2002 to the then imprisoned Turabi with the aim of reconciling the two factions, Ghazi Salah al-Din Attabani acknowledged that following the schism, the movement had lost its appeal to the students, women and young professionals who had provided it with a steady stream of recruits for more than two decades, as well as sympathy in the Arab Islamic world.<sup>53</sup> Consequently, the financial lifeline that Arab benefactors had extended to Sudan's Islamists gradually dried up. After 11 September 2001, the scrutiny of radical Islamist funding networks by leading intelligence agencies imperiled the grants that were still flowing.

Hassan al-Turabi has become a vocal critic of the movement's experience in government. A day after his release in mid-October 2003 from more than two years of house arrest, he condemned before a huge crowd the type of military takeover that he had engineered in 1989. He had differed with the ruling group a decade later, he explained, when he pressed for democratic reforms and transparency of public finances. But his former disciples were too consumed by pursuit of wealth and power to tolerate scrutiny of their conduct.<sup>54</sup>

The hidden layers of Khartoum's power structures came closer to the surface during the encounters between Taha and Garang. Taha is the regime's strongman, representing the institution of the presidency, the ruling components of the NIF, and the religious leadership. No final deal could survive his veto. By the same token, his stature in the party is such that it could make compromises he negotiated acceptable that would otherwise risk inflaming the NCP's core constituencies.

Taha's entry into the negotiations offers him an opportunity to redeem his reputation as a statesman both nationally and internationally. Reports of involvement in the 1995 failed attempt on the life of Egyptian President Husni Mubarak have shadowed Taha ever since. That throngs greeted his return to Khartoum, and President Mubarak agreed to meet him in Cairo shortly thereafter for a briefing on the Naivasha agreement, signaled he is freeing himself from that burden.

Taha is reported to be close to the army and the regime's official and covert security agencies, some of which are affiliated to the ruling party and not to the government as such. The politicians directly overseeing this complex security structure are Defense Minister General Bakri Hassan Salih and the director general of state security, General Salah Abdalla. The latter's predecessor, Nafei Ali Nafei, remains powerful although he lost the security portfolio after the 1995 assassination attempt on Mubarak.<sup>55</sup> That Taha brought the three officials on board to work out the details of the security agreement confirmed the collegial conduct of business in the ruling circle.<sup>56</sup>

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<sup>53</sup> See the letters exchanged between the two leaders in April 2002 at [www.akhirlahza.com](http://www.akhirlahza.com), the web site of the youth branch of the PCP. Ghazi's remarks are in his first letter, <http://akhirlahza.com/First%20pages/documents/gaziFirst.htm>.

<sup>54</sup> See coverage of his address in "Al-Turabi pardons ruling party, calls for dialogue", in Arabic, *al-Bayan*, 16 October 2003; "Al-Turabi criticises Islamists' experience in power, calls for transitional government", in Arabic, *al-Khaleej*, 16 October 2003. The 1999 attempt by al-Turabi, who was then speaker of parliament, to pass legislation that would have limited his powers, prompted President al-Bashir to declare a state of emergency and dissolve parliament. Al-Turabi and his followers created the Popular National Congress (renamed Popular Congress Party in mid-2003) after their expulsion from the ruling party in April 2000. The PCP and the SPLA signed a memorandum of understanding in 2001 in which they pledged to work together to re-establish

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democracy and peace in Sudan. The government has cracked down on the PCP ever since: authorities closed the party's paper and offices; Turabi was held under house arrest until October 2003, and dozens of PCP activists were routinely placed in custody.

<sup>55</sup> In his current position as federal affairs minister, Nafei has proved a master of divide and rule, using administrative divisions to broaden the reach of the ruling party in north and south. The result has proved counterproductive, leading to broad discontent at the collapse of social services.

<sup>56</sup> The energy minister Awad al-Gaz is said to be overseeing the NIF's vast financial empire in addition to the oil portfolio. It consists inter alia of many "security companies" and enterprises that are habitually exempted from state taxes and custom dues. Dr. Ibrahim Ahmed Omer controls the political apparatus of the National Congress Party.

The road to the Naivasha framework agreement, however, was not without bumps. Ghazi Salah al-Din Attabani, who led the government delegation in seven previous sessions, caused a swirl of rumours by staying away from the Naivasha round and the signing ceremony. Despite official denials that he had been sidelined or had presented his resignation, Ghazi later publicly acknowledged that he had been unhappy about the timing of Taha's involvement, the new negotiation methodology and the ordering of priorities, but said the difference of opinion was now in the past.<sup>57</sup>

The dispute did not remain in the past for long, however, and it was reportedly more acrimonious than Khartoum admitted. Ghazi is said to have submitted his resignation to President Bashir near the end of the first Naivasha round, but it was rejected, and he was ordered to return with Taha to Naivasha to present an image of unity.<sup>58</sup> That facade crumbled on 29 November when Bashir dismissed Ghazi. No reasons were given but it obviously confirmed a power struggle between the two senior presidential aides.

Between Naivasha I and his dismissal, Ghazi had publicly supported the agreement and taken the lead in mobilising opposition groups behind it. He persuaded the mainstream Umma and the Democratic Unionist parties and other smaller groups to attend the second round at Naivasha as observers or witnesses and actively took part in an intensive campaign to reverse official discourse from confrontation to reconciliation.

Contributing to Ghazi's demise was his interest in reuniting the Islamist movement, something he had already attempted in early 2002 in an ill-fated exchange of letters with Turabi. That reconciliation bid had failed in part because Turabi insisted that Taha should be required to contest his office after the reunification of the movement as all other NCP and PCP cadres would be except for the president. A hint of this bitter feud surfaced less than two months after Turabi's release. Local analysts interpreted the first

meeting between Ghazi and Turabi on 19 November 2003 as a fence mending exercise. Ghazi later sought to temper expectations by placing the meeting within the broader context of the government's drive to build national consensus around its peace policy. Taha was less accommodating, saying "we have outgrown the sentimental phase of talking about reunification [which] would be like ploughing in the sea...In its political conduct since the release of its leader Turabi, the PCP has not...qualified itself for us to approach it for a unified political vision".<sup>59</sup>

A reunited Islamist movement would inevitably mean a considerable gain for Turabi at Taha's expense. The IGAD peace process – as well as the issues at stake in Darfur – thus have become new terrain on which the PNC and PCP rivalry play out openly.

### C. SEARCH FOR NATIONAL CONSENSUS OR WAR OF ALLIANCES?

With the peace process as a backdrop, the first half of the year witnessed steady rapprochement between the many components of the Northern opposition and the SPLA around the issues of the negotiations and the requirements of the democratic transformation that they hope a peace agreement will stimulate. This rapprochement was in anticipation of the post-agreement arrangements for broadening political participation and sharpened the political battle between opposition forces and the government and its allies. Mindful of the need to build its own alliance in the postwar period, the government initially cracked down on the opposition, reserving the harshest measures for those most involved in the effort with the SPLA.

