

GOD, OIL AND COUNTRY

Changing the Logic of War in Sudan



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FOREWORD

The International Crisis Group (ICG) works to prevent and contain deadly conflict through a unique combination of field-based analysis, policy prescription and high-level advocacy. Few countries are more deserving of such attention than Sudan, where the scale of human suffering has been mind numbing, and where the ongoing civil war continues to severely disrupt regional stability and desperately inhibit development. ICG launched a Sudan project in 2001 because we felt the country was at a crossroads, and that now was the time when concentrated attention by the international community could make a decisive difference.

As this report shows, a small window for peace has opened. The reasons for this include the shock effect of the 11 September terror attacks in the United States (U.S.) and their aftermath on policy debates within the Khartoum government; the military calculations of the government and its main opposition, the Sudan People's Liberation Army (SPLA) insurgency; a difficult economic situation; and the increasing desire of the Khartoum authorities to escape international isolation and enjoy their new oil wealth. Importantly also, the U.S. government, by appointing distinguished former Senator John Danforth as Special Envoy, is showing some willingness to become more engaged.

Progress, nonetheless, will not be easy. This report makes clear that the Sudan situation is far more complex than normally portrayed in the media, or by advocates of particular causes. It is a struggle, to be sure, between a northern government that is largely Arab and Muslim and a southern insurgency that is largely black and significantly Christian, but it is also increasingly a contest between a non-democratic centre and hitherto peripheral groups from all parts of the country. It is a contest over oil and other natural resources, but also one about ideologies, including the degree to which a government's radical Islamist agenda can be moderated and a rebel movement's authoritarianism can embrace civilian democracy.

The Sudanese government faces stark choices, brought into sharp relief since 11 September. It can build on the progress that has been made on counter-terrorism and commit itself to negotiate peace seriously. Or it can

try to pocket the goodwill it has gained and intensify the war while remaining shackled to the ideology that was the inspiration of its 1989 coup.

The Sudanese opposition faces difficult choices and challenges of its own. The SPLA can remain a relatively limited rebel group, with a restricted geographic base and a low-risk minimalist partnership with its allies in the National Democratic Alliance, including a number of northern political parties. Or it can deepen its commitment to a hearts and minds campaign in the south and its cooperation with National Democratic Alliance partners around a credible peace agenda.

Among the main conclusions we reach, and recommendations we advance, are these:

- ❑ a comprehensive peace may be possible but only if the international community for the first time makes its achievement a significant objective, and commits the necessary political and diplomatic resources;
- ❑ there will be no success if the parties can continue to play one initiative off against another, which means the major existing efforts - the Egyptian-Libyan Joint Initiative, and that led by Kenya in the Inter-Governmental Authority on Development (IGAD) - must either be unified or a single new peace process created;
- ❑ a unified peace process should be built around the vital element of IGAD's Declaration of Principles, namely self-determination, recognising all the room this leaves for creative negotiation on context, detail and timing;
- ❑ a unified peace process needs to be energised from outside: the ideal team to coordinate both incentives and pressures for the parties to negotiate seriously would include the U.S., indispensably, and key Europeans — ideally the UK representing the European Union (EU) joined by Norway — with a meaningful degree of buy-in from key neighbours and other concerned states such as China, Malaysia and Canada;
- ❑ concerned members of the international community should pursue vigorously and concurrently four major interests in Sudan: stopping the war, laying the ground-work for democracy, protecting human rights and winning cooperation in the fight against terrorism; and,

- the top priority should be a comprehensive peace, grounded in the restoration of democracy, which is the circumstance most likely to bring both fundamental human rights improvements and guarantees against backsliding on terrorism.

ICG developed this report, as always, through extensive fieldwork. The primary author, Africa Program Co-Director John Prendergast, made three trips between June and November 2001 and conducted many scores of interviews in Sudan - both Khartoum and war-torn areas of the south - as well as in Egypt, Eritrea, Ethiopia, Kenya, Europe and North America. Many others on the ICG team helped with writing and production, including Mirna Galic, Regina Dubey, Philip Roessler, and Macgregor Duncan. ICG Senior Adviser John Norris played a major role in the editing process, supported by ICG Vice President (Programs) Jon Greenwald and, at the production stage, by Research Analyst Theodora Adekunle and Francesca Lawe Davies. I thank them all for invaluable contributions.

This book-length report is not the ICG's last word on Sudan. It will be followed by a series of further, shorter, field-based reports as we stay engaged with future developments. We hope very much that an end to Sudan's agony is near, and that this report will help the international policy community to accelerate that process.

Gareth Evans
President

Brussels, 10 January 2002

EXECUTIVE SUMMARY

The State of the War

Sudan's long civil war rages on, claiming a terrible toll of death and displacement. While the decades of destruction are too complex to trace back to a single source, several forces propel the war, principally disputes over religion, resources, governance and self-determination. Concentration of power in a small group of competing elites that has not granted the majority of Sudanese broader economic and political rights has only deepened the country's considerable geographic, religious cultural and ethnic divisions.

The main warring parties - the Islamist government and the opposition Sudan People's Liberation Army (SPLA) - show little interest in a serious peace process, and the international community has shown little interest in constructing one until recently. None of the dominant national and regional actors have believed they would reap short-term gains from peace. Recent events and trends have created new opportunities, however, to pursue the creation of such a serious peace process.

The stereotype of an Arab Muslim north battling an African Christian south is an anachronism. Over the last decade, the war has evolved from a largely north-south conflict into a contest for power that involves groups from across the nation. Since the coup that brought General Bashir and the National Islamic Front to power in 1989, political and military organisations from Sudan's north, east and west have joined southern groups in armed and unarmed opposition to the government.

Sudan's civil war has been prosecuted with stark brutality, principally by government forces. The government has unleashed indiscriminate aerial attacks, used famine as a weapon of war, forcibly displaced civilians and supported paramilitary forces engaging in the slave trade. The SPLA and its allied militias have indiscriminately attacked civilian populations, diverted relief supplies and forcibly recruited soldiers, including children. Direct, large-scale combat is not the norm. More often, government forces attack civilian targets as part of an effort to weaken support for the

insurgents, and the SPLA relies on guerrilla tactics against government supply lines or, increasingly, oil infrastructure.

Successive Sudanese governments have deployed the classic counter-insurgency tactic of attempting to "drain the water to catch the fish" by putting military pressure on the SPLA's civilian base of support. Unfortunately, instead of a hearts and minds strategy, repeated raids have burned villages, stolen cattle and enslaved Dinka civilians that constitute the predominant ethnic group within the SPLA. The systematic strategy of supporting militias to attack the civilian bases of SPLA support has resulted in the partial depopulation of northern Bahr al-Ghazal and the resumption of institutionalised slavery. This strategy to dislodge the SPLA appears to have backfired, however. The SPLA has held its ground and is increasing attacks on the oilfields, and popular sentiment in the south is radicalising in favour of a war for independence.

The government has pursued a divide and conquer strategy through intensive efforts to sow conflict among southerners. These have been periodically effective: war and subsequent famine during the 1990s weakened southern resistance, divided the SPLA, led to the emergence of local warlords, split the south along ethnic lines and destroyed much of the region's assets. The strategy established the foundation for resumption of oilfield exploration and, finally in 1999, development.

During the last several years, there have been increasingly active efforts to promote reconciliation among communities in the south. This bottom-up process, known as the People-to-People Peace Initiative, is the most promising vehicle for promoting southern unity and ending the bitter legacy of division. It has also indirectly put the government under greater military pressure in the oilfields.

The SPLA and southern Sudanese generally are increasingly committed to using a potential referendum on self-determination as a vehicle either for southern independence or as a means to pressure the government into making significant concessions in the context of a unified state at the negotiating table. Stepped-up military activity in the oilfields is the SPLA's principal point of leverage. Politically, the SPLA is the major player in the National Democratic Alliance, a broad coalition of more than a dozen groups from both north and south opposed to the government.

Another key member of the National Democratic Alliance is the Democratic Unionist Party, a northern opposition group with close ties to Egypt whose

leader, Muhammad Osman Mirghani, holds the symbolically important position of National Democratic Alliance chairman. The party has withstood pressure from Khartoum and Egypt to leave the Alliance.

Sudan's neighbours - particularly Egypt, Libya, Ethiopia, Uganda, Eritrea and Kenya - have too often been willing to stoke the conflict. Deep distrust, disputes over oil, water and land, and long running concerns about religion, secessionism and military adventurism create an environment of antagonism. Regional divisions have blocked any serious peace process and led to two counter-productive initiatives, the Egyptian-Libyan Joint Initiative and the Inter-Governmental Authority on Development (IGAD) process.

An activist U.S. Congress and some officials in the Clinton and Bush administrations have pressed to further isolate Sudan by proposing capital market sanctions against foreign companies doing business in the country and providing non-lethal aid to the National Democratic Alliance. Growing grassroots support in the U.S. is largely driven by portrayals of Sudan's government as waging a brutal anti-Christian campaign, including through the taking of slaves. However, the aftermath of the 11 September 2001 terror attacks creates a new dynamic in the bilateral relationship between Washington and Khartoum. It is an open question as to whether the leverage the U.S. has developed over the years, combined with the increased bilateral cooperation on counter-terrorism, will translate into serious U.S. engagement in a peace process in Sudan.

The European Union (EU) pursues a policy of "constructive engagement" with Khartoum. A number of its member states invest in the oil industry. In 1999, the EU launched a "Critical Dialogue" aimed at influencing the regime on human rights, humanitarian aid, political liberalisation, terrorism and the peace process. However, Sudanese opposition and civil society groups are deeply sceptical about the intent and effectiveness of the Critical Dialogue. The EU and the U.S. will need to resolve some of their differences if they are to work together to help create an effective peace process.

This report argues that a unique window of opportunity for peace is slightly ajar, and a new international peace effort, with close regional involvement or partnership, must be created to pry this window open. Peace is possible in Sudan, but only with a major international investment in diplomacy, incentives, and pressures. And although there must be a continuing parallel focus on human rights and counter-terrorism issues, the best means to ensure an end to the worst human rights abuses and the potential for terrorist cooperation is a comprehensive peace agreement.

Toward Peace

There has never been a multilateral, high-level, sustained international effort to build a viable peace process for Sudan. President Bush's appointment in September 2001 of former Senator John Danforth as U.S. special envoy may presage such an effort, but much remains to be done.

A number of internal and external factors are converging to create a moment that is ripe for resolving the conflict in Sudan. These include the regime's desire to end its international isolation once and for all so that it can enjoy its new oil wealth and become the regional power it believes it can be; the effective battlefield performance of the insurgents over the past year that has sobered Khartoum's assessment of its capacity to convert oil revenues easily into decisive military victory; growing interest in Sudan for both oil and human rights reasons in many Western countries; and, above all, the change in the international landscape created by the terror attacks of 11 September 2001 in the U.S. and their aftermath.

Existing peace initiatives, including the IGAD process, the Egyptian-Libyan Joint Initiative, distinct efforts by Nigeria and Eritrea, and supplementary efforts by the U.S. and Europe, reflect competing priorities. They have not been coordinated and undermine one another. None involve continuous negotiations. The warring parties simply do not believe that any has a chance of success.

IGAD, the longest running, is chaired by Kenya, with involvement of Uganda, Ethiopia and Eritrea. In 1994 it produced the Declaration of Principles, seven brief propositions that have formed the basis of subsequent negotiations. They envision a peace agreement structured around a democratic and secular Sudan and call for the sharing of national wealth and resources. Failing that, they support negotiations over modalities of a self-determination referendum for the south. The government has since back-pedalled from the Declaration of Principles as the basis for negotiation.

