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THE ROAD TO PEACE IN SUDAN: BRINGING THE I.G.A.D. PROCESS TO A CONCLUSION

The Need for Peace

Sudan needs peace. It is too much to expect the Southern Sudanese to sustain a protracted war any longer. The extent of loss of life and socio-economic dislocation is such that another year or two of war will lead to irreparable damage to the social fabric of Southern Sudan. Quite apart from the unacceptable level of human misery this entails, such devastation with no end in sight may bring a dangerous politics of desperation to the region. There may be wisdom in President Izetbegovic's judgement on the Dayton Agreement that ended the war in Bosnia, 'we cannot expect a just peace, but it can be more just than a continuation of the war.'

The IGAD process, for all its faults, has settled on the outlines of a peace deal, based on the principle of self-determination for Southern Sudan. All the parties to the conflict, including the SPLM/SPLA, NDA and Government of Sudan, have accepted this principle, although in some cases there are legitimate grounds for questioning whether they have made a genuine commitment or merely a tactical concession. This paper is concerned with how to turn this commitment into a reality. The first part deals with the technical questions that arise in trying to give substance to a peace agreement. The second part deals with the political question of how to achieve a consensus, internally, regionally and internationally, that this is the way to proceed.

I. Technical Issues Outstanding in the IGAD Process

The following are some of the main substantive issues that will have to be addressed if the IGAD peace process is to mature.

1. The border of the South

This is a controversial area because there are (a) disputed areas between North and South and (b) marginalised peoples within Northern Sudan who have been fighting alongside the SPLM/SPLA for fifteen years.

The disputed areas include the following: Abyei district currently in South Kordofan; the Chali-Yabus area of Southern Blue Nile, the southern bank of the Bahr el Arab/Kiir river and Hofrat en Nahas currently in Southern Darfur. Abyei is an overwhelmingly Dinka district that was attached to South Kordofan for specific historical reasons. There is a strong case that its inhabitants should be given a choice whether they should belong to South Kordofan or Bahr el Ghazal. In the other areas the disputes are complicated and particular and will have to be resolved by some form of negotiation or arbitration.

The issue of the marginalised people of the Nuba Mountains and South Blue Nile is different. There is a strong argument that they cannot be treated as part of the South. There are two main reasons for this. (a) They are different: different people, different histories, different experiences and aspirations. (b) It is hard enough to get the idea of self-determination accepted internationally for the South. In Africa it raises the spectre of revising inherited

colonial borders. African countries may be ready to accept self-determination for the South within the colonial border of the South, but revising that border to include other areas such as the Nuba and Ingessena runs the risk of jeopardising even the prospects of a deal for the South.

This approach raises the question of how to achieve a settlement for the Nuba and Southern Blue Nile. That is a separate issue that will not be addressed here, except to say that any peace deal cannot abandon these people.

2. 'External' and 'Internal' Self-Determination in the South

The main issue under discussion so far in the IGAD peace talks and other fora in which the South is discussed is self-determination for Southern Sudan, i.e. the question of whether the South will remain part of a united Sudan and if so on what terms. This may be called 'external' self-determination: the resolution of the South's status vis-a-vis the North.

There is however a second issue, of 'internal' self-determination, namely the issue of the internal governance arrangements in the South. Whether the South is a federal state or states, a confederal state, an autonomous region or an independent sovereign state, it will need a constitutional settlement that addresses a wide range of issues. These issues will include the following:

- The details of the Constitution of the Southern State;
- Whether the Southern State is itself unitary or divided into regions, autonomous areas or even states;
- The separation of powers and the rule of law;
- Building institutions for civil administration, the rule of law, etc;
- The status of Southerners resident in the North and Northerners resident in the South;
- The economic framework to be adopted;
- The role of the SPLM and the nature of the Southern Sudanese armed forces;
- The position of the Southern State with respect to international institutions and agreements, including the Nile Waters Agreement;
- and other pressing issues.

A peace plan need not address all these issues. But it needs to acknowledge that these issues will arise, and that some of them will be potentially controversial. A framework and timetable for tackling these issues will be needed.

A possible structure for this is a 'double transition'. This entails the following:

- Transition 1: To external self-determination. This will be a process, of probably two-to-four years (exact timing to be negotiated), resulting in a referendum on the status of the South vis-a-vis the North. During this period, some of the above issues could be settled (e.g. Nile Waters Agreement).
- Transition 2: To internal self-determination. This will be a process of a further several years during which the Southern Sudanese state, whether part of a united Sudan or independent, adopts its constitution, and decides its policies on the above issues, resulting in a free election at the end of the period.

This process needs to be coordinated with any political transitions in Northern Sudan, though not necessarily synchronised with them. For example, it is possible that the timetable of the double transition would only entail free elections in the South after six-to-eight years, whereas in the North they could be held much more rapidly. A national assembly for Sudan might therefore include elected members from the North and members of an appointed transitional assembly from the South.

3. Interim Arrangements in the South

The Government position is that the SPLM/SPLA should sign up to its Referendum Commission and administer the South jointly during an interim period. This proposal faces many problems, because the GoS's interim arrangements are designed so as to favour its own influence and programme. This position is unacceptable to the SPLM.