In its earlier years, Sudan's Islamist government had banned all political parties and systematically sought to dismantle the combative trade union movement and other civil society institutions that had twice (1964 and 1985) staged popular uprisings against military regimes and returned the country to democracy. Bending under internal and external pressures for reform, the government in 1999 enforced the Law on the Regulation of Tawali (succession of political parties in power) that required adherence to its "national salvation" ideology as a condition for

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<sup>57</sup> Foreign Minister Ismail gave an identical account of what led Ghazi to distance himself from peace issues by explaining that he had a difference of opinion with another official; "Sudan Foreign Minister: there are differences of opinion, not opposition, in the government ranks around the security arrangements agreement", in Arabic, *al-Sharq al-Awsat*, 3 October 2003.

<sup>58</sup> ICG interview, 15 October 2003.

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<sup>59</sup> "The Sudanese government accuses Turabi of encouraging dissent in Darfur and threatens to disband his party again", in Arabic, *al-Sharq al-Awsat*, 26 November 2003.

political associations and parties to receive official recognition. The Political Parties and Organisations Law that replaced the Tawali law in 2000 permits parties that refused to register under the earlier legislation to function by simply notifying authorities of their existence. However, to contest elections, parties operating under the notification regime must observe the Tawali conditions.

The government has systematically pursued a strategy of weakening the largest parties, namely the Umma Party (UP), the Democratic Unionist Party (DUP) and the Sudan Communist Party (SCP), by a combination of penalties (confiscation of property and persecution) and inducements (selective restitution of confiscated property and rewarding breakaway factions with government positions and associated perks). While repression has splintered its chief opponents, the old parties' constituencies have remained loyal to their traditional leaderships. On 4 December, Vice-President Taha signed an agreement with DUP chief Ali Osmen el-Mirghani, during a visit to Saudi Arabia. It was described by government officials as a peace accord,<sup>60</sup> and by a high ranking DUP official as a general declaration of principles that el-Mirghani signed on behalf of the umbrella NDA, not the DUP. According to the DUP official, the declaration confirmed NDA support for the IGAD peace process, the need for greater inclusion of political forces in that process, and the need for democratisation.<sup>61</sup> Although the declaration left the door open for further government-NDA discussion, no timetable has been fixed.

Several southern political and military groups are allied with the government, including the United Democratic Salvation Front (UDSF) and the Democratic Front for Salvation (DFS), as are over a dozen southern military factions operating under the umbrella of the Southern Sudan Defence Force (SDDF). Leading among them, and also claiming political presences, are the Southern Sudan Independence Movement (SSIM) and the SPLA/Bahr al-Ghazal. A splinter-group, the SPLA/United, headed by Dr Lam Akol, signed the 1997 Fashoda Peace Agreement with the government.<sup>62</sup>

Facing the government bloc, an array of opposition forces is united in identifying "the dismantling of the one party state" as its goal. This has led to a proliferation of charters between the northern opposition and the SPLA that should be viewed as phases in a single process of consensus building and testimony to rising reform expectations unleashed by the peace process.<sup>63</sup> To preempt these alliances, the government resorted to repeated arrests and brief detentions of political leaders; raided homes and offices; banned rallies; prevented some leaders from attending meetings abroad;<sup>64</sup> enforced crude censorship by ordering newspapers not to cover key opposition events and confiscated issues of newspapers that failed to comply.<sup>65</sup>

Government supporters also orchestrated a highly visible campaign to arouse religious feelings against

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*Burn Again: Brinkmanship Endangers the Peace Process*, 10 February 2003.

<sup>63</sup> The Cairo Declaration signed on 24 May 2003 by Sadiq al-Mahdi and Mohamed Osman al-Mirghani, leaders of the Umma Party and DUP, and John Garang on behalf of the SPLA, received large coverage for its endorsement of a national capital in which all religions would enjoy equal status. Less noticed were its calls for a broad-based government, participation of all political forces in federal and state governments, and participation of political forces and civil society organisations in drafting the interim constitution. The SPLA and Turabi's Popular Congress in the "Working Paper Between the SPLM and the PC on the Issues of Peace and Democratic Transition", signed in London on 3 June 2003, called for a broad-based interim government representing all political forces as well as other measures. Building on these initiatives, the internal opposition promptly adopted its own "Khartoum Declaration" that was secretly signed by scores of party representatives and civil society activists, and dozens of other eminent personalities in Khartoum on 2 July 2003 to evade a fierce government campaign of arrests aimed at aborting the ceremony. See "Sudan arrests more opposition activists: opposition", Agence France-Presse, 6 July 2003.

<sup>64</sup> For instance, authorities in early July 2003 arrested several opposition activists for their role in drafting the Khartoum Declaration; "Sudan arrests more opposition activists: opposition", Agence France-Presse, 6 July 2003. They also disrupted the early phases of the drafting process by breaking up opposition meetings in Khartoum; "Sudanese police raid Sudanese opposition meeting", Agence France-Presse, 19 June 2003.

<sup>65</sup> Authorities confiscated the 26 July 2003 edition of the *al-Sahafa* newspaper which carried a report about Darfur; "Sudanese newspaper's print-run impounded", Agence France-Presse, 29 July 2003. The entire 26 June edition of the same paper was also confiscated; "Sudanese authorities confiscate Saturday edition of daily paper: executive", Agence France-Presse, 28 June 2003.

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<sup>60</sup> "Sudan government signs peace accord with northern opposition leader", Agence France-Presse, 4 December 2003.

<sup>61</sup> ICG interview, 5 December 2003.

<sup>62</sup> For further background, see ICG Report, *God, Oil & Country*, op. cit., and ICG Africa Briefing, *Sudan's Oilfields*

opponents, and condoned extremist edicts. It sent not so discreet reminders that it held brute force in reserve by parading its paramilitary Popular Defence Forces (PDF).

Opposition forces bore these crackdowns and threats with remarkable resilience, and forged ahead with their coalition building in anticipation of the post-agreement transition. The government has sought throughout the negotiations with the SPLA to block opposition forces out of the peace process. However, reversals at the negotiating table forced it by early July 2003 to launch an internal aimed at rallying those opposition forces and public opinion behind it. The campaign appealed to the collective patriotic reflex by picturing the country as threatened with sure disintegration if the IGAD proposal was codified as a final agreement. Seen from this point of view, the Nakuru document was a turning point in Sudanese politics, north and south. Faced with the stark prospect of entering the final stretch of the year-long negotiations with little political or diplomatic backing, the government suddenly ceased its repressive tactics and for the first time in its fourteen-year existence initiated serious talks with the internal opposition. The obvious aim was to trade a commitment to democratisation in the post-agreement period for opposition support in the final rounds of talks with the SPLA.

The opposition seized on this change to press for concrete and measurable human rights improvements and for the kind of involvement in the peace process that had been denied until that late hour. In all meetings with officials, opposition leaders demanded with increasing vigour the immediate release of Hassan al-Turabi and remaining political detainees as a token of the government's sincerity. Reflecting the desperate need for broader support, President al-Bashir pledged on 9 August, in his first meeting ever with both opposition and pro-government political parties and civil society organisations, to lift restrictions on freedoms of the press, assembly, and movement as well as to free remaining political prisoners. However, old habits die hard, as proven by a spate of closures and confiscations of newspapers in the weeks that followed the presidential directive ordering the lifting of formal press censorship.<sup>66</sup>

The imminent peace agreement thus has provided the catalyst that on the one hand emboldens opposition forces to challenge the government, and on the other has nudged the latter into reaching out to its internal foes. The two have been required to meet halfway, and out of the search for national consensus and the competition over alliance-building, several "inclusive groups" have emerged that the government has endorsed. The best known are the Sudan Peace Forum and the "Group of Ten" (not to be confused with the signatories of the 1999 memorandum demanding reforms of the ruling party).

Both the Sudan Peace Forum and the Group of Ten have established varying degrees of autonomy. The NCP withdrew its support from the Sudan Peace Forum (which acts as a forum for dialogue for all political parties in Khartoum) after its August statement urging the government to return to the negotiations.<sup>67</sup> Subsequently, an SPF delegation delivered a position paper in Naivasha in September, representing the consensus of most northern opposition parties on the outstanding issues. The Group of Ten – ten leading independent northern political personalities – also began as a government-sponsored initiative but has increasingly taken on its own agenda.

#### **D. A TRANSFORMED NCP, A REBORN TURABI**

It was no coincidence that the NCP organised its national convention on 9-10 October 2003, shortly after the conclusion of the decisive Naivasha round. With some 6,000 delegates and a dozen regional and international guest parties in attendance, the well-orchestrated event sought to reinvigorate the rank and file of a ruling party that was fast losing coherence. Confronted with the inevitability of having to shed its power monopoly, the convention's final communique sought to take the moral high ground by coopting the opposition's demands for peace, full observance of democratic freedoms, and an end to the state of emergency. The convention directed the government to conclude the peace process and endorsed its call for a partnership with the SPLA. It called on the SPLA and other political forces to join

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<sup>66</sup> See, for example, "Sudanese newspaper suspended for report on defence forces", Agence France-Presse, 30 September 2003; "Sudanese newspaper suspended for allegedly promoting alcohol", Agence France-Presse, 30

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September 2003; "U.S. embassy criticises lack of press freedoms in Sudan", Associated Press, 15 September 2003; "Sudan newspaper shut down on sedition charges", Agence France-Presse, 3 September 2003.

<sup>67</sup> ICG interview in Khartoum, 5 October 2003.

the NCP in a broad national front to realise national unity, consolidate stability, and lay lasting foundations for democracy.<sup>68</sup> The public followed these developments warily, hardly convinced that a ruling clique that had distinguished itself by persistent suppression of other parties could suddenly transform itself into a guardian of democracy.

In a move obviously calculated to persuade the northern opposition and the international community that this conversion was genuine, the government on 13 October 2003 released its staunchest foe, al-Turabi, along with the last remaining political detainees in Khartoum. The presidential decree ordering Turabi's release also lifted the ban on the NCP and its newspapers. The government denied it was acting to please the U.S. and ease international pressure for democratic reforms, and said its decisions were dictated by the approach of peace and the ruling party's directives.

The 70-year-old Turabi emerged defiant. Before returning to his residence, where thousands of well wishers were waiting, he went to party headquarters to signal his and the PCP's resumption of open political activities. In front of an audience estimated at 10,000 two days later, he called for tolerance and respect of fundamental freedoms, and bitterly criticised the Islamist government. Turabi credited Garang and international pressure for his release, acknowledging the peace process as the driving force of political developments in the country.

## E. CHALLENGES FACING THE SPLA

Both the government and the opposition seek to draw the SPLA into their camp. However, the SPLA has proven much more flexible than the government in reaching out to northern political forces with which it has fundamental ideological differences, such as the PCP, or has had a serious fallout, such as the Umma Party. It has thus broadened its already solid coalition with the umbrella National Democratic Alliance that is aimed at isolating and dismantling the current government.

Paradoxically, the SPLA's weakest flank in this war of alliances is its southern one. It has yet to engage in a meaningful dialogue to unify southern armed

and political factions currently allied with the government around its own agenda for the interim period and beyond. The task is urgent because the government has proven expertise in divide and rule tactics in the south and is likely those allies to undermine SPLA control. The SPLA also needs to enlist southern exiled communities and leaders in reconstruction and governance. Both constituencies have strong reservations about the SPLA, and its record in dealing with critical southern factions and elites does not bode well for unity.

Yet the initial signs are that a new scenario may be unfolding in the south that will allow all voices, inside and outside the SPLA, to coexist. A number of prominent southern politicians in the diaspora who have been critical of Garang have decided to put aside their differences and support the SPLA during the interim period.<sup>69</sup> The first reaction of various southern armed groups to the security agreement was also positive, and numerous efforts are now under way to convene meetings between the SPLA and other armed groups to discuss the military integration it calls for.

The SPLA took an important step by opening a "tent city" in the south at the beginning of December 2003. It is to bring together 250 top administrators for up to three months, in order to transform the insurgency into a government by beginning to establish structures for the interim period and, for the first time, separating the movement's political/civil and hitherto dominant military wings.<sup>70</sup> With the support of several donor governments, the "tent city" will focus on building the capacity of the nascent southern administration, ahead of the SPLA's national convention, which should be held in several months to endorse the peace process and the decisions reached in the "tent city".

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<sup>68</sup> See the convention's final communique in "Ruling party concludes national convention, issues final communique", in Arabic, *Al-Ray al-Aam*, 10 October 2003.

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<sup>69</sup> ICG interview in Nairobi, 19 October 2003.

<sup>70</sup> ICG interview, 3 December 2003.

#### **IV. TODAY'S LOSERS, TOMORROW'S DISSIDENTS?**

The breakthrough at Naivasha paradoxically accentuated flaws in the IGAD peace process, which primarily addresses the north/south dimension but not the country's systemic governance crisis and the armed conflicts that are breeding in other regions. Those harmed by this imbalance that include opposition forces within the National Democratic Alliance (NDA), and armed groups affiliated to the NDA and active in the east, as well as Darfur rebels independent of the NDA. Southern armed factions allied with the government are a further distinct group.

##### **A. RE-ACTIVATION OF THE EASTERN FRONT**

The SPLA maintained by far the largest contingent on the eastern front of the multifaceted war, alongside its ill-equipped NDA allies. The next largest group, the Sudan Allied Forces (SAF), deployed on three axes: the southern confines of Red Sea State, the central sector around Hamashkoreib township (under NDA control at this writing) and the remote northern areas of Southern Blue Nile. For much of 2002/2003, SAF forces were idle as their leaders initiated but failed to carry out a merger with the SPLA. The indigenous Beja Congress, Rashaida tribesmen of the Free Lions,<sup>71</sup> and the Fatah Forces have a few hundred fighters each but more than compensate for numerical weakness by intimate knowledge of terrain and support from indigenous communities.<sup>72</sup>

Narrow partisan and communal loyalties foiled repeated NDA attempts to unify these forces under one command, a failure that allowed the DUP to emerge as the largest northern opposition party. The NDA's intervention in the latest negotiations underlined its dual nature: its politicians argued for broadening the peace process to include the opposition, while its armed factions vied for recognition as full stakeholders in the security

agreement. The SPLA juggled its own interests while trying to accommodate the interests of its partners.

Reflecting this delicate balancing act, the SPLA told the NDA armed factions that it had won two provisions in the Naivasha security arrangements with the aim of providing them maneuvering room but they would have to exploit the opportunity themselves.<sup>73</sup> Article 4.V.a of the agreement commits the SPLA to complete its own redeployment from eastern Sudan to the south within one year of the start of the pre-interim period, which could render the armed factions vulnerable to Khartoum's army. However, Article 4.V.b commits the parties to discuss the formation of joint/integrated units in that area without specifying a time frame. The parties further agreed (Article 7.c) to "address the status of other armed groups in the country [that are affiliated to neither of them] with the view of achieving comprehensive peace and stability...and to realise full inclusiveness in the transition process".<sup>74</sup>

Immediately after the first round at Naivasha, the Beja Congress and other NDA armed groups intensified diplomatic and military pressure on the government with the aim of forcing their way to the negotiating table. At a minimum, representatives of the Beja Congress and the Free Lions told ICG, they want to be full partners in further negotiations on security arrangements affecting the eastern front, as the above cited articles of the agreement would allow.<sup>75</sup>

In early October 2003 the Beja Congress rejected the security agreement on the grounds that the NDA had been excluded.<sup>76</sup> Shortly thereafter, fighting resumed in the east, interrupting a lull that had lasted for months. In a 14 October communiqué, the Congress claimed its forces had briefly occupied a military post in the remote region of al-Gash, inflicting 50 casualties and briefly interrupting traffic on the vital Port Sudan-Khartoum highway. On 24 October, the Beja Congress and the Fatah Forces jointly attacked two government garrisons in the same area and claimed that destruction of a bridge again briefly disrupted traffic on the strategic highway. The

<sup>71</sup> The Rashaida claim they have thousands of fighters in reserve, who could be called upon if needed. ICG interview, 23 October 2003.

<sup>72</sup> ICG interview, New York, 30 October 2003. Formerly the armed wing of the opposition DUP, the Fatah Forces in August 2002 declared their autonomy from the party's leadership and joined the NDA as a full member.

<sup>73</sup> ICG interview, Nairobi, 23 October 2003.

<sup>74</sup> "Agreement on Security Arrangements During the Interim Period", 25 September 2003.

<sup>75</sup> ICG interview, Nairobi, 23 October 2003.

<sup>76</sup> See "Beja forces reject Naivasha agreement, hail Asmara's support", in Arabic, at Sudan Media Centre, 3 October 2003, posted at [www.smcsudan.net](http://www.smcsudan.net).

government acknowledged the attacks but said they were carried out by bandits and highway robbers, who were repelled with minimal losses.<sup>77</sup> The government also accused Eritrea of providing a safe haven to NDA insurgents.

Omer Mohamed Tahir, chairman of the Beja Congress, explicitly stated that NDA forces reactivated the eastern front “in response to the government’s rigidity and its rejection of the inclusion of other political forces in the peace negotiations...particularly its negligence of the problems of Eastern Sudan and its persistent exclusion of forces that control the region from the peace process”.<sup>78</sup> Another Congress spokesperson told the influential Arab daily *al-Sharq al-Awsat* that the skirmishes were meant to send “a clear message to the IGAD and its partners and the negotiating parties that peace cannot be achieved by agreement between two parties and the omission of others”.<sup>79</sup>

Tahir placed partial blame on the mediators and international observers for acquiescing to the government and SPLA’s partial approach to peace. He recounted how at a meeting in Asmara Alan Goulty, the British special representative to the peace process, sought to raise with Congress representatives the allocation of international humanitarian assistance to their region “without discussing with us the reasons that pushed us to take up arms against the government in the first place”.<sup>80</sup> IGAD would only complicate Sudan’s ills if it persisted in discussing the crisis in the absence of the NDA, he said.<sup>81</sup>

As the confrontation over representation of the opposition at the talks hardened, the government moved quietly to suppress attempts by the Beja Congress to operate publicly in Khartoum and Port Sudan. On 5 September 2003, the Beja Congress organised a seminar at al-Nielein University that its exiled leaders addressed via phone. Some field commanders also joined in from the “liberated areas” in eastern Sudan. Osman Fagarai, a retired police general and former governor of Red Sea State, addressed the meeting and was later detained for two weeks, as were several student activists suspected of organising the event. Similar arrests took place in Port Sudan in late September, when local activists attempted to register the Beja Congress and launch public activities in its name.<sup>82</sup> Following the attacks in the east, Khartoum banned the Congress outright, citing its involvement in armed rebellion.

Tahir told ICG in late October 2003 that the party leadership has rejected a government approach to talk individually, “as Beja, outside any forum – to swallow us up”, and instead insisted that it talk with the NDA. He added:

The lesson we learned is that IGAD and the government will only listen to force. The SPLA were recognised because they resorted to force. This is why we launched our activities in the East...we were working through the NDA (of which we are still members), but we've been watching things come together, and we needed to send a message to our friends and enemies.<sup>83</sup>

Asked what impact an SPLA withdrawal would have on his forces, Tahir claimed the SPLA was forgetting its allies but expressed hope being on its own would give the group new cohesion and motivation. The Beja Congress wants to be at the negotiating table, not merely be represented by the SPLA or the NDA, he said. “We need direct access to a forum that believes our cause is just, one that represents justice, not interests.”<sup>84</sup> Self-determination is the Congress’ main demand, he said, but only to achieve “a real federal system, in the context of the Sudan, not the context of the North”. However, he predicted:

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<sup>77</sup> “Government acknowledges brief interruption of Port-Sudan – Khartoum highway; armed opposition in eastern Sudan claims destruction of two army camps”, in Arabic, *al-Bayan*, 25 October 2003.

<sup>78</sup> “Sudan: two opposition groups interrupt traffic on the Port Sudan – Khartoum highway”, in Arabic, *al-Hayat*, 26 October 2003.

<sup>79</sup> “Sudan: Forces from Fatah and Beja Congress raid military posts with the aim of influencing the negotiators”, in Arabic, *al-Sharq al-Awsat*, 29 October 2003.

<sup>80</sup> “Beja Congress warns government, SPLA against partial peace”, in Arabic, *al-Bayan*, 22 October 2003. According to press reports, a subsequent meeting at Naivasha between the British envoy and the Beja Congress turned sour, with Tahir ominously threatening “you will see if we exist and deserve to be represented or not”. See “East Sudan rebels threaten to oppose any peace agreement that ignores them, insist they will prove their presence militarily”, in Arabic, *al-Khaleej*, 27 October 2003.

<sup>81</sup> Ibid.

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<sup>82</sup> ICG electronic correspondence, 19 October 2003.

<sup>83</sup> ICG meeting with Omer Mohamed Tamir, Nairobi, 23 October 2003.

<sup>84</sup> Ibid.

An imposed agreement cannot be sustained. The regime sees the west, east and centre as much bigger threats to it than the south. So they will let the south go, deal with the west, east and centre, and then come back for the south.<sup>85</sup>

However, Tahir's own credibility suffered greatly when he unexpectedly returned to the capital on 17 November 2003 on a regular flight from Asmara, declared that his return was to advance national unity and a peaceful settlement in the east, and announced immediate suspension of all Congress military activity. The Congress responded by renewing its commitment to armed struggle and announcing it no longer recognised Tahir as leader.<sup>86</sup>

## B. WORSENING CRISIS IN DARFUR

Operating with even looser links to the NDA in Darfur, in the remote and arid west, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) also feel threatened by the imminent peace agreement. SLM Secretary General Mani Arkoi Minawi concurred in every detail with positions articulated by the Beja Congress and other groups fighting in the east:

The government is negotiating with the south because of pressure from the international community and military pressure in the south, in the west and in the east...[A peace accord with the SPLA] will be a way for the government to regroup to suppress the other marginalised areas, including the West and our movement in particular. We want a comprehensive peace for all of Sudan – north, east, west and south...[or] we will represent an obstacle to the achievement of a peace.<sup>87</sup>

The government and the SLA signed a 45-day ceasefire on 3 September 2003 with Chad acting as mediator.<sup>88</sup> While the parties largely observe the

ceasefire, violence against civilians has worsened, appearing to indicate a cynical shift in government strategy for containing the insurgency. In the seven months that followed the launch of the SLA in February, the two sides fought, and civilians were caught in the crossfire, when the SLA raided army garrisons or the army sent search and kill patrols to rebel strongholds.<sup>89</sup> Subsequent to the ceasefire, however, government-supported militias deliberately targeted civilians from the Fur, Zaghawa, and Massalit groups, who are viewed as “Africans” in Darfur and form the bulk of the SLA and JEM ethnic base. The government denied any role but the attacks served it well, threatening to force the SLA to surrender in order to spare “its people” further suffering.

The latest attacks occurred deep inside the Fur tribal domain, against unprotected villages with no apparent link to the rebels other than their ethnic profile. Militia atrocities included indiscriminate killing and mutilation, the burning alive of victims and the looting and destruction of food reserves and other property. Victims accused a government-affiliated Arab tribal militia, the *Janjaweed*. Observers told of large numbers of *Janjaweed* on camels and horses driving villagers off their land and pushing them towards urban centres.<sup>90</sup>

The killings and resulting forced displacement prompted Mohamed Barka, member of parliament for the district of Kebkabiya, to warn in early November against “genocide” in Darfur. In a statement to *Alwan* newspaper, he indicated that in one month of raids, *Janjaweed* had burnt 150 villages and forcibly displaced 280,000 inhabitants in his district.<sup>91</sup> Other hard hit areas include Kas, Zaleinge, and Jabal Marra districts, all within the Fur heartland.

Local officials in areas devastated by the raids have at times spoken out publicly against what they called a government counter-insurgency measure that was exacting an unacceptable human toll. The commissioner of Zaleinge province, South Darfur, admitted to the arming of the *Janjaweed* by

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<sup>85</sup> Ibid.

<sup>86</sup> “Beja Congress leader returns suddenly to Khartoum, colleagues accuse him of deal making with the government”, in Arabic, *Al-Khaleej*, 19 November 2003.

<sup>87</sup> “Sudan's Western rebels fear being wiped out after peace deal in south”, Agence France-Presse, 23 October 2003.

<sup>88</sup> Chad's President Idris Déby mediated the agreement, signed at the Chadian border town of Abéché, out of concern that trouble in Darfur was bound to have serious spill over effects in his country because of the involvement in the

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rebellion of the Zaghawa people, who command considerable political and economic influence in both countries.

<sup>89</sup> For details on the first phase of the fighting, see ICG Report, *Sudan Endgame*, op. cit.

<sup>90</sup> “Widespread insecurity in Darfur despite ceasefire”, IRIN, 3 October 2003.

<sup>91</sup> “Parliament member warns against genocide in Darfur”, in Arabic, *Alwan*, 6 November 2003.



Khartoum and the government's failure or unwillingness to control them. His statement points to the likely commission of war crimes on a large scale by this militia. He told of some 500 marauding *Janjaweed* who had entered his province from Northern Darfur two weeks earlier and burned 25 villages and 32,000 feddans of agricultural land (33,216 acres), killed 88 villagers, and forced 60,000 to flee. In a rare acknowledgement, he stated:

The government has armed this group to fight the rebellion but they opted to carry on their tribal agenda by attacking Fur tribal areas...they are preventing the people from burying their dead...the State headquarters is constantly receiving reports of raids and hunting parties by the armed men for survivors in the villages and the surrounding bushes.

The official admitted that the problem was bigger than his province or even the Darfur States could handle on their own, and called for immediate intervention by the national government and national and international organisations.<sup>92</sup> Exiled Darfur leaders and organisations have issued similar pleas, so far to no avail.

Ripples from the situation in Darfur had reached Khartoum before the airing of these accounts. In late October 2003, 65 parliamentarians from Darfur staged a walkout followed by a boycott of parliament in protest at the blocking of a debate. They demanded clarifications on government policy in the region in a memorandum to President al-Bashir on 26 October. In his response, al-Bashir denied that the government was siding with one tribe or group and promised "we will collect arms from the hands of civilians and non-regular forces".<sup>93</sup> This pledge, in addition to the government's undertaking, in the 3 September ceasefire signed with the SLA to disarm "non-regular armed groups" operating in Darfur, suggested that it was in a position to disarm the *Janjaweed*. That it had failed to do so in order to put an end to widespread civilian massacres even in response to the increasingly strident appeals of its own local officials, warrants closer international scrutiny.

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<sup>92</sup> See "Zalenge's commissioner urges the federal government to help", in Arabic, *Akhbar al-Youm*, 9 November 2003. See also "88 killed, 60,000 displaced and 3 officials abducted in Darfur", in Arabic, *al-Bayan*, 10 November 2003.

<sup>93</sup> "Al-Bashir promises to collect arms in Darfur, and the region's parliamentarians abandon their boycott of sessions", in Arabic, *al-Khaleij*, 27 October 2003.

Further complicating resolution of the Darfur crisis is its place within the overall dynamic of confrontation between the ruling NCP, its splinter PCP and the broader opposition. Shortly after his release, Hassan al-Turabi claimed that the PCP was in close contact with the Darfur rebels and promised to engage them "not to ask them to lay down their arms, but to ensure that they will get their full rights".<sup>94</sup> Observers believe leaders of JEM in particular are close to Turabi's Islamist faction. Darfur has historically been a fertile recruiting ground for the Islamist movement, but disappointment at Khartoum's indifference to the plight of the region has led several prominent Darfur Islamists in the past decade to raise arms against the centre.<sup>95</sup>

Addressing student members of his party on 9 November, al-Turabi openly accused the government of stoking the crisis in the three states that comprise greater Darfur and of supplying the *Janjaweed* with arms to serve its own agenda.<sup>96</sup> Tensions between the two Islamist factions rose to new heights when Vice President Taha accused the PCP of "sparing no efforts in fanning the fire of sedition" in Darfur since Turabi's release and threatened to ban the party anew. Taha attributed the lack of progress at the November negotiations between the government and the SLA to unnamed PCP members who allegedly infiltrated the rebel delegation in order to disrupt the talks.<sup>97</sup>

By early December, humanitarian sources put the displaced at more than 600,000, half of whom were forced to flee in August and September alone. Another 70,000 rendered homeless by the fighting sought refuge in Chad.<sup>98</sup> In addition to its own displaced, Darfur hosts some 200,000 from the war-torn south. The deaths in a crossfire in late October of nine relief workers compounded the logistical nightmare of delivering urgently needed

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<sup>94</sup> "Turabi admits having links with the Darfur rebels – announces his movement's future program", in Arabic, *al-Khaleij*, 15 October 2003.

<sup>95</sup> For detailed background on the troubled relations between Darfur Islamists and the leadership of the movement, see ICG Report, *Sudan Endgame*, op. cit.

<sup>96</sup> "Turabi calls for a student uprising", in Arabic, *al-Bayan*, 10 November 2003.

<sup>97</sup> "Sudanese government warns opposition party to stop "sedition" in west", Associated Press, 23 November 2003.

<sup>98</sup> "Rising numbers of displaced in Darfur", IRIN, 23 October 2003.

humanitarian supplies to the remote region.<sup>99</sup> Even as Mukesh Kapila, the UN representative in Sudan, warned of an unfolding humanitarian disaster, government obstruction threatened to delay urgently needed relief further.<sup>100</sup>

Persistent SLA and JEM allegations of indiscriminate bombing of villages by government aircraft were corroborated, a week after the signing of the ceasefire, when the government admitted killing 26 civilians and injuring 32 in an air raid.<sup>101</sup> SLA rebels reported the killing on 2 December of 47 civilians and the injuring of 37 during bombings near Geneina. A week earlier, a similar raid killed fourteen civilians, rebels said.<sup>102</sup>

Rampant human rights abuses include prolonged security detentions, even as the government claimed in mid-October that it had freed its last political prisoners, and torture of suspected rebels. In their latest reporting, Human Rights Watch and Amnesty International have called for international monitoring of the situation in the region and inclusion of human rights protections in the anticipated peace agreement.<sup>103</sup>

SLA leaders and allied exiled Darfur groups defended the SLA's agreement to the September ceasefire by the urgency of limiting civilian killings and facilitating delivery of relief supplies.<sup>104</sup> The SLA also reportedly had internal strains between its

dominant ethnic groups, Zaghawa and Fur, and there were credible reports of tensions between younger fighters and their commanders on the one hand, and the exiled leaders on the other.<sup>105</sup> The young fighters reportedly threatened not to disarm, as envisioned if the ceasefire is transformed into a permanent peace agreement, until the causes of the conflict were adequately addressed, namely the militia attacks, and a comprehensive regional development program was prepared.<sup>106</sup> If the government and the SLA sign an agreement agreement fails to meet these demands, rebel troops might continue fighting on their own or defect to JEM, which has refused to join the ceasefire.

This and other factors render the outlook for a peaceful resolution of the Darfur crisis grim. The two-page 3 September 2003 ceasefire agreement conceded little to the SLA and clearly favoured the government. Point Two committed the parties to "control the irregular armed groups in operational theatres", while only the government is known to have such links. The SLA agreed (Point Four) to canton its forces at jointly agreed locations but Point Seven B-(d) linked withdrawal of "irregular groups" to the SLA cantonment. The SLA failed to obtain any government commitments except under Point Five in which the parties pledged to "lay the foundations of a durable and comprehensive peace in the area in order to realise social and economic development".<sup>107</sup> Furthermore, the ceasefire failed to mention the disastrous humanitarian situation or to commit the parties to facilitate humanitarian access.

The government exploited the political inexperience of the SLA frontline commanders and was not ready to listen to their political demands. When transformation of the ceasefire into a permanent peace agreement was to be considered in October 2003, the government blocked a meeting the SLA sought with exiled and Khartoum-based Darfur intellectuals. Chad, which is mediating the talks, deported exiled Darfurians who arrived in its capital on their way to the SLA preparatory meeting.<sup>108</sup> According to one deportee and Khartoum press reports, Chad declared *persona non grata* 35 Darfur

<sup>99</sup> See "Nine USAID relief workers killed in Western Sudan", Associated Press, 27 October 2003.

<sup>100</sup> See "Khartoum prevents U.S. diplomats from visiting Darfur despite UN warnings of humanitarian disaster", in Arabic, *Al-Khaleej*, 11 November 2003, and "Sudan prohibits U.S. officials from travelling to Darfur", Deutsche Presse Agentur, 9 November 2003. The government's Humanitarian Aid Commission (HAC) on 9 November 2003 cancelled travel permits that the foreign ministry had issued to U.S. embassy and USAID officials, effectively preventing them from travelling to South Darfur where they were to monitor relief programs. This action contradicted a late October HAC appeal about the deteriorating humanitarian situation in the region that called on donors and national agencies to contribute to the relief of the victims of tribal conflicts.

<sup>101</sup> "Sudan admits killing 26 civilians in air strike", Agence France-Presse, 10 September 2003.

<sup>102</sup> "Darfur rebels: 47 civilians killed in government air raids", Agence France-Presse, 2 December 2003.

<sup>103</sup> See "Sudan: Human Rights and Political Inclusion Must Be Part of Sudan Peace Agreement", Human Rights Watch Briefing Paper, September 2003, and "Sudan, Empty promises? – Human rights violations in government-controlled areas", Amnesty International, July 2003.

<sup>104</sup> ICG interview, Nairobi, 23 October 2003.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> "Text of the Ceasefire Agreement between the Sudanese government and the Sudan Liberation Army in Darfur", in Arabic, *al-Sharq al-Awsat*, 5 September 2003.

<sup>108</sup> ICG interview with Sharif Harir, one of those deported from Chad on 6 October 2003, Nairobi, 23 October 2003.

leaders whose names it had received from Khartoum's delegation.<sup>109</sup>

The late October talks at Abéché for extension of the ceasefire quickly deadlocked, amid mutual charges of ceasefire violations and the posing of impossible preconditions. In a move aimed at regaining some of the ground it had lost in the previous talks, the SLA demanded that Khartoum agree to four conditions before substantive negotiations could start: internationally monitored protocols for civilian protection and unhindered access of relief supplies and workers to victims in rebel-controlled areas; the disarming of militias; and international observers at the negotiations. The foreign minister replied, "we reject any international observation of Abéché's agreement; Darfur is not like the south for observers to be called for".<sup>110</sup> The government turned down proposals for observers from the African Union or the Libyan-led Sahara and Sahel Organisation to attend the meeting.

On 1 November, the SLA froze its participation in the talks to protest government bombing of its positions. The government admitted bombing but only of JEM positions.<sup>111</sup> The parties agreed on 5 November to a one-month extension of the ceasefire, without addressing the substantive issues. *Janjaweed* raids on Fur villages continued even as the peace talks were underway. SLA lead negotiator Osman Bushra told correspondents that "the government has been fighting us throughout the truce through the *Janjaweed*". The SLA agreed to extend the truce, he said, to test the government's intentions about a genuine peace.<sup>112</sup>

An exiled leader close to the rebels told ICG that the SLA expected:

Real negotiations, if and when they come, would have two elements, national issues, and Darfur-specific issues. The national issues would focus on relations between Darfur and

the Sudanese state on the model of the south. The Darfur-specific issues are the immediate disarming of the *Janjaweed* and the rescue of the displaced; and for the mid term the desperately needed rehabilitation of social service through the building of schools and hospitals and other essential services. The long term objective covers major developmental issues, a plan to rebuild Darfur again, economically, socially, etc.<sup>113</sup>

The actual negotiating agenda, however, is different. The December round will consider as working documents the September ceasefire, its November extension, and a draft final agreement proposed by the mediators, all with a narrow security approach.<sup>114</sup>

The extension of the ceasefire allowed both parties some breathing space but they are unlikely to depart significantly from their opening positions. Chad's neutrality was put in question when it signed on 7 November an agreement with Khartoum to establish a joint task force for curbing cross-border attacks and smuggling, which also allows extradition of members of armed groups.<sup>115</sup>

While Khartoum wants no international role other than Chad's in Darfur, the international community should pressure it to accept internationally monitored mechanisms for protection of civilians and observation of the ceasefire. The government should also immediately cease all support for militias in Darfur and in particular disarm the *Janjaweed*, investigate its conduct since the beginning of 2003, and bring to justice those found

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<sup>113</sup> ICG interview, Nairobi, 23 October 2003.

<sup>114</sup> The Chadian document promises total amnesty and absorption in the army or the public service to the SLA rebels in exchange for their agreement to demobilise and disarm within 45 days. The document commits the government concurrently to disarm "non-regular forces known as the *Janjaweed* and all other armed bands that are committing crimes against unarmed civilians" and to re-establish security in the region. Other nods to the SLA's broader political agenda are government undertakings in the draft to guarantee the freedom of movement of persons and goods, and to ensure unimpeded access of national and international relief organisations to the affected areas. The draft also requires the government to "prepare an urgent program for rehabilitation and economic and social development in Darfur with the participation of its development partners". See "Text of the Chadian mediator's draft agreement", in Arabic, *Akhbat al-Youm*, 8 November 2003.

<sup>115</sup> "Sudan, Chad agree to form joint border force", PANA, 8 November 2003.

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<sup>109</sup> "Chadian authorities prevented Dr Harir and 35 others from entering Chad during the negotiations", in Arabic, *Akhbar al-Youm*, 8 November 2003.

<sup>110</sup> "Negotiations between Khartoum and Darfur rebels suspended", in Arabic, *al-Hayat*, 25 October 2003.

<sup>111</sup> "Khartoum denies dropping bombs on Darfur rebel movement", Agence France-Presse, 2 November 2003.

<sup>112</sup> "Sudan government reiterates its rejection of international observers in Western Sudan – Darfur rebels accuse Khartoum of bombing six villages", in Arabic, *Azzaman*, 5 November 2003.

responsible for atrocities against unarmed civilians. This process should be initiated by the U.S.-led Civilian Protection Monitoring Team (CPMT), which should have its mandate sufficiently expanded to permit it to begin investigating allegations of attacks against civilians throughout Darfur.<sup>116</sup> Ultimately, there will have to be international mediation to help wrap the Darfur situation into the decisions reached in the IGAD process.

### C. SOUTHERN OPPONENTS

The government-supported southern armed groups pose an immediate threat to an SPLA-government peace agreement. Most operate loosely under the umbrella of the South Sudan Defence Forces (SSDF), have been demanding inclusion in the process since late 2002, and have at times threatened to derail an agreement if their positions were not considered. Although attempts were made to include them in the government delegation in the April and August rounds, they believe they were not fully consulted or represented.

SSDF demands have focused exclusively on security arrangements out of fear their forces, which they claim are independent and born out of the 1997 Khartoum Peace Agreement, would be sacrificed in an SPLA-government agreement. International and domestic efforts to create an SPLA-SSDF dialogue have intensified over the past year. The Naivasha security agreement might seem to fulfil the SSDF's worst fears since it purports to determine its status without its input and without any clear prior understanding with the SPLA.

That agreement states (Article 7a/b) that all armed groups allied to either party shall cease to operate, but that those who "desire and qualify shall be incorporated into the organised forces of either Party (Army, Police, Prisons and Wildlife forces), while

the rest shall be reintegrated into the civil service and civil society institutions".

Surprisingly, the initial reaction of most of the SSDF leadership was positive. Public statements were from leading commanders supported the agreement, and Commander-in-Chief Paulino Matiep pledged to back it and respect its provisions. Senior SSDF commanders explained that:

We support the agreement, because it is good for the south. We are pleased that self-determination is guaranteed in the IGAD process, and that the south will have its own government and its own army. The government ignored our agreement with them, and betrayed us at the negotiating table. We've been reduced to paramilitary forces. We took arms to liberate the south. Now the goals of the south have been reached, and our people want peace. The government will try to divide the south to undermine the SPLA, and ultimately a self-determination referendum. We want to unite the south, not to be tools for the north to undermine the south.<sup>117</sup>

Although several formal attempts at arranging a dialogue with the SPLA have failed over the past six months, informal contacts had been made. Quiet efforts by the SPLA to reach out to key militia leaders began to show some success in October and November.<sup>118</sup> Short of its inclusion in the process, the SSDF wanted the SPLA to push for a southern army in which the SSDF would have positions, which the Naivasha agreement essentially satisfies. The equal treatment bestowed on the SPLA and government army in the document actually goes well beyond the Khartoum and Fashoda Peace Agreements, in terms of national and international recognition of their forces.

All this suggests that the majority of SSDF troops will opt to join the SPLA. Because the government will retain only 12,000 troops (those in the joint/integrated units) in the south, southern soldiers who opted to join the government army would likely be redeployed to the north by the two and a half year mark of the interim period, as in the Naivasha Agreement. Those who do qualify to join the SPLA would be guaranteed positions in the

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<sup>116</sup> The CPMT was created in March 2002 as part of a government/SPLA agreement not to attack civilians or civilian facilities negotiated by U.S. Special Envoy, ex-Senator John Danforth. The mandate of the CPMT has been interpreted by the parties and by the CPMT itself as limited to areas within the SPLA/government conflict. This mandate would, therefore, need to be expanded to include Darfur and the government/SLA conflict. The agreement was extended in March 2003 and will be up for renewal in March 2004. For more on the CPMT, see ICG Briefing, *Sudan's Oilfields Burn Again*, op. cit.

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<sup>117</sup> ICG meeting in Khartoum, 1 October 2003.

<sup>118</sup> ICG interviews, November 2003.

various armed services, or demobilised and perhaps integrated into the southern civil service.

Despite the optimism, the conflict could still continue in parts of the south. After fighting each other for years, there are long-standing grievances between members of the SPLA and the SSDF. Some exist along tribal lines, some along local lines, and some between individuals. While the support of the SSDF leadership is encouraging, the same leadership makes clear that it expects to engage in a south-south dialogue with the SPLA, designed to begin a reconciliation process and negotiate SSDF participation in the southern political and military administrations.

A number of efforts are underway to organise a forum for this dialogue but there is tremendous confusion. The New Sudan Council of Churches has failed in part because it is seen as biased by one or both parties. Initiatives by the Presbyterian Church, the SPLA and Southern elders are in competition with each other, and little groundwork has been done to ensure that they are viable. The only approach that has yielded any fruit has been the more quiet one of the SPLA aimed at bringing militia commanders back to its fold. International attention and support for these efforts are required, to provide both legitimacy in the eyes of the parties and the physical wherewithal for early meetings.

For its part, the government is attempting to strengthen its hold on its old southern allies. Recent promotions for Peter Gadet, James Lieh Diu, and Samuel Mayik have been part of broader efforts to keep a hand in the south.<sup>119</sup> Elements in Khartoum are certain to continue attempts at dividing the south, in order to undermine the SPLA administration and make the region appear ungovernable, and also to undermine the self-determination referendum provided for at the end of the interim period. This prospect makes the need for a south-south conference that much more critical.

The recent rejection of the Fashoda Peace Agreement by SPLM/United Chairman Dr Lam Akol is an interesting potential precedent for southerners in Khartoum. Fed up by the government's undermining of that agreement, he travelled to Malakal in

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<sup>119</sup> The status of James Lieh Diu in Western Upper Nile remains uncertain. Conflicting reports continue to emerge regarding his status with the government and the SPLA. ICG interviews, October and November 2003.

September 2003 to quell government-inspired rumours that he had lost control of the movement. After military officials refused the travel permits necessary to visit his troops, the subsequent agreement to merge SPLM/United with the SPLA then seemed inevitable. Following the merger of Dr Riak Machar's SPDF with the SPLA in January 2002, this marks the return of the two key personalities behind the SPLA's 1991 split. The terms are for the immediate merger of SPLA and SPLM/United forces and the creation of technical committees to look into the integration of the military, political and humanitarian branches of each movement.<sup>120</sup>

Large parts of Equatoria near the Uganda border have been ravaged by the ongoing conflict in the north of that country between the government and the rebel Lord's Resistance Army (LRA). The latter has used southern Sudan as its base for raids into northern Uganda since the mid-1990's, thanks in part to a steady flow of supplies from the government of Sudan, by way of Juba. The Carter Center brokered an agreement between Sudan and Uganda in 1999 to halt Khartoum's support for the LRA and Kampala's support for the SPLA.<sup>121</sup> However, recent accusations from Kampala about Khartoum's continued ties to the LRA are souring relations.<sup>122</sup> The implementation of the Naivasha Agreement should ultimately sever any link that still exists between the government and the LRA. Likewise, the re-deployment of all independent government forces in the south, accompanied by the training and upgrading of the SPLA throughout the interim period, should eventually mean the end of the LRA presence in Eastern Equatoria.<sup>123</sup>

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<sup>120</sup> "Declaration on Unity between the SPLM/A and SPLM/United", 31 October 2003.

<sup>121</sup> See <http://www.cartercenter.org/peaceprograms/showdoc.sp?programID=12&submenu=peaceprograms>. The two governments signed a protocol in March 2002 allowing the Ugandan People's Defense Forces (UPDF) to pursue the LRA inside southern Sudan.

<sup>122</sup> "Sudan denies helping Ugandan Rebels", Reuters, 11 September 2003.

<sup>123</sup> The situation of the LRA and the conflict in northern Uganda will be the subject of a future ICG report.

## V. CONCLUSION

After a one and a half year roller-coaster ride, the Sudan peace process appears to be on track for a successful conclusion. The agreement on security arrangements is momentous, both for its content and for the level of cooperation between the parties that emerged in Naivasha. This has become a Sudanese-led process. To the extent both parties can include other political forces in the process, they are setting the table for what could soon be a broadly supported peace agreement.

The IGAD mediators and the international observer countries have helped bring the parties to this point. International interest in seeing a resolution to the conflict is growing, as is internal pressure on both the government and the SPLA. The release of Hassan el-Turabi highlights a rapidly changing northern political scene as the country prepares for a return to greater democracy. This momentum and anticipation of a peace agreement leaves the government with virtually no option but to sign a comprehensive agreement. Similarly, strong support for the security arrangements among southerners, including an initial positive reaction from government-aligned armed groups, is pushing the SPLA towards a comprehensive peace. Remaining issues are difficult but resolvable.

Nevertheless, there are serious new threats to peace. The conflict in Darfur continues to destabilise western Sudan and is producing a humanitarian catastrophe. Without international attention, it threatens to spread beyond Darfur's borders. To a lesser extent, growing anger in the east and the recent attacks of the Beja Congress also demand attention. The IGAD process, with its concentration on just the government and the SPLA, is not adequate to deal with the peripheral areas of the North. It must leave room for the status of these areas to be negotiated. A formal link should be established immediately between IGAD and Chad's mediation in Darfur, in order to create mutually supporting rather than conflicting processes. The southern armed groups could yet pose a risk for the peace agreement should their integration into government and SPLA forces be rejected by the troops on the ground.

Ultimately, any agreement will only be as strong as the will of the parties to see it succeed. Yet, a number of critical obstacles can be overcome with international help, including international guarantees.

Militarily, the international community must prioritise creation of a monitoring force that can be operational immediately after a comprehensive agreement is signed. To this end, donor countries should commit the required funding to train, expand and operationalise such a force over the next few months. On the political side, the international community to begin planning and coordinating programs designed to strengthen power-sharing, wealth-sharing, democracy, human rights and the agreement's overall implementation. Specifically, greater transparency in governance and finances, monitored and supported by the international community, are necessary for a sustainable peace.<sup>124</sup>

**Nairobi/Brussels, 11 December 2003**

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<sup>124</sup> These issues will be covered in ICG's next report on Sudan.



APPENDIX A  
 MAP OF SUDAN