European and North American countries belong to the IGAD Partners Forum, which is divided about how best to exert pressure. IGAD itself has not worked seriously with the Partners Forum, which is too large and poorly led to wield any influence over the process or the parties.

The U.S. has also made unilateral efforts, including a failed attempt to host an IGAD session in Washington in late 2000. In addition, the U.S. has promised to help the National Democratic Alliance build negotiating

capability. The Danforth appointment represents the highest-level commitment to supporting peace in Sudan that any administration in Washington has made.

The Egyptian-Libyan Joint Initiative was launched in, 1999, largely to undercut support for the IGAD Declaration of Principles emphasis on self-determination. Its minimum objective is to draw northern parties back into government as a moderating influence on the National Islamic Front. The SPLA will not support this initiative without major changes.

Sudanese are nearly unanimous in arguing that the most valuable immediate contribution the international community could make would be to address the schism between the competing peace initiatives. The most intense opposition has in the past been from Kenya and Egypt, although U.S. envoy Danforth has made some progress in this regard. There is total unanimity around the need to construct a unified peace process backed by serious international leverage.

A unified forum will need at a minimum a new joint secretariat, expert mediators and sufficient resources to convene face-to-face talks. The mediation team should include a clearly identified lead negotiator of sufficient gravitas and authority to report directly to relevant heads of state. Given the concerns of countries like Saudi Arabia, Nigeria, South Africa, China and Malaysia, as well as the institutional mandate of groups like the Arab League and the Organisation of African Unity, some form of observer status should be considered. Widening the external stakeholders should be accompanied by a widening of Sudanese participation in the process, principally to include the National Democratic Alliance and the Umma Party.

Any peace agreement should include external guarantees, likely a robust international peacekeeping or observer force and pre-defined sanctions that the international community would apply if the agreement were violated. An agreement should also include a transparent wealth sharing mechanism that would allow both sides to fund their own development and governance efforts.

The expansion of oil development has complicated the search for peace, raised the stakes of the war and given both sides an increased commitment to the battlefield. Any equitable peace deal will require oil revenue sharing. The government enjoys a rapidly increasing defence budget since 1999 and improving relations with countries eager to develop lucrative oil contracts. Despite strong rhetorical support for religious fundamentalism, maintaining

the unity of the country and keeping control of the oilfields is now its predominant objective. The SPLA considers it must disrupt the government's control of oil by mounting substantial attacks on the oil fields or face defeat.

China and Malaysia are the most assertive foreign investors, comprising over 60 per cent of the consortium developing the oil industry. Sudan is a growing market for Chinese arms and other industrial goods as well. Sudan needs the international credit, arms, and oil market that China provides, as well as political cover in the UN Security Council. It needs bridge loans from Malaysia for International Monetary Fund (IMF) program debt servicing requirements. The influence exercised by both China and Malaysia means that a significant commitment by them to the peace process would be extremely helpful, and in their own best long-term strategic interests.

Given the stand-off between the regional peace initiatives, an extra-regional initiative with intensive regional participation, or a partnership between extra-regional actors and IGAD, is the option for moving forward that holds the greatest promise. The warring parties are urging that the U.S. consider such a role. Given the window of opportunity that has opened for peace in Sudan, President Bush must consider seriously the necessity of a more direct role in peacemaking, in close coordination with regional actors.

The broad strokes of a peace deal could potentially include the following fundamental compromises:

- a federal constitution neither based on religion nor labelled secular, with each regional entity or state able to craft its own laws;
- asymmetrical federalism (with a higher degree of autonomy for the south) during an interim period, backed by credible international guarantees, with mutually agreed benchmarks that if not met would trigger a self-determination referendum for the south; and,
- an internationally monitored mechanism for wealth sharing that ensures that all sides benefit from implementation.

The elements needed in a fresh initiative are clear, and will need to include a comprehensive agenda, representation of all the key parties and leadership from outside the region with the serious involvement of the regional nations. This effort will also need to be built around a set of principles on which negotiations would rely, including all those elements outlined in the IGAD Declaration of Principles, in particular the right of self-determination, but with some alteration

of the approach and sequencing to allow for a more rational negotiating effort. The international community will also need to develop a forum for constructing international incentives and pressures in order to maximise multilateral leverage.

Even if the U.S. ultimately chooses not to mediate between the parties, or is blocked from that role by Sudanese government bilateral concerns, it remains the best positioned to lead, along with key Europeans (ideally the UK representing the EU joined by Norway), the development and implementation of the peace strategy, with a meaningful degree of buy-in from key neighbours and other concerned states such as China, Malaysia and Canada.

Without a major diplomatic effort to build multilateral leverage, peace is unlikely. Consensus is needed on a multilateral package of incentives and pressures. This will require intensive U.S.-EU talks - the outcome of which should be the U.S. becoming more forthcoming on incentives and the EU becoming tougher in applying pressure - followed by consultations to engage China, Malaysia and key Arab League and African countries in a larger peace advocacy strategy.

Donors could construct a meaningful platter of incentives, but developing serious pressures will be much more contentious. U.S. Envoy Danforth might deliver a useful unilateral message that without progress toward peace the Bush administration will soon no longer be able to withstand demands for capital market sanctions or U.S. assistance to the opposition. However, if Sudan continues meaningful counter-terrorism cooperation, some in the U.S. administration will advocate accommodating, not confronting, Khartoum.

Other pressures that could be applied to the government include blocking access to the IMF and the World Bank, especially for help in redressing a huge debt overhang, and keeping it out of the World Trade Organisation. Any support that helps reduce divisions within the south and between communities on the north-south border will add pressure on the government to negotiate, whether it is support for community-level peace talks, negotiations between southern factions or the proposed Southern Sudan Peace and Unity Dividend Fund. More robust diplomatic efforts could also be aimed at reducing the virtually unimpeded flow of arms to the government. Non-military assistance to opposition political party and civil society groups is also a useful lever, including aid to strengthen the civil defence capacity of southern Sudanese villages. Direct military assistance to the SPLA, however, would likely be too small to affect the military balance and would be used by the government to solicit more money and weapons from the Islamic world. If the Danforth mission fails, however, and counter-terrorism cooperation ceases, the Bush administration may no longer oppose arming the opposition.

The incentives that might help persuade Khartoum to embrace an agreement mostly should be triggered when a comprehensive peace agreement is reached. Removal of U.S. opposition to Paris Club financing, IMF lending and World Bank credits for Sudan would probably be the strongest and should await the beginning of implementation of a peace agreement. Other incentives include lifting U.S. unilateral sanctions and providing major reconstruction assistance throughout Sudan.

Pressure points on the opposition include reducing arms transfers by pressuring regional suppliers. Neighbouring countries that support the SPLA and the National Democratic Alliance militarily have considerable leverage, as do other African countries providing arms. At key junctures, it will be crucial for the U.S. and regional SPLA political allies to be willing to apply serious diplomatic pressure on the movement to participate constructively. If the SPLA becomes the obstacle to a peace agreement, its treatment within the UN's Operation Lifeline Sudan framework should be downgraded, and any institution-building support ended.

Incentives for the opposition include promises of support for implementation of a peace agreement, such as creating a peacekeeping or observer force and monitoring any wealth sharing provisions. A blueprint for the reconstruction of the south would be a major incentive for southern negotiators.

Conclusions and Recommendations on the Peace Process

- ❑ *A fresh peace initiative, stimulated and guided from outside the region, but also closely involving Sudan's neighbours, is needed.*
- ❑ *The U.S. and key Europeans (ideally the UK representing the EU joined by Norway) should take the lead in the development and implementation of the peace strategy, with a meaningful degree of buy-in from key neighbours and other concerned states such as China, Malaysia and Canada.*
- ❑ *The elements needed in a fresh initiative include: a comprehensive agenda; representation of all key parties; a set of principles including the essentials of the IGAD Declaration of Principles, in particular the right of self-determination, but allowing some flexibility in approach and sequencing to facilitate a more rational negotiation; and a forum for constructing international incentives and pressures in order to maximise multilateral leverage.*
- ❑ *The international community has substantial leverage (both positive and negative incentives relating to political support, economic and military*

assistance, and the conferral of legitimacy) that it can use with the parties to encourage movement toward a comprehensive, viable peace. Those who wish to participate in a new effort to achieve such a peace need to discuss urgently a strategy for exercising that leverage.

- ❑ *Since most participants in an international strategy will be more willing to use incentives, the U.S. should be prepared to act unilaterally when addressing the Sudanese government with the consequences of negative behaviour.*
- ❑ *International leverage should be applied solely in pursuit of a comprehensive peace agreement, not used up for the achievement of lesser or incremental objectives.*
- ❑ *On a ceasefire, the Ethiopia-Eritrea peace negotiations are a useful source of lessons learned. Rather than seek a ceasefire before any agreement or postpone that step until everything is agreed, the international community could encourage an initial agreement on separation of forces and cessation of hostilities that would include a security protocol with international guarantees and, possibly, definition of an internationally guaranteed autonomous administration in opposition-controlled areas during a clearly limited interim period. Fundamental to such a preliminary bargain would be a serious deal over the sharing of oil revenues. Alternatively, time-specific cessation of hostilities could be tied directly to peace negotiations.*

Building Democracy

It would be a grave mistake for the international community to overlook the importance of a restoration of democracy as a key element of any comprehensive peace agreement in Sudan, as well as any sustainable counter-terrorism policy. Peace will only be viable if democratic principles take root. While much international assistance will continue to focus on the most pressing humanitarian needs, support for democracy and pro-democracy elements could have an important impact over time.

The international community needs to understand not only that Sudan desperately requires a reinvigorated peace process, but also that peace will only be viable if democratic principles take root. Pro-democracy elements - whether civil society organisations, free press advocates and practitioners, or political parties - are beleaguered. Any peace agreement will have a much better chance of being implemented if democratic institutions are in place. Institutions that demonstrate the tangible benefits of popular participation, responsiveness, tolerance for diversity and respect for basic freedoms would provide the underpinnings for a Sudan that can eventually be stable.

Some of the most worthwhile forms of aid would include training and technical assistance for civil society organisations and leadership and organising training for political parties, universities, trade unions, women's and community groups. Equally important will be institutional support to human rights groups and support for independent media and provision of radio broadcasting equipment and training.

Consideration should be given to making a substantial investment in the civil administration capacity of National Democratic Alliance organisations in opposition-controlled areas, predominantly in the south. This capacity will be key in carrying out any peace agreement. However, the government will regard such assistance as a direct threat to its authority. In general, aid to civil society groups should be carefully framed and delivered in a low-key fashion to avoid allowing it to become a propaganda tool for the government depicting outside actors meddling in Sudan. The model of Western assistance to civil society groups in Serbia during the rule of President Milosevic is a useful one in this regard.

Conclusions and Recommendations on Democracy

- ❑ *Restoration of democracy needs to be an integral component of a comprehensive peace. Working democratic institutions are vital to maintaining a viable peace.*
- ❑ *The international community should provide support for democratic forces in Sudan, which for years have been bludgeoned by the government and, to a lesser extent, by the SPLA.*
- ❑ *Assistance programs should give high priority to institutional and capacity-building support for political parties working for a return to democracy and to civil society and local institutions that can demonstrate the benefits of popular participation, responsiveness, tolerance for diversity and respect for basic freedoms.*
- ❑ *Much can be done to organise community groups accustomed to operating on a shoestring. Small amounts of aid to civil administration and civil society in both opposition and government-held areas, north and south, would go much farther than equivalent aid to the government.*
- ❑ *The international community should encourage the SPLA through political messages and assistance programs to move from military to civilian rule in the territory it controls and democratise itself as a party and governing structure.*

Protecting Human Rights

Slave Raiding. A critical element in curbing slavery will be direct pressure on the government. It recruits, trains, arms and supplies militias who conduct most raids that result in large-scale abductions, and turns a blind eye to their atrocities. If the government is serious about ending slavery, it must rein in the militias and be held accountable if it does not. The government has repeatedly denied that slavery exists in Sudan and indicated it is willing to allow a full and unimpeded investigation. The international community should take this up and conduct such an investigation to create a registry identifying and cataloguing alleged cases of slavery, help locate these individuals and advocate for their freedom. The government has also indicated that it will establish courts to address allegations of slavery. This initiative should be closely followed and supported if it is serious.

The SPLA has responded to slave raiding, often carried out by Arab Baggara militias, by redeploying units to protect these areas, strengthening civil defence and facilitating local peace agreements between Dinka and Baggara communities. One of the most important initiatives the international community could take to stem slave raiding would be to create a Southern Sudan Peace and Unity Dividend Fund to support these local peace initiatives. The Fund should support consolidation of local peace agreements by focusing development aid in the major market towns where African and Arab merchants converge and vaccinate cattle when the Baggara bring their animals into Dinka areas, targeting both Dinka and Baggara cattle. The Fund would also provide communication between Dinka and Baggara chiefs through such low-tech, inexpensive means as radios and bicycles.

Donors should also consider targeting support to buttress civil defence mechanisms that deter slave raids. This aid requires careful monitoring, however, because the SPLA will be tempted to appropriate communication equipment, fuel and vehicles for its own military needs.

Human Rights and Oil. North American and European Non-Governmental Organisations, legislators and human rights activists have spearheaded a growing campaign for a more robust international response to abuses in Sudan, including denying access to U.S. capital markets for companies involved in oil development. Significant pressure has been placed on the share price of Talisman, the Canadian company participating in the Sudanese oil consortium, leading it to seek a buyer for its Sudan holdings. Opposition to capital market sanctions within the U.S. has also been vigorous, led by Wall Street lobbying firms and the Bush administration.

Following the 11 September attacks, Congress decided to hold off action on capital market sanctions for six months to give time for progress on terrorism, human rights and peace agendas. It abruptly reversed course, however, in mid-November: active consideration of capital market sanctions by Congress gives the executive branch useful additional leverage in any new effort to end the war.

Other Human Rights Issues. Much of the efforts towards unity and reconciliation in Upper Nile are built around the New Sudan Council of Churches' grassroots peacemaking initiative. The international community should support these efforts and expand the Council's capacity by funding project managers to oversee its initiatives. Donors and diplomats should also more actively seek ways to support both the Wunlit Peace Council and the East Bank Peace Council, structures created by successful local processes.

The international community should likewise explore avenues for promoting southern unity with the remaining holdout Nuer commanders of the splinter Sudan People's Democratic Front. Once again, creation of a Southern Sudan Peace and Unity Dividend Fund is critical to buttress progress. Where local agreements have been reached, the international community could provide radios to improve communication between border chiefs who serve as trouble-shooters and establish schools and training opportunities bringing together people from communities formerly in conflict. Efforts should also be made to create a demobilisation program for militia members, substantially increase humanitarian assistance and provide logistical help for chiefs, church officials, SPLA leaders and faction representatives in support of implementation of agreements.

The SPLA must also be held accountable for treatment of civilians in its areas of control and for how it prosecutes the war. Governments and human rights organisations should continue to monitor the SPLA's human rights practices, condemn abuses and apply pressure for improvement. If the SPLA endeavours to establish a foundation for future government in the south and other areas it administers, it must adhere to a higher standard than it does currently.

The international community can influence reform within the SPLA by supporting civil administration and strengthening civilian leadership, including through expanded training and assistance to the judicial system, and in support of management of local budgets and taxation systems. Reform would also be bolstered by help in establishing delivery systems in

primary health care, veterinary services and agricultural extension and support for expanded primary and secondary education throughout the south, including continuing education for civil administrators. Technical assistance for creating more democratic structures, including promotion of local elections, would also be welcome.

Better access for humanitarian assistance is also vital. The U.S. negotiating team was able to break the logjam and convince the government to allow aid to go to the Nuba Mountains via the UN. Early success here can provide a building block for further expansion of access. Donor governments and the UN Secretary General's Special Envoy for Humanitarian Affairs, Tom Vraalsen, should follow up on Sudanese Vice President Ali Osman Taha's statement that restrictions on aid access could be ended if there was a monitoring mechanism to ensure no military or other direct support was being given to the SPLA.

In sum, this is a brutal war in which massive human rights violations are committed regularly. As long as this war continues, so will these abuses, and so will the instability that provides a breeding ground and potential haven for terrorists. Although the international community should continue to focus on ending these abuses, the surest way to stop them is to focus on resolving the conflict. There is an opportunity now to do so, and the international community - and the Sudanese parties - must not miss it.

Conclusions and Recommendations on Human Rights

- ❑ *Gross human rights abuses, substantially but by no means exclusively committed by the government, are a fundamental result of the civil war but also constitute hindrances to peace and reconciliation.*
- ❑ *The international community should be more active in counteracting human rights abuses but it should seek to do so in ways that are at least consistent with, and wherever possible complementary to, the priority attempt to carry through a comprehensive peace process which, if successful, would best address the worst abuses.*
- ❑ *Slavery exists in Sudan, and the taking of slaves through regular raiding by pro-government militias has been at least tolerated by Khartoum as an element of its strategy to neutralise the areas of greatest SPLA support and protect the oil fields.*
- ❑ *The most effective action the international community could take to combat slavery and slave raiding (other than achieving a comprehensive peace), as well*

as to promote an end to inter-communal fighting in the south, would be to establish a Southern Sudan Peace and Unity Dividend Fund to encourage local peace agreements between the Dinka and Baggara communities in Bahr al-Ghazal and between Dinka and Nuer and within Nuer communities in the Upper Nile.

- *If support is provided to enhance the civil defence capabilities in communities most vulnerable to slave-raiding, the international community should also seek to construct a multilateral, negotiated, low-cost monitoring effort both to ensure that its support for civil defence efforts are not misused by the SPLA for military purposes and to keep pressure on the government to end or at least disassociate itself from heinous practices. It should test professed government willingness to permit an extensive international investigation of slavery allegations.*
- *The international community should press both sides, but especially the government, which has been a consistent and long-term offender, to end the use of food as a weapon. If the government breaks the promising agreement brokered by the U.S. in November 2001 to allow UN aid to the Nuba Mountain areas controlled by the SPLA, the matter should be referred to the UN Security Council.*
- *While its record has improved, the SPLA has also committed human rights abuses, particularly in the conduct of its struggle with breakaway southern factions, and it has shown only limited interest as yet in developing genuinely democratic institutions. The international community should hold the SPLA accountable for its behaviour; apply pressure for further improvement and support independent voices and traditional structures within southern Sudan as a means of expanding participation and building SPLA accountability.*

Terrorism

After the National Islamic Front seized power, it established Khartoum as a base for militant Islamist internationalism, and radical movements, including terrorist organisations, flocked to Khartoum. In return for financial support, Sudan provided Osama bin Laden and his al-Qaida network logistical aid and a safe haven from 1991 until 1996.

The imposition of United Nations sanctions in 1996 for alleged connections to an assassination attempt on President Mubarak of Egypt marked the nadir of Sudan's isolation. At this time the government discussed with the U.S. arresting bin Laden, and it ultimately asked him to leave the country, principally because of increasing pressure on the regime. With growing oil revenues, Sudan has become less dependent on private Islamists for financing and support and more eager to avoid international condemnation and sanctions.

In the wake of the 11 September attacks, hard-line and moderate elements of the National Islamic Front converged around a tactical effort to reduce international isolation through early and aggressive cooperation on terrorism. However, this also sparked a struggle for the soul of the ruling party. There is potential for different outcomes, including an evolution and liberalisation of the Front or an Islamist retrenchment and revival.

In the immediate term, further steps that Khartoum must take to cut ties with terrorism and match its rhetoric of cooperation with reality include closing terrorist bank accounts and shutting down and liquidating terrorist-related commercial interests. Sudan will also need to end the ease of access to Sudanese consular support for those with links to terror organisations and provide full information about and terminate any support to Sudanese philanthropic organisations that have fronted as terrorist fundraising organs. The government should also scrutinise school curricula for hate propaganda against non-Muslims and expel or apprehend those suspects identified by international investigators.

There is some risk that the desire to work with the government in the fight against terrorism will divert Western attention from other priorities. The challenge for the U.S. and others will be to use the relationship such cooperation is producing to also move forward the peace, democratisation and human rights agendas.

A stable peace and return to democracy are the best guarantees that Sudan will not revert to past patterns of cooperation with terrorist organisations. It should also be remembered that changes in the regime's relationships with international terrorist organisations have come primarily as a result of pressure and partial isolation, a lesson that has major implications for moving the peace process forward as well.

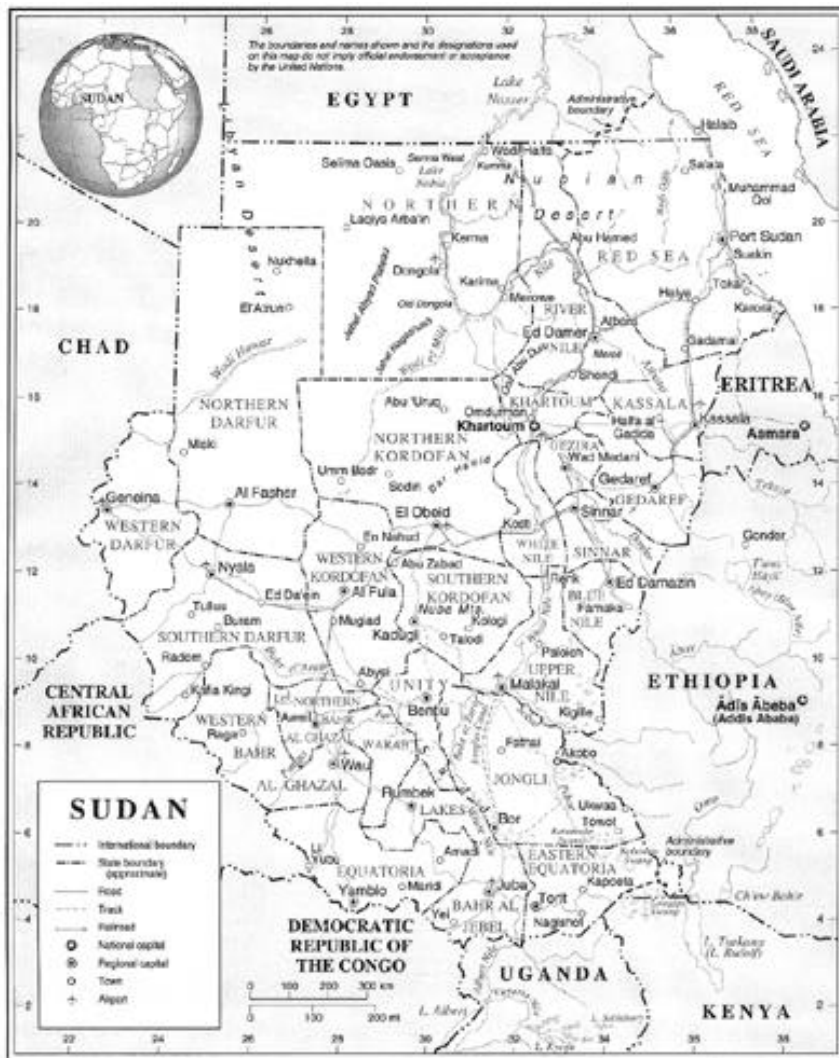
Conclusions and Recommendations on Terrorism

- ❑ *Sudan should move beyond information sharing support for counter-terrorism and act to cut its remaining links to extremist organisations and individuals.*
- ❑ *As the immediate crisis produced by the 11 September 2001 terror attacks on the U.S. is resolved, priority in bilateral relations of Western countries with Sudan should be directed toward achieving a comprehensive and viable peace in that country, which is the best guarantee that Khartoum will not backslide on terrorism.*

PART I.

CONTEXT AND BACKGROUND

SUDAN



Map No. 2787 Rev. 3 UNITED NATIONS September 2008

Department of Public Information Geographic Section

Source: United Nations

1. CONFLICT WITHOUT END?

"Liberation is better than peace".
Southern Sudanese proverb¹

The civil war in Sudan continues to further fragment large parts of a country decimated by long running conflict. Recent international developments and events on the ground now mean that there is a window of opportunity for peace in Sudan. However, this will require constructing a serious peace process, which will only prove effective if backed by vigorous multilateral leverage.

A. Introduction

Sharply divided by geography, culture, race, ethnicity and religion, Sudan is the world's foremost example of a seemingly intractable and endless civil war. Conflict has consumed the country for 34 of its 45 years of independence and remains the only constant factor in a land whose population has repeatedly been devastated. Successive civilian and military regimes have been drawn inexorably into further bloodshed and escalating violence. The catalogue of mayhem in this sprawling country of 36 million people covering a territory about the size of Western Europe, especially since the civil war resumed in 1983, rivals that of any seen since World War II.

An estimated two million people have died as a result of the fighting over the past eighteen years, victims of direct violence or related starvation and disease.² Half a million refugees have spilled into neighbouring countries, and roughly four million people have been displaced and driven from their homes within Sudan - the largest such dislocation in the world today. Indeed, one out of every eight people rendered homeless by war around the world is from Sudan.³

While it was once fashionable to talk of a "lost generation of children" in Sudan, even this bleak notion now seems inadequate. The reality is that

¹ As recounted to ICG in southern Sudan, 12 July 2001. Dates and locations of certain interviews are withheld for security reasons.

² The U.S. Committee for Refugees conducted a quantitative analysis of all resources on Sudan since the war began to derive this estimate, and it has become a commonly accepted number in the absence of any better data. For an estimate of more than 1.9 million deaths, see Millard Burr, *Quantifying Genocide in Southern Sudan and the Nuba Mountains, 1983-1998*, U.S. Committee for Refugees, December 1998.

³ U.S. Committee for Refugees, *USCR World Refugee Survey 2001*, June 2001, and its 1999 edition, September 1999.

generations of children, particularly in the southern regions, have never had sustained opportunities to access basic education, health care, clean water or adequate food. Children across the country do have access to guns, however, and opportunities to join militias, rebels groups and the government military. The culture of the warlord is predominant, and for many young people, it represents the only livelihood.

The international community has poured humanitarian relief into Sudan on a massive scale - billions of dollars since 1983 - but this has barely addressed the symptoms while doing nothing about the causes of the country's suffering - religious intolerance, racial discrimination, rapacious resource extraction and elite domination. For God, oil and country, Sudan is being ripped apart at the seams.

This report argues that now is the right time to rectify this historic imbalance in international commitment. A window of opportunity for peace has opened slightly in the aftermath of the 11 September terrorist attacks and other, Sudan-specific, trends and developments. A new international peace effort with close regional involvement or partnership must be forged now to take advantage of this unique confluence of factors. Peace is indeed possible in Sudan, but only with a major international investment in diplomacy, incentives and pressures. It won't be easy.

The major foes - the National Islamic Front⁴ government and the opposition Sudan People's Liberation Army (SPLA)⁵ - have prosecuted the civil war with stark brutality, although the government has usually carried out the worst abuses, and each has the capacity to continue indefinitely. Atrocities are perpetrated with impunity, though again principally by government forces. Tactics including indiscriminate aerial bombardment, the use of famine as a weapon, forced displacement and support for paramilitary forces engaging in the slave trade are routine. The Washington-based Holocaust Museum's Committee of Conscience has made Sudan the first and only country on its five-year-old "genocide watch list". Both sides have proved more adept at encouraging others to fight than in broadening their own appeal. Sudanese society is fragmenting into smaller and smaller shards, making any process of peace or reconciliation more difficult.

⁴ For consistency within the report, National Islamic Front is used rather than the pre-party title of "Muslim Brotherhood" or the recent name change to the "National Congress Party".

⁵ SPLA will be used throughout the text to denote the Sudan People's Liberation Movement/Army, the principal armed opposition group in Sudan.

The SPLA and southern Sudanese political forces generally are increasingly committed to self-determination. The SPLA's ability to survive on the battlefield and the government's unwillingness to negotiate in good faith have convinced southerners that an independence referendum is the only goal that justifies the enormous cost of the war, and remains southerners' best leverage to ensure that Khartoum lives up to any agreement it signs. As one front line SPLA commander told ICG, "Either we are defeated militarily or we gain our total freedom. We cannot surrender. There is no middle ground".⁶ Another senior SPLA commander on the other side of the country conveyed almost the same message, "The issues between us are irreconcilable...The war will continue. There is no middle way".⁷

The government is equally determined. Exploitation of major oil deposits since 1999 has increased its belief that it can prevail⁸ militarily and raised the stakes of the war dramatically. Despite strong rhetorical support for religious fundamentalism, its primary objectives are now maintaining the unity of the country and keeping control of and protecting the oilfields. Religious fundamentalism of the type witnessed early in the rule of the National Islamic Front regime is eroding, though still potent.

The government has generally controlled roughly the northern two-thirds of Sudan, while the SPLA has largely been based in the southern third, with some pockets of resistance in the north. Sudan is 65 per cent African and 35 per cent Arab. Over 70 per cent of Sudanese are Muslim, of whom a large percentage is of African descent. Most of the rest follow traditional religions, with 5-10 per cent being Christian. Up to two million originally southern Sudanese live in the north, further diversifying the picture. The reality is thus much more complex than the stereotype of an Arab Muslim north battling an African Christian south.⁹

Likewise, the issue of southern self-determination is only one of a profoundly divisive group of factors fuelling the civil war. Outstanding points of conflict also include the role of religion and the state, the nature of the political system (authoritarian vs. democratic), resource sharing, border disputes and racial and economic discrimination.

⁶ ICG interview in southern Sudan, 11 July 2001.

⁷ ICG interview, 17 July 2001.

⁸ To prevail in this context means either to win outright or to render the SPLA irrelevant, particularly in the oilfields.

⁹ "Calling [Sudan's civil war] a north-south conflict disadvantages the cause of the southerners and those marginalised throughout the rest of the country", says one southern Sudanese community leader. "Because people are Muslim does not mean they are Arab". ICG interview in southern Sudan, 30 September 2001.

Indeed, the war has evolved over the last decade into a contest for power that involves groups from across the nation. Since the coup that brought the present government to power in 1989, political and military organisations from the north, east and west have joined southern groups in opposition.¹⁰ Driving this wider national war is a conflict between the centre and the periphery, as groups outside a small clique of traditionally favoured northern Arab Muslims¹¹ begin to react against their historic marginalisation, and groups throughout the country seek to repudiate the government's dominance.

The costs of the conflict to the international community are much higher than the humanitarian bills it has been paying. The turmoil is destabilising neighbouring states, many of which struggle with violence and secessionism themselves. Sudan's agony is also inextricably linked to the country's long-standing ties to terrorist organisations. At least in the recent past, Sudan has aided and abetted representatives and businesses of terrorist groups, and it provided Osama bin Laden refuge until U.S. pressure led to his departure in 1996. As long as violent despair and opportunism remain the national norm, Sudan, much like Afghanistan, will provide a rich breeding ground for international terrorism and extremism.

For a variety of reasons, however, Sudan's neighbours and the international community at large have often been content to allow the war sufficient fuel to continue its long burn. The nine countries that border Sudan - the Central African Republic, Chad, the Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Libya and Uganda - have frequently supported Sudanese factions, hoping to keep their large neighbour destabilized or to remove perceived threats to their own governments.

The past two decades have produced a graveyard of failed international peace initiatives. However, there has never been a multilateral, high-level effort to build a viable peace process and create coordinated leverage to encourage serious engagement by the parties. Until that happens, no one knows if genuine compromise or even a substantive dialogue might be possible.

The human rights abuses of the civil war have elicited an interest from growing constituencies in North America and Europe not seen on an African

¹⁰ Ironically, competition between the major regional peace initiatives threatens to turn the conflict back into a north-south issue, thus making the war even more difficult to resolve.

¹¹ Competing groups of northern, Arab Muslim oligarchies have vied for access to the benefits of the Sudanese state for over a century. The National Islamic Front is the latest hegemonic faction to emerge from this narrow competition for power.

issue since the fight against apartheid in South Africa. This coalition seeks greater pressure on the Khartoum government. Meanwhile, there have been increasing calls for the international community - particularly the U.S. - to make a comprehensive peace agreement a major policy priority.¹² The September 2001 appointment of former Senator John Danforth as a special U.S. peace envoy suggested this might be a real possibility.

The 11 September 2001 terrorist attacks on New York and Washington, however, have added a new complication. They make Sudan, as a state with a history and a certain affinity toward extremist Islamic groups and movements, of even greater international interest. How this will translate into longer-term policies, both in Khartoum and in Western capitals, is the great unknown. What is becoming clear, however, is that a confluence of events and factors provide a window of opportunity for peacemaking efforts in 2002. The U.S., with its new special envoy, former Senator Danforth, is best positioned to act as a catalyst for peace at this moment, whether in support of other efforts or more directly.

This report examines the prospects for peace in Sudan. It runs through the historical context of war in Sudan, and suggests why a window of opportunity for peace has opened at this juncture. It also offers a detailed analysis of the parties to the civil war, the economic, social, political and religious forces that drive the conflict and the potential leverage that each side believes it has. Special attention is also given to the role of regional actors and the prominent - but largely ineffective - part played by the broader international community. The often competing peace processes are considered in detail, and practical steps to break the impasse are recommended, with the responsibilities for local actors, regional states and the major international players clearly identified. In short, this effort is intended to provide a comprehensive analytical framework for the sources of conflict in Sudan and realistic policy prescriptions for its resolution.

B. Sudan Before 1989

Like many colonial creations, Sudan amalgamated territory and peoples that had never previously been a coherent entity. Much of northern Sudan is an arid desert, while the south has large areas of rain forests and

¹² See Francis Deng and Stephen Morrison, "U.S. Policy to End Sudan's War", Center for Strategic and International Studies (CSIS), February 2001, and "U.S. Government Must Adopt a 'Peace First' Policy Towards Sudan: A Joint Statement by CARE, World Vision, International Rescue Committee, and Save the Children", 22 June 2001.

swamps. Some places in the far north receive only a week of rain, while the far south can get nine months of rainfall. The experiences of those in north and south have often been as sharply different as Sudan's climate and geography.

Many difficulties arise from the colonial legacy. When Sudan fell under the control of Britain and its quasi-protectorate¹³ Egypt in 1898, a joint-authority government was formed. Britain took over management of southern Sudan, leaving the north under nominal Egyptian rule (largely as a nod to former Egyptian territorial claims). Britain developed a "Southern Policy", the primary aim of which was to prevent economic integration of the two regions in order to curtail the north's Arabic and Islamic influence.¹⁴ The British saw a distinct south as a buffer that could preserve English values and beliefs, such as Christianity, and eventually either be developed into a separate political entity or integrated into British East Africa.¹⁵ A Christian missionary presence was encouraged in the south, as were the English language and legal traditions. The southern provinces were largely closed off to northern contact and increasingly isolated.¹⁶

In the north, where Egypt encouraged Islamic values, Britain focused its efforts largely on economic and social development. Consequently, as disproportionate economic and political power came to be centred in the north, the two regions' cultural and religious identities became more divisive, and the stage was set for discord. In 1947, after realizing the inevitability of Sudanese independence, the British fused the separately ruled zones and gave political power to the northern elite. This transfer at the expense of the south sowed the seeds of war within newly independent Sudan. As former Sudanese Foreign Minister Francis Deng, currently a professor at the City University of New York, writes: "For the South...independence was to prove merely a change of outside masters, with the northerners taking over from the British and defining the nation in accordance with the symbols of their Arab-Islamic identity".¹⁷

With independence imminent, the northern elite commenced "Sudanisation"- replacing British officials with Sudanese nationals. Almost all colonial administrators were removed between June and November 1954.

13 Britain became involved in Egyptian affairs in the 1870s but did not declare a protectorate over Egypt until 1914.

14 Peter Woodward, "Sudan: War without End", in Oliver Furley (ed.) *Conflict in Africa* (New York, 1995).

15 Robert Collins, *Shadows in the Grass* (New Haven, 1983).

16 History of Sudan, *Britain's Southern Policy*, p. 1.

17 Francis M. Deng, *War of Visions*, Brookings Institution, Washington D.C., 1995.

This massive infiltration of northerners into the government greatly alarmed southerners.¹⁸ In September 1956, the Legislative Assembly appointed a committee to draft a national constitution, only three of whose 46 members were southerners. The southern delegation walked out after its repeated calls for a federal constitution were outvoted.¹⁹

Violent conflict broke out even before independence in January 1956. In 1955, as independence approached, southern apprehension led to riots and a bloody rebellion. After hearing rumours that they were to be disarmed and transferred to the north, soldiers from the army's Southern Corps mutinied, and at least 300 people (mostly northerners) died. Mutineers who evaded imprisonment fled into the bush or neighbouring countries.

In November 1958, the army, led by General Ibrahim Abboud, seized power. The military regime suppressed opposition, imprisoning politicians, trade unionists, students and communists. Abboud also launched a controversial effort to accelerate "Islamisation" of the south through an aggressive proselytising campaign. His repression forced thousands of southerners into exile in Uganda, Kenya, Ethiopia, and the Central African Republic. These refugees formed opposition organisations, the most significant of which came to be known as the Sudan African National Union. It petitioned the United Nations and the Organisation of African Unity (OAU), arguing for self-determination and a peaceful solution to the southern Sudan problem.

While the Sudan African National Union was emerging as a political voice, a southern Sudanese military movement, the *Anya-Nya* ("snake poison"), composed mainly of former soldiers and policemen from the 1955 mutiny, materialised out of the bush. Feeling underrepresented and discriminated against, the southern civilian population supported *Anya-Nya*. General Abboud responded with a sweeping military campaign, and over half a million southerners fled as refugees.²⁰ As the war intensified and the government refused to acknowledge its root cause was the lack of southern political and economic power, even the Sudan African National Union, which initially condemned the *Anya-Nya*'s violent tactics, organized guerrilla attacks.²¹ By 1963, there was full-fledged civil war.

18 Of the eight hundred posts granted by the Sudanese Public Service during this period, southerners received only six junior positions. Taisier M. Ali and Robert O. Matthews, *Civil Wars in Africa* (London, 1999), p. 203.

19 Francis M. Deng, "Negotiating a Hidden Agenda: Sudan's Conflict of Identities" in I. William Zartman (ed.) *Evasive Peace: Negotiating an End to Civil Wars*, Brookings Institution, Washington D.C., 1995, p. 86.

20 Mohamed Omer Beshir, *The Southern Sudan: Background to Conflict* (London, 1968), p. 84.

21 Dunstan Wai, *The African-Arab Conflict in the Sudan* (New York, 1981), p. 90. Mohamed Omer Beshir, *The Southern Sudan: From Conflict to Peace* (London, 1975), p. 87.

A northern civilian uprising forced Abboud from power in October 1964, and the opportunity for peace looked more promising until a roundtable conference in Khartoum the next year failed to bring a political settlement. The war intensified and became dangerously internationalised, with increasing numbers of foreign powers supporting either the government or the *Anya-Nya*, and sometimes both.

For example, in 1965 rebels from the Congo (DRC) provided *Anya-Nya* with arms.²² Israel became a key financier of *Anya-Nya* after the Six-Day War of June 1967 and shipped weapons captured from Egypt,²³ hoping this would encourage the government to limit its assistance to Middle East nations. Israel established a base in Uganda and began training and supporting *Anya-Nya* troops, who also relied on Ethiopia as a sanctuary.

Khartoum responded to Israeli support for *Anya-Nya* by strengthening its alliance with Egypt. Other Muslim nations - the United Arab Emirates, Algeria, Saudi Arabia and Kuwait - aided the war effort by providing arms, ammunition and funds.²⁴ The government's main financier, however, was the Soviet Union. Soviet aid increased dramatically after the Six-Day War, and in January 1968 Sudan and the Soviet Union signed a U.S.\$100 million agreement.²⁵

In 1969, General Jaafar al-Nimeiri came to power in a *coup d'état*. Given that Sudan straddles the Nile and has access to the Red Sea, it increasingly came to be seen as a Cold War battleground. Nimeiri actively courted the Soviet Union and other communist states. He increased trade with the Eastern bloc and came to rely on Moscow for financing and armaments to wage the civil war.²⁶ The government also moved to distinguish itself as an ardent supporter of the Arab cause against Israel, having broken relations with many Western countries after the Six-Day War.²⁷ Israeli support for *Anya-Nya* peaked after al-Nimeiri brought Sudan into the Arab Federation with Egypt and Libya. Soviet military and financial assistance also peaked. Prospects for peace were dim.

A failed communist coup in July 1971, however, set in motion events that dramatically altered both Sudan's domestic political landscape and its international alliances. Relations with the Soviet bloc deteriorated, while

22 Hizkias Assefa, *Mediation of Civil Wars* (Boulder, 1987), p.65.

23 Mohamed Omer Beshir, *The Southern Sudan: From Conflict to Peace* (London, 1975), p.93.

24 Taisier M.Ali and Robert O. Matthews, *Civil Wars in Africa* (London, 1999), p.207.

25 Cecil Eprile, "Sudan: The Long War", *Conflict Studies*, March 1972, p.12.

26 P.M. Holt and M.W. Daly, *A History of the Sudan* (New York, 1988), p.199.

those with Western Europe, the United States, China and most of the Arab states improved.²⁸ The Soviet Union terminated its support for the war effort. Without his largest military backer, Nimeiri came to see peace as more attractive than fighting an unpopular war backed by a weak army.

With fragile domestic support, Nimeiri began to address the civil war and improve regional relations to bolster his hold on power. In March 1971, he signed an agreement with Emperor Haile Selassie of Ethiopia in which both leaders promised to cease assisting the other's separatist movements. Later that year, Nimeiri signed an agreement with Ugandan dictator Idi Amin ending support of Ugandan rebels in exchange for similar action on the *Anya-Nya*. Amin ejected the Israelis from Uganda,²⁹ and the loss of external support devastated the *Anya-Nya's* war capabilities, forcing southern politicians to consider Nimeiri's peace overtures in late 1971 and early 1972.

With a monopoly of power, Nimeiri faced little opposition to ending the war in the south. This accelerated the peace process at a time when *Anya-Nya* was changing from a disparate group plagued by ethnic and personal rivalries into a more unified political force. Colonel Joseph Lagu seized authority in *Anya-Nya*, united its officers under his command, and declared the formation of the Southern Sudan Liberation Movement.³⁰ The unity of the Southern Sudan Liberation Movement/*Anya-Nya* proved invaluable in the peace negotiations that began at Addis Ababa in 1971.

Whereas the 1965 roundtable failed because southern representatives were split between those favouring secession or a federal system,³¹ a settlement was achieved this time because Lagu convinced his followers to accept Nimeiri's proposal for peace "within the framework of one Sudan".³² Ratification of the Addis Ababa Agreement in March 1972 inaugurated a peaceful and cooperative era. The agreement included power-sharing and security guarantees for southerners and, most importantly, granted the south political and economic autonomy. Former *Anya-Nya* soldiers were to be included in the national army in proportion to the national population, and 6,000 southerners were to be recruited into the army's Southern Command, an important security provision.³³

27 Francis M. Deng, *War of Visions*, Brookings Institution, Washington D.C., 1995, p.161.

28 P.M. Holt and M.W. Daly, *A History of the Sudan* (New York, 1988), p.209.

29 Donald Rothchild and Caroline Hartzell, "The Peace Process in the Sudan, 1971-1972" in Roy Licklider (ed.) *Stopping the Killing: How Civil Wars End* (New York, 1993), pp.74-75.

30 Ibid.

31 Hizkias Assefa, *Mediation of Civil Wars* (Boulder, Colorado, 1987), p.62.

32 Donald Rothchild and Caroline Hartzell, "The Peace Process in the Sudan, 1971-1972" in Roy Licklider (ed.) *Stopping the Killing: How Civil Wars End* (New York, 1993), p.72.

33 Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter, 1990), p.137.

However, Sudan's peace was short lived, as Nimeiri increasingly faced northern opposition to the Addis Agreement. With Libyan backing and support from the Ansar movement, whose supporters follow the strict teachings of the Mahdi (who ruled Sudan in the 1880s), the former Prime Minister, Sadiq el Mahdi, unsuccessfully attempted to overthrow the government in July 1976. The abortive coup had a profound effect on Nimeiri, who introduced a policy of national reconciliation in an attempt to win over the north and increase his political base.

The process of national reconciliation led to the appointment of a number of opposition leaders to prominent government positions, including Mahdi. The majority of the Ansar and Muslim Brother³⁴ exiles returned to Khartoum, and the leader of the Muslim Brothers, Hassan al-Turabi (Mahdi's brother-in-law), became attorney general. Southerners were squeezed out of the national political process,³⁵ and the political landscape took on an increasingly Islamic tilt.

In 1977, Mahdi and a coalition of northern opposition parties demanded that Nimeiri review the Addis Agreement, especially its provisions for security, border trade, language, culture and religion,³⁶ and Nimeiri appeased them by making unconstitutional revisions. The discovery of oil in the south also increased northern pressure to jettison the Addis Agreement, particularly those provisions allowing the south a degree of financial autonomy and the right to collect all central government taxes on industrial, commercial and agricultural activities in the region.³⁷

Nimeiri conceded to many wishes of his increasingly hard-line cabinet and replaced southern troops with northerners at Bentiu, the site of extensive oil deposits. He personally pocketed proceeds from an oil licensing deal that the Addis Agreement stated should go to the regional government³⁸ and discussed building a pipeline so that oil could be transported out of the south to the Red Sea for export or to northern refineries for processing. Though this never materialised due to SPLA military pressure, the intention to bypass the Addis Agreement and favour northern interests infuriated the south.³⁹

34 An organisation composed of radical religious fundamentalists that would evolve into the National Islamic Front in the mid-1980s.

35 From 1978-1983 there was not a single southerner in the cabinet of the central government. Bona Malwal, *The Sudan: A Second Challenge to Nationhood* (New York, 1985).

36 Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter, 1990), p.175.

37 *Ibid.*

38 Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.48.

39 Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter, 1990), p.222.

With southern grievances rising, Nimeiri became increasingly apprehensive that half of the Southern Command was controlled by former *AnyaNya*. In January 1983, southern troops of the 105th battalion refused orders to abandon their weapons and be transferred north. They feared they would be sent to Iraq to join another Sudanese contingent fighting in that country's war against Iran and leave the south vulnerable to an all-northern unit.⁴⁰ After negotiations failed, Nimeiri ordered an attack on the insubordinate soldiers in May 1983. The southern unit fled, taking weapons and equipment and inspiring a succession of desertions and mutinies in the south throughout the year.⁴¹ The mutineers found sanctuary in Ethiopia, where they united to form the SPLA.

On 5 June 1983, Nimeiri issued "Republican Order Number One", abrogating the Addis Agreement and returning regional powers to the central government.⁴² The Republican Order explicitly destroyed the south's autonomy and carved it into three powerless administrative provinces. It transferred the south's financial powers to the central government and declared Arabic, not English, the region's official language. The order abandoned direct secret ballot elections for the Southern Regional Assembly and dissolved its power to veto central government law. It also cancelled the sections of the Addis Agreement that guaranteed local control of the armed forces in the south and transferred this responsibility to the central government.

In addition to dramatically re-centralising political and economic power, Nimeiri officially transformed Sudan into an Islamic State, decreeing in September 1983 that *sharia* or Islamic law "be the sole guiding force behind the law of the Sudan".⁴³ Though one-third of the population was non-Muslim, Islamic penal codes were imposed on the entire country.

Southerners were infuriated by abrogation of the Addis Agreement, and violent protest soon followed. Southerners mobilised around the SPLA, and John Garang emerged as its leader. Unlike the *AnyaNya*, the SPLA defined its objectives more broadly than southern autonomy, arguing that all of Sudan needed to be transformed into a multi-racial, multi-religious and multi-ethnic democratic state. The success and overwhelming popularity of the SPLA in its first years is a testament to the scope of southern grievances.

40 Douglas H. Johnson and Gerard Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army" in M.W. Daly and Ahmad Alawad Sikainga (eds), *Civil War in the Sudan* (New York, 1993), p.124.

41 *Ibid.*

42 Abel Alier *Southern Sudan: Too Many Agreements Dishonoured*, (Exeter, 1990), p.224.

43 Ann Moseley Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.55.

Once again Sudan's government was changed by military coup, with Lieutenant General Swar al-Dhahab ousting Nimeiri in 1985, and once again there was halting impetus toward peace. Popular pressure brought the SPLA and an alliance of professional and trade unions and political parties, including the Umma Party, together for peace talks. In 1986 they agreed to the Koka Dam Declaration, which called for a peace process spearheaded by a National Constitutional Conference.⁴⁴ However, the Declaration was unable to resolve the contentious issue of *sharia*, which was left to a new incoming civilian government to be headed by Sadiq al-Mahdi. Political and military turmoil persisted for several years as successive coalition governments headed by Mahdi were dissolved due to disagreements over economic, social and peace initiatives.

C. The 1989 Bashir Coup and its Aftermath

By June 1989, however, conditions favoured peace. The SPLA controlled almost the entire south and was exerting considerable military pressure on the government. The army calculated that it was in its best interest to cut losses and negotiate. John Garang recognised the SPLA would never win and that his strong tactical position would be best used to achieve favourable terms in negotiations. When Mahdi swiftly met its preconditions for a constitutional conference, the SPLA announced a cease-fire and reacted positively to the expulsion of hard-line National Islamic Front elements from the cabinet. Mahdi began to refer to the SPLA as an "armed movement" rather than "terrorists".⁴⁵

However, on 30 June 1989 Brigadier General Omar Hassan Ahmad al-Bashir seized power in a *coup d'état* and immediately cancelled all prior agreements, including the proposed constitutional conference. Bashir also acted quickly to consolidate his power and destroy the political opposition. He imposed a state of emergency and created the Revolutionary Command Council, which he chaired, to serve as a cabinet. It revoked the transitional constitution of 1985, abolished the parliament, banned political parties, detained all political party leaders and closed the newspapers.⁴⁶ The leaders of student groups, unions, professional associations and political parties faced arbitrary arrest and disappeared in "ghost houses" and prisons where they were tortured or killed.⁴⁷ The government also intensified the war.

⁴⁴ Political parties, not the government, issued the Koka Dam Declaration. The military was supportive of a peaceful settlement at the time but did not increase its advocacy for this objective until the 1989 coup.

⁴⁵ Millard Burr and Robert O. Collins, *Requiem for the Sudan* (Boulder, 1995), p. 157.

⁴⁶ *Behind the Red Line: Political Repression in Sudan*, Human Rights Watch (New York, 1996), p. 168.

⁴⁷ Millard Burr and Robert O. Collins, *Requiem for the Sudan* (Boulder, 1995), p. 214.

Despite rhetorically embracing calls for peace Bashir demonstrated little interest in serious negotiations. Two sessions, in Addis Ababa in August 1989 and in Nairobi in December 1989, failed, with Islamic law again a key sticking point. SPLA demands to revoke *sharia* were anathema to the National Islamic Front - the Islamist political movement behind the Bashir coup - and the crackdown on opposition parties and non-governmental groups silenced some of the most forceful peace advocates.

Bashir, who had served in the south, promised new resources for the military and declared soldiers to be fighting as martyrs for the imposition of God's law. He increasingly referred to pan-Arab and Islamist values when talking about the war in hopes of garnering support from Arab countries. Iraq soon sent arms, and the government revived its military agreement with Tripoli, bringing in Libyan armaments and oil.⁴⁸ As the Gulf War took its toll on the assistance Iraq could provide, Bashir turned to Iran. The SPLA, questioning President Bashir's commitment to talks, also stepped up military efforts and forged ties with the National Democratic Alliance.

The National Islamic Front government perceived Garang's refusal to negotiate without strict preconditions as indicative of a commitment to resolve the conflict on the battlefield. The army vowed, "not to give up one inch of the soil of this homeland", and government officials rushed abroad to request funds to win back "Arab" towns captured by "Africans" and "infidels".⁴⁹ Garang and the SPLA did not recognise Bashir as president because the military coup had ousted a democratically elected leader, and they denounced the junta as "running dogs of Islamic fundamentalism".⁵⁰ In kind, government officials dismissed Garang as a communist and an agent of Ethiopia.⁵¹

From 1989 to 1992, security forces crushed several National Democratic Alliance and civil society uprisings in Khartoum, leaving the government to develop its policies on the civil war, *sharia* and foreign relations largely free from domestic political constraints.

The military success of the SPLA in its first seven years was significant but it soon endured severe setbacks. In May 1991, the collapse of the Mengistu regime in Ethiopia deprived it of its main operating base, its primary military

48 Ibid, p.234.

49 Ibid.

50 Ibid.

51 Ibid.

and financial supplier and most of its military momentum. The new provisional Ethiopian government, composed of various rebel groups backed by the Sudanese government, was hostile. The SPLA evacuated its military camps, and 200,000 Sudanese refugees were forced back into harm's way on the battlefields of southern Sudan.⁵² In May 1991, the Sudanese air force bombed Sudanese refugees as they fled their camps in Ethiopia.⁵³

Although the forced departure from Ethiopia placed tremendous strain on the SPLA, and Bashir expected the rebels to concede, Garang held fast.⁵⁴ Several SPLA military leaders, however, began to seriously question Garang's leadership. A major split erupted within the SPLA over the perceived lack of broad-based participation in its leadership. The fissure also had an ethnic dimension, as the splinter group, SPLA-United led by Riak Machar, took most of the Nuer ethnic component with it. There was a history of tension between the Nuer and Dinka ethnic groups - the dominant groups in the SPLA - and the government sought to exacerbate the rift by providing aid and encouraging SPLA-United to attack its former compatriots. Within months, nearly 70 per cent of the Bor Dinka ethnic group in the southern Upper Nile region had been displaced, with thousands of civilians killed or wounded by the SPLA-United. Nuer communities felt the devastating repercussions from revenge raids by Garang's SPLA.⁵⁵ This intra-southern fighting continued throughout much of the 1990s.

With bloodletting preoccupying the south, the government felt a military victory was tantalisingly close. Iran's President Rafsanjani visited Khartoum in December 1991, declared the civil war a *jihad* and signed military protocols, including one promising to pay for U.S.\$300 million in Chinese military material.⁵⁶ The new weapons allowed the army to mount a four-front offensive in February 1992, and by mid-year the SPLA was on the defensive.⁵⁷

The bloodshed and the SPLA's decline led to a proliferation of third-party mediation attempts. Talks convened in Abuja, Nigeria from 26 May to 4 June 1992 with the government and both the SPLA and the SPLA-United attended. The government insisted that SPLA-United have its own

52 Douglas H. Johnson and Gerard Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army" in M.W. Daly and Ahmad Alawad Sikainga (eds), *Civil War in the Sudan* (New York, 1993), p. 139.

53 Millard Burr and Robert O. Collins, *Requiem for the Sudan* (Boulder, 1995), p. 296.

54 Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p. 157.

55 Jok Madut Jok and Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities", *African Studies Review*, September, 1999, p. 128.

56 Millard Burr and Robert O. Collins, *Requiem for the Sudan* (Boulder, 1995), p. 306.

57 Ibid.

delegation, in an effort to play the rebel factions against one another.⁵⁸ The talks were doomed. The government came prepared to make no concessions because of its military success. The SPLA was in a weak bargaining position.

Though international pressure caused the Abuja talks to resume approximately a year later, the sides deadlocked again on the hot-button issues: religion and state; the political system and security during an interim period; socio-economic policies; and a referendum on self-determination.⁵⁹

In 1994 Riak changed the name of his movement from SPLA-United to the Southern Sudan Independence Movement. Unable to secure weapons abroad, he increasingly turned to Khartoum to maintain his fight against Garang. Consequently, the fighting between Dinka and Nuer intensified. In April 1996, Riak and other former SPLA officers and politicians negotiated a "Peace Charter" with the government. A year later it was transformed into a formal "Peace Agreement" that offered vague promises that "a regional referendum on southern Sudanese independence would take place after an 'interim period' of four years in exchange for Riak's cooperation in merging his remaining forces with the national army".⁶⁰

Despite the bitter Dinka-Nuer divisions in the south throughout the mid-1990s, the SPLA increased contacts with the National Democratic Alliance, in a partnership based on a shared antipathy for the National Islamic Front government. This relationship made for strange bedfellows. In the late 1980s several of the allies had been adversaries, specifically when Sadiq al-Mahdi prosecuted the war against the SPLA. But Bashir's crackdown on all opposition and introduction of *jihad* forced an alliance of necessity.

Commitments were made to overthrow the government, hold a constitutional conference and establish a democratic government with the active participation of all members of the National Democratic Alliance. Though general principles were easily agreed, the details of an interim government and a constitution produced fierce debate and threatened to disband the loose alliance.

⁵⁸ In fact, on 25 January 1992 Lam Akol of the SPLM-United signed an agreement with Dr. Ali al-Haji Muhammad of the government in Frankfurt, Germany. The agreement led to a cease-fire between the army and the SPLA-United, which allowed government forces to use land controlled by the dissident rebel group to attack SPLA positions. The government promised an interim period during which a referendum would be held so the people of the south could "freely choose the political and constitutional status that accords with their national aspirations without ruling out any option". See Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.173. The government failed to follow through on all promises made to SPLA-United at Frankfurt.

⁵⁹ Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.178.

⁶⁰ Jok Madut Jok and Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarisation of Nuer and Dinka Ethnic Identities", *African Studies Review*, September, 1999, p.129.

The SPLA feared that the northern parties had no interest in the south, were using the SPLA for its military strength and would retain Islamic law and revert to past behaviour once they overthrew Bashir. The northern parties were sceptical of the SPLA's commitment to a unified Sudan. Some feared the SPLA would ultimately sign an agreement with the government that allowed for a separate south controlled by the SPLA, while conceding the north to the National Islamic Front.

Throughout the mid-1990s, the National Democratic Alliance sought a formula to reconcile the divergent visions of its secularists and its religious-based political parties. Underlying mistrust continued to prevent it from becoming a more substantial political threat. Nonetheless, it provided the SPLA with important northern and southern allies after its disastrous schism.

In March 1995 the Sudanese government bombed Ugandan territory, which prompted President Yoweri Museveni to break diplomatic relations and increase support for the SPLA.⁶¹ Sudan's meddling in Eritrea and Ethiopia alienated those regimes, which consequently also began to help the rebels. The United States gave no direct assistance but provided the SPLA with moral and political support. Garang's 1995 visit to the U.S. instilled him with confidence that the rebel movement was respected by the U.S. government - an important endorsement for any rebel group constantly in search of legitimacy.⁶²

There was only a nominal change when Sudan's government transformed itself in 1993 from a military to a civilian one. President Bashir ruled with behind-the-scenes help from Hassan al-Turabi and other National Islamic Front hard-liners. Bashir held elections for the first time in March 1996, although they were widely boycotted by the National Democratic Alliance political parties and other opposition groups and deemed illegitimate by most international observers. Not surprisingly, he won 75.7 per cent of the vote, with only an estimated 7 to 15 per cent of eligible voters in Khartoum going to the polls.⁶³ Turabi was elected unopposed Speaker of the National Assembly. The entrenchment of National Islamic Front influence constrained the regime's policy options to a degree. Bashir pursued the *jihad* with a

61 Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.185.

62 The Economist Intelligence Unit, *Country Report: Sudan*, 1996.

63 Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington, 1998), p.125. In the highly controlled December 2000 election, the government won 270 out of 360 seats in parliament, a body that largely remains a rubber stamp for Bashir and the National Islamic Front party leadership.

vengeance, declaring, "The basic Islamic agenda of the regime will not change. Islam is the cornerstone of our policy..."⁶⁴

This was a time of intense isolation for the government. Support for Iraq during the Gulf War, the extreme Islamist agenda and a policy of harbouring terrorists, including Osama bin Laden, alienated many former allies. Sudan's link to terrorism is discussed in Chapter 3. Eritrea became the *de facto* headquarters of the National Democratic Alliance after President Issaias Afewerki accused Khartoum of supporting Eritrean Islamic Jihad rebels. Several North African states broke diplomatic ties over allegations of Sudanese support for insurgencies. Bashir's backing of Islamic groups in Ethiopia generated a rift between two countries that had been on close terms in the early 1990s. The turning point came in June 1995 with an assassination attempt against Egyptian President Hosni Mubarak in Ethiopia. Prime Minister Meles Zenawi accused Sudan of providing logistical support and sanctuary to the perpetrators. In May 1996 the UN Security Council imposed non-economic sanctions.

Sudan has had an uneasy, often hostile, relationship with the U.S. since Bashir took power. Washington backed UN sanctions, placed Sudan on its list of state sponsors of terrorism, and imposed stringent unilateral sanctions. The U.S. Congress has been sympathetic to the cause of the southern Sudanese, especially as key constituency groups have mobilised against religious discrimination and other human rights abuses in the country. During the Clinton Administration, Secretary of State Madeleine Albright met twice with Garang, and U.S. political support for the SPLA was widely, but erroneously, believed to be coupled with financial and logistical aid.⁶⁵

Despite its isolation, however, Khartoum remained able to find countries willing to sell it weapons. Iran continued to provide military and economic support throughout the mid-1990s, and Iraqi experts and warplanes have been seen in Sudan. Bashir visited China in 1995 to secure further arms deals as well as to increase trade relations. In addition, France, which has oil interests to safeguard, has been politically sympathetic and has provided an extra layer of cover for Khartoum's extensive arms purchases.⁶⁶

64 Ibid.

65 The Economist Intelligence Unit, *Country Profile: Sudan*, 2000.

66 Ann Moseley Lesch, "The Sudan: Militancy and Isolation" in Robert O. Freedman (ed.) *The Middle East and the Peace Process: The Impact of Oslo Accords* (Gainesville, 1998), p. 333.

In 1995 the SPLA mounted its first major offensive since its expulsion from Ethiopia and won a series of victories over the ensuing two years. In July 1997, under heavy military and sustained international pressure, the government finally agreed to negotiate on the basis of the Inter-Governmental Authority on Development (IGAD) Declaration of Principles.⁶⁷

The environment of political repression and authoritarian rule continued throughout the 1990s. Late in the decade, a combination of military pressure and international isolation induced the government to institute cosmetic political and human rights reforms that led many in the international community to conclude that fundamental change was coming. In May 1998, the government adopted a new constitution, which promised basic liberties, such as freedom of religion, freedom of association and self-determination for southern Sudan. However, these reforms were implemented in very limited, manipulative and politically controlled fashion.

In December 1999 President Bashir declared a new state of emergency, dismissed Turabi as Speaker of Parliament, and dissolved that body only two days before it was to vote on a bill - crafted by Turabi - designed to reduce presidential powers.⁶⁸ In the following two years, the government took sweeping measures to regain total control of the state machinery and political activity, including:

- ❑ extending the state of emergency, justified by alleged threats to the stability of the regime;
- ❑ amending the National Security Act to allow extra-judicial detention for indefinite periods without charge or trial;
- ❑ undertaking national mobilisation, including rounding up young recruits for the front and utilising all avenues of funding from Islamist sources throughout the Middle East and beyond by claiming that Islam was under assault;
- ❑ amending the press law to introduce operational constraints and reinserting internal security editors into the publishing houses;
- ❑ amending the Political Associations Act to further restrict competition and fund-raising options for political groups, thus further narrowing the space for political organising;

⁶⁷ Ann Mosely Lesch, "Sudan: The Torn Country", *Current History*, May 1999, p.220. For further discussion of the IGAD peace initiative and principles see especially Chapter 6.

⁶⁸ U.S.State Department Country Report on Human Rights Practices, Sudan, 1999, available at www.state.gov.

- ❑ banning public demonstrations and rallies, making even private meetings subject to prosecution on charges of state subversion;
- ❑ expanding presidential powers, authorising Bashir to appoint all governors, state ministers and department heads;⁶⁹ and,
- ❑ since 11 September 2001, cracking down on independent civil society organisations in order to intimidate that sector into reducing its support for political activities.

The measures collectively have had the desired chilling effect on the political activity of significant regime opponents, particularly Turabi and National Democratic Alliance elements in Khartoum. Civil society organisations, independent press and non-threatening political parties that the regime allows to register have limited freedoms. One diplomat observed, "The government has gutted the sources of opposition that threatened previous regimes. The structure of trade unions has been transformed. The student unions are less of a factor. The dynamic forces that used to provide opposition in Sudan have been totally decimated".⁷⁰

D. Current Battle Lines

Five actors - the government, the SPLA, the Umma Party, Turabi's Popular National Congress, and the National Democratic Alliance - dominate the scene. The government in Khartoum is composed of an Islamist political movement, the National Islamic Front,⁷¹ fronted by General Omar Bashir. Militarily, it is opposed primarily by the SPLA, the dominant rebel group, led by Colonel John Garang. Politically, the National Democratic Alliance, an opposition coalition that includes a wide array of northern parties and the SPLA, and the Umma Party, the largest political party in Sudan, which dropped out of the coalition in 2000, oppose it. While the conflict follows broad lines of geography, religion and ethnicity, these factors are far from absolute, and it is important not to over-generalize the civil war's dynamics.

The National Democratic Alliance was founded in 1989 in response to Bashir's coup and authoritarian rule. Its members are of varied geographic regions, ethnicities, races and religions, and are motivated by a complicated mix of core interests. It is composed of the SPLA, armed

⁶⁹ This was a principal source of confrontation between Bashir and Turabi.

⁷⁰ ICG interview, 18 November 2001.

and unarmed northern and southern organisations, professional associations and trade unions. It has called for a concerted military and political campaign to overthrow Bashir, restore democracy and install an interim government. In 1995 the National Democratic Alliance issued its Asmara Declaration, which stressed the necessity of basing a future political system on a multi-ethnic, multi-religious and multiracial society, and endorsed the right of self-determination for the south. However, it remains unclear if the Alliance, and particularly the SPLA, is willing to make the fundamental compromises necessary to hold such a broad political alliance together.

The SPLA is working - unevenly - within the National Democratic Alliance to stake out a clear alternative to the government's agenda. Its efforts to reconcile southern groups, however, have largely been directed at making itself a more potent fighting force. The SPLA's shortcomings in undertaking the necessary steps to bring about southern unity have undercut its objectives and made it more difficult to generate consistent and broad-based pressure on the government.

Nevertheless, the SPLA remains committed to its struggle, and it has been emboldened by military victories in mid-2001 and attacks on the oilfields that have demonstrated government vulnerabilities. It rejects any cease-fire that is not linked to serious talks and other conditions because it fears that an unconditional cease-fire would allow the government to step up oil production and increase arms purchases with impunity. In this it is supported by the IGAD Declaration of Principles, which envisions a cease-fire as part of a comprehensive settlement.

For its part, the government is increasingly confident that it can maintain its hold on power. It has substantially ended its regional isolation, and oil resources have allowed it to forge deeper commercial relationships with parts of Europe and key Asian and Middle Eastern nations and to embark on a weapons buying spree that it hopes will soon produce overwhelming battlefield superiority.⁷²

Both the government and the SPLA appear willing to continue current political and military strategies and have demonstrated little

⁷¹ Later renamed the National Congress Party, but referred to by its former title for consistency in this report.

⁷² One European diplomat cautioned against a premature analysis of government advantage: "I'm not certain there will be a strategic advantage resulting from oil development. Oil can also divide and weaken the government". ICG interview, 25 September 2001.

commitment to a serious peace process. None of the dominant national and regional actors in the conflict feel that they would reap short-term gains from peace. Instead, the dynamic continues to favour extremism and confrontation, and the longer the war bleeds on, the more radicalised the parties become. As Sudan's Vice President, Ali Osman Taha, acknowledged: "The war's continuation fuels fanaticism, just as it does in Palestine and Afghanistan".⁷³

While the prospects for peace are discouraging, some changes taking place within the government could provide a small window of opportunity for negotiators. Prime Minister Meles Zenawi of Ethiopia argued: "Ideologically and politically, the form of fundamentalism that was ascendant from 1989 to 1996 in Khartoum is defeated. However, Islamic values are still there, and will be a political factor for a long time. But the virulent, messianic, export-oriented Islamism has dwindled in significance and has become inward-looking".⁷⁴

Sadiq al-Mahdi, the leader of the Umma Party, agreed: "The National Islamic Front associated itself with fanatical movements globally. But the government has changed. It now accepts citizenship as the basis of constitutional rights and the need to protect religious plurality".⁷⁵ Nevertheless, the government's strong Islamist tendencies should not be declared dead prematurely.

The lure of the oil rush is as powerful within Sudan as it has been for the international companies that have flocked to the country. Both the government and northern opposition see significant economic potential in oil exports. A process is already emerging by which elements of the three main parties - the National Islamic Front, the Umma and the Democratic Unionist Party - are gradually meshing. It could produce a new, more moderate power bloc in Sudan that would then reach out to southerners. However, greater interest among both the government and northern opposition parties in exploiting the oil fields would not remove the fundamental tensions with southern Sudan. As Prime Minister Meles noted, "This could create a new form of chauvinism in the north, which would lead to even more tensions".⁷⁶

73 ICG interview in Khartoum, 3 July 2001.

74 ICG interview in Addis Ababa, 16 July 2001.

75 ICG interview in Washington, June 2001.

76 ICG interview in Addis Ababa, 16 July 2001.

E. 11 September and Beyond: A Window of Opportunity for Peace?

The Sudanese government reacted quickly and demonstratively to the attacks on New York and Washington by offering to enlist in the "war against terrorism", and the U.S. publicly welcomed its early cooperation. It remains to be seen, however, whether this immediate improvement in atmosphere can be built upon to encourage Khartoum to moderate a broad swathe of its policies, with respect not only to its political Islamist bent but also to the civil war. Further questions surround whether the U.S. and others will use their new entrée in Khartoum to pursue a broad agenda that includes a serious effort to end the war and human rights abuses or instead allow the counter-terrorism priority to dominate all other issues.

Some perceive the events and aftermath of 11 September to have widened cleavages within the Khartoum regime, leaving hard-line and moderate elements deeply divided over further cooperation with the West. The decision to work with the West on terrorism put the government in a sensitive, perhaps even precarious, position with its hard-line supporters, it is argued, so in the short-term it may not want to be perceived as compromising its Islamist agenda further at the peace table.⁷⁷

Another perspective on the aftermath of 11 September is far more optimistic. Those who hold it believe that there is considerable agreement within the Khartoum government on the tactical necessity of exploring a path of cooperation with the West. They consider that this common understanding, combined with other trends discernible on the domestic scene, makes the present moment uniquely promising for an international effort at peacemaking.⁷⁸ Although the situation in Khartoum is complex, ICG finds the latter assessment more persuasive. If so, there are critical and immediate implications for the peace process.

The following confluence of events and factors - only some of which are related to 11 September - indicate that an opportunity does indeed exist for a fresh attempt at ending the war:

- ❑ the 11 September attacks strengthened the hand of those within the regime who advocate a more moderate line because the aftermath of the

⁷⁷ In this regard, one western diplomat said: "Turabi's message that the regime is no longer sincere and that it has lost its Islamist credentials is its greatest domestic source of fear". ICG interview, 5 October 2001.

⁷⁸ "Conditions have changed in favour of a settlement", declared Presidential Peace Advisor Ghazi Salahuddin Attabani. (Correspondence with ICG, 23 November 2001.)

attacks highlighted the benefits of tactical compromise. Consensus is developing, albeit perhaps temporarily, around the need to cooperate internationally. Although the initial activity has concerned counter-terrorist cooperation, forward movement at the peace table is a logical next step. This is only likely, however, if the international community engages seriously with the regime and employs a credible assortment of incentives and pressures.

- 11 September and its aftermath have led to increased concerns on the part of the Khartoum government in two areas. First, key officials are vulnerable because of their close association in the past to Osama bin Laden and other terrorists. The unknown degree of vulnerability associated with this record could act as an incentive for flexibility. Secondly, the dissolution of the Taliban and the vulnerability of its top leaders give pause to key figures in Khartoum who will be prime targets for retribution if there is any forced change in the country's power structure.⁷⁹
- the growing threat posed by the SPLA to the oilfields⁸⁰ affects not only the calculations of the government itself but also those of its oil consortium partners. "The oil companies are jittery; they want peace to secure their investments", said one leading opposition politician.⁸¹ Not only are the fields currently under development at risk, but also the potentially larger and more lucrative fields to the south will remain inaccessible. Should the costs of investment and extraction continue to increase, the cost-effectiveness of Sudan's oil development will come into question. "We don't want to put the oil in jeopardy, so this is the right time to engage in the peace process", said Foreign Minister Ismail.⁸² This factor of the cost of doing business in the oilfields is closely intertwined with the sharp reduction in the price of oil on the world market. If the price continues to fall and SPLA attacks against the oil infrastructure become more effective, the opportunity cost of oil development in Sudan may rise to an unacceptable level for international firms.

79 "Now is the time to put conditions on the government and push it to the peace table", urged one Sudanese civil society leader. "The government is scared, and it will meet those conditions". (ICG interview, November 2001.) A prominent Sudanese political party representative explained, "The exodus of the Taliban has frightened the government. They see these revenge killings. This has sent a signal to the National Islamic Front and to Islamic fundamentalists around the world that as soon as the tables are turned there will be abandonment and retribution". (ICG interview in Khartoum, November 2001.) A close adviser to senior National Islamic Front officials acknowledged that this was indeed a concern to some of the leadership, "but not a prominent one". (ICG interview in Khartoum, 20 November 2001.)

80 The SPLA has allegedly acquired surface-to-surface missiles from an eastern European source in order to increase its ability to target oil-producing facilities. (ICG interviews, November 2001.)

81 ICG interview in Khartoum, November 2001.

82 ICG interview in Khartoum, 20 November 2001.

- ❑ these oil-related factors are tied to a third variable: the legislation in the U.S. Congress that would ban any company doing business in Sudan's oil industry from participation in U.S. capital markets. This acts as a further deterrent to diversification of investment, and leaves the government of Khartoum with little choice but to allow China to increase its control of Sudan's oil industry. A prerequisite for Sudan to avoid this scenario is to end the war and widen international participation in its oil sector.
- ❑ the flip side of the point immediately above is that Sudan will not be able to attract serious foreign investment beyond the core group of current investors until there is peace. This applies not only to the oil industry, but also to the government's plans to diversify investment beyond the oil sector. "Peace and stability will bring serious investment", declared Sadiq al-Mahdi. "This is the principal incentive for peace".⁸³
- ❑ another economic factor driving the government to the negotiating table is the effect of the war on the national budget. According to Western embassy sources in Khartoum, 60 per cent of government employees and pensioners did not receive their pay in October 2001. The Minister of Finance has stated that there is no money in the treasury to meet expenses, and has imposed a 25 per cent increase in the price of petrol, blaming lower oil revenues.⁸⁴ Tax increases will also be pursued, transport costs are rising due to petrol price increases, purchasing power is decreasing, the prices of basic commodities are mounting and the price of the dollar is escalating. With 26 federal states, the central government and the Southern Sudan Coordinating Council, the payroll continues to increase. Patronage politics makes any cuts in this bloated budget excruciatingly difficult. The scissors effect of increased military spending and decreased oil revenue is taking its toll, both on the wider economy, with clear human costs in increased unemployment and reduced food security, and on the national budget.
- ❑ top Sudanese officials believe that if the war can be resolved, Sudan can become a major power in Africa and the Middle East. Their appetite has been whetted by the removal of UN Security Council sanctions, and the leadership role they are attempting to play in framing the response to the counter-terrorism effort of the Arab and Islamic world. This desire to act on the world stage is a significant incentive for peace. The continuation of the war, conversely, "has affected our international image, and cost us

⁸³ ICG interview in Khartoum, 18 November 2001.

⁸⁴ The normally rubber stamp Parliament is balking at approving the price increases.

support", according to Foreign Minister Ismail.⁸⁵ Normalising relations with the outside world is one of the government's top priorities, something it cannot do fully as long as the war continues to rage.

- internally, those within the ruling party who are seeking to refashion it into something that would appeal to the domestic voting public (should there eventually be a free and fair election) see the opportunity for a party facelift if it can deliver a peace agreement.
- although not yet a major factor, there is growing concern in Khartoum regarding the loss of troops in combat and the difficulty of recruitment. This affects both popular sentiment about the war and, more importantly, the calculations of top military officials. The government requires large numbers of soldiers to protect the oilfields, and because of the open nature of the terrain will likely experience high casualties in any combat operations.⁸⁶ Unease is compounded by the sense that little has changed on the battlefield in the last half decade. Neither side has gained or lost much real estate. "The war has been high in cost and low in outcome since 1996", acknowledged one leading Sudanese government official. "The status quo is unacceptable".⁸⁷
- the point immediately above may have its strongest advocates within the Sudanese military. The National Islamic Front was able to form the military into a loyalist bastion during its period of consolidation. But the schism between Turabi and Bashir has created an opening that could allow the army to become more active in support of an agreement, just as it was in the late 1980s.⁸⁸ "The army is fed up with the war", confessed one senior government official who served in the armed forces for two decades. "They want it to end".⁸⁹
- the government is asking for direct U.S. involvement in the peace process and saying that it is ready now to negotiate seriously. "We need direct U.S. involvement now", said one leading Sudanese government official. "If the U.S. has decided to come and make peace, it can".⁹⁰ The government is also asking the United Kingdom to play a more active and direct role.

⁸⁵ ICG interview in Khartoum, 18 November 2001.

⁸⁶ "The government is press-ganging boys in the street", charged one opposition figure. "These conscripts have no enthusiasm, and no skills. Many of the boys are simply running a way". (ICG interview, 19 September 2001.)

⁸⁷ ICG interview in Khartoum, 18 November 2001.

⁸⁸ ICG interviews in Khartoum, November 2001.

⁸⁹ ICG interview in Khartoum, November 2001.

⁹⁰ ICG interview in Khartoum, 18 November 2001.

- related to the point immediately above is the recognition in Khartoum that U.S. engagement following the 11 September events may not continue indefinitely. The worry is that if there is not progress at the peace table, the activist constituencies in the U.S. could take control of Washington's policy, pushing Sudan back toward isolation and international confrontation. That is a chapter of its past that most Sudanese officials want to leave behind. This is further reinforced by the Bush administration's post-11 September willingness to pursue U.S. interests more aggressively. The level of unpredictability undoubtedly affects Khartoum's calculations and enhances its willingness to negotiate.
- the SPLA also is uncertain about the direction the wind will blow. It faces an unfavourable long-term battlefield scenario in which continued aggressive acquisition of highly destructive weaponry may give the government considerably increased capability to pulverize the south. This does not obviate the likelihood that the SPLA could survive indefinitely as a guerrilla force, but if trends continue and the SPLA is not able to disrupt significantly the government's ability to extract oil, the insurgency's prospects are bleak. If a serious peace process were constructed and a deal meeting key SPLA demands were to be tabled, the chances of constructive participation by the SPLA are high.
- further to the point immediately above, the SPLA has demonstrated in subtle ways renewed flexibility regarding negotiations. At the June 2001 IGAD Heads of State Summit, it reversed long-held positions and said that it was willing to negotiate about a cease-fire. Its leader, John Garang, indicated he was willing to meet Bashir directly. This stated readiness to negotiate has not yet been tested.
- there is also growing popular pressure among southerners to push for serious peace engagement. Although the principle of self-determination is non-negotiable with most southern constituencies, there is a broad sense of urgency about moving forward in some peace forum that will prevent the total dissolution of the south and its people.
- the SPLA is also affected by uncertain regional support. Erstwhile arms suppliers have become less consistent and reliable, reducing the rebels' ability to ensure effective supply lines. This factor is linked to Khartoum's aggressive oil diplomacy, wooing neighbours with cheap oil. Although those neighbours tell the SPLA they will not abandon it, the level and consistency of support can no longer be taken for granted.

- ❑ the National Democratic Alliance, for its part, continues to erode slowly in relevance, but in the absence of a dramatic new political or military development, key elements will remain eager to make a deal that addresses its core objectives.
- ❑ finally, Sudan analyst Alex de Waal provides an interesting twist to the concept of war fatigue: "...[T]he major parties are looking solely for an elite settlement