The SPLM position is that it should administer the South alone. Whether this is politically and technically the most appropriate approach is open to question. There are constituencies in the South that would be reluctant to see the SPLM taking sole responsibility for administration of the South.

The essential issue here is guarantees on the fairness of the process and on the Sudan Government respecting the outcome of any referendum. There are precedents across the world for such contested political processes in post-war transitions (e.g. Cambodia, El Salvador, Mozambique, Namibia etc). The experience of successful transitions is that a serious commitment of resources by the international community is necessary, and can go a long way to overcoming problems raised by continuing distrust between the contending parties. Failed transitions (e.g. Angola, Western Sahara) are marked by a corrupted or partisan process or one with little international commitment.

This is an issue in which IGAD should take the lead in formulating options for an internationally-supervised interim administration of the South including monitoring security arrangements, and an internationally-respected referendum commission that can organise a free, fair and credible referendum to enable the Southern people to exercise their right of self-determination. Donors should have no illusions: this will be an expensive undertaking--though it will be cheaper than indefinitely continuing to finance OLS during wartime.

4. International Guarantees

The SPLM and the GoS, including its Southern allies, do not trust each other, with good reason. As in many conflicts across the world, peace will have to be made between adversaries who will continue to try to outsmart and outmanoeuvre one another, even at the cost of brinkmanship in threatening to scupper the agreement and resume the war. No amount of technical detail negotiated at the IGAD forum will overcome this mutual suspicion. A successful peace process in Sudan will need firm international guarantees. The following will need to be considered very carefully:

- International monitors to ascertain that the provisions of the agreement are being implemented and the preparation for the referendum is being conducted in a free and fair manner;
- A peacekeeping force with a mandate to oversee disarmament and demobilisation, and to maintain order in key centres;

- A major international commitment to financing and implementing a programme for the disarmament and demobilisation of former combatants and their integration into civilian life.

This will not be a cheap or a quick process. An international monitoring and peacekeeping presence will be required up to the referendum and immediately thereafter (to ensure that the results of the referendum are respected). It may also be required during some or all of the second transition to constitutional government.

II. Political Challenges to Make the Deal Workable

The technical issues outlined above should be treated as a priority. Detailed negotiation over the finer points can help maintain the momentum of the peace process. However, an equally important set of questions is: how to put the political forces in place that can make this work?

1. Internal Challenges

- (a) Can GoS come with an offer for unity that is attractive for the South?

A workable deal is far more likely if Egypt and Northern political parties in Sudan have confidence that an attractive deal for a united Sudan can be put on the table, and strongly argued for in Southern Sudan. If self-determination is seen solely as a stepping stone to an independent South, then powerful forces will continue to oppose it, and possibly derail any deal.

The current constitution of Sudan provides Southern Sudan with some attractive elements but is far short of what the SPLM and Southerners in general will find acceptable. It appears most likely that a workable offer will be based on either a federation or a confederation, with the South as a single state enjoying a large degree of constitutional autonomy.

A key issue will be the status of the Southern armed forces, including (a) the status of the SPLA during the (first) transitional period (it will have to retain its autonomous structure and command) and (b) the status of the Southern forces in the long term (they will have to enjoy considerable autonomy of command).

Practical and political steps to be taken include (a) for the SPLM to come with a concrete proposal on these issues and (b) IGAD and western governments to advocate for a workable settlement of these issues.

- (b) Uncertain commitment to self-determination in the North

For some influential political forces in Northern Sudan, self-determination for the South is no more than a tactical concession. For them it is axiomatic that Southern Sudan cannot be independent or (for some) even autonomous. Unfortunately, such views are likely to be particularly prevalent in the military and security establishments. A means must be found whereby such forces can be locked into a peace process that may lead to an outcome they do not foresee or desire.

What is needed to make the Northern unionists ready to contemplate a deal involving self-determination?

- Has the SPLM leadership's very public commitment to a united Sudan done enough to assuage the fears of this constituency?
- Will the argument that 'self-determination' does not mean 'secession', as for example illustrated by the Ethiopian Federal constitution, be persuasive?
- Will the argument that a deal on the basis of self-determination now will prevent the emergence of a powerful separatist constituency be persuasive?

(c) SPLM/SPLA distrust of the GoS

One of the fears of the SPLM is that by accepting self-determination for Southern Sudan, within the 1956 borders, it will become divided. The Nuba, Southern Blue Nile and other Northern political and military forces currently under the SPLM banner will be split off from the Southern SPLM. Some in the SPLM fear that the current GoS offer of self-determination for the South only is no more than a stratagem to divide the Movement.

This fear needs to be allayed. But how?

- Will a 'parallel but separate' track of negotiations, internationally supervised, for the Nuba and Southern Blue Nile be sufficient guarantee for the SPLM leadership?
- Will the argument be persuasive that, in a united federal Sudan, the SPLM can thereby have political representation both North and South? (Scotland has won devolution and will be electing its first parliament shortly; the main British political parties will be represented in both Edinburgh and London without being 'divided'.)

2. Regional Challenges

(a) Weakness of IGAD

IGAD as an institution and as an association of states is weak. The IGAD Secretariat has not been able to sustain the momentum of the peace process by detailed follow-up of peace talks and examination of technical issues. The negotiation mechanism is cumbersome and slow. The Ethio-Eritrean dispute has shattered the unity of IGAD's two most active states, and has challenged the very credibility of the organisation itself. Currently, the IGAD chair is Kenya, which is fortunately the most disinterested (in a positive sense) of the IGAD countries. But Kenya has yet to assume an active role that would assist in bringing the peace process to its next stage.

Several challenges emerge with respect to IGAD:

- How can the chairmanship of Kenya be turned to best advantage?
- How can the IGAD Secretariat, perhaps in partnership with the Kenyans, come with detailed technical proposals?
- A range of donors have supported IGAD through the IGAD Partners Forum. How can the Partners Forum lend momentum and credibility to the IGAD process?
- How can the UN be supportive of IGAD without overshadowing it or setting up a parallel peace process that might reverse some of the progress achieved through IGAD?
- How can the question of Sudan be distanced from the dispute between Ethiopia and Eritrea? Will either Ethiopia or Eritrea seek a full normalisation of relations with Sudan or even go further, at the expense of the IGAD DoP?

- Is the GoS ready to jettison the entire IGAD process, believing that IGAD no longer has credibility or leverage, and the domestic political process in Sudan is now paramount?

(b) The position of Egypt

Egypt is a member of the IGAD Partner Forum but not IGAD itself. It has political interests that may not coincide with those of the IGAD members. Egypt has several sets of interests in Sudan, including:

- The River Nile: Egypt is anxious to have friendly countries throughout the Nile Basin, and is not eager to have an independent Southern Sudan that might repudiate the existing Nile Waters Agreement and claim a higher quota of water.
- Arab solidarity: Egypt would not like to acquiesce to the ‘dismemberment’ of a fellow member state of the Arab League. Even speaking of ‘self-determination’ for the South is difficult for Egypt to swallow.
- Egypt has internal allies in Sudan, the closest of which is the Democratic Unionist Party which is unionist.

What is needed to make Egypt ready to accept the principle of self-determination for Southern Sudan? Will international pressure, e.g. from the US be forthcoming? Will international guarantees on its interests in Southern Sudan (e.g. the Nile) be workable and sufficient?

Is Egypt’s semi-permanent rancour with some IGAD member countries make it intrinsically antipathetic to any deal broked by IGAD? How can this be overcome for purposes for reaching a deal on Sudan?

3. International Challenges

(a) What is the position of the United States?

The role of the US is likely to be central in the success or failure of any peace plan for Sudan. Currently, the position of the US is unclear to most outsiders.

- Is the US determined to isolate and punish the current GoS for its links with international terrorists, as exemplified by the missile attack on the al Shifa factory? (I.e. complete change of government.)
- Is the US solely interested in the removal of the NIF, or is it ready for a deal that will contain NIF within a political settlement that brings in the SPLM and NDA? (I.e. is a policy of containment considered an option?)
- Will the US attitude to Sudan change in the light of the current Ethio-Eritrean conflict?
- Does the US still believe in the IGAD process as the only route to a settlement of the war?
- Is the US ready to ensure that the existing IGAD DoP and process is maintained, possibly in the face of attempts by GoS to dismantle it?
- Is the US ready to underwrite a deal on self-determination for Southern Sudan, providing guarantees for the SPLM if it signs up?

- Is the US ready to use its influence with Egypt to allay the latter's fears about a deal involving self-determination?
- (b) Are international donors ready to be consistently and seriously engaged in Sudan?

Several issues arise.

- Do the members of the IPF have a common view and a common commitment to the existing IGAD process?
- Are donors ready to continue to finance humanitarian programmes generously? Or are they going to impose political conditions that may be linked to the IGAD process? Or are they simply tired of Sudan and will they cut back for reasons of frustration and expense?
- Is the ceasefire negotiated by donors linked solely to humanitarian issues or is it an integral part of the peace process? Can it be extended to war-affected areas outside the South especially the Nuba Mountains?
- Are donors ready to provide the financial resources necessary for any transition to peace and democracy to be workable? (The referendum and its preconditions will demand resources. Disarmament and demobilisation in particular will be an expensive undertaking.)
- Will the international community be ready to provide peacekeeping forces with the right mandate and in sufficient numbers to make sure that a deal will stick?

The United Nations can have an important role in providing resources and expertise to help ensure that any agreement is workable. But any workable deal will involve resources well beyond what the UN organisation can provide; the backing of north American and European donors will be needed.

If the IGAD process becomes completely stagnant, the responsibility of initiative passes to the IGAD Partner Forum. Will the IPF take up this challenge?

Conclusion

The above are questions that need to be addressed in the near future. It is becoming evident that the peace process in Sudan is a collective responsibility of IGAD, its members and partners, the UN, the United States, and the international donor community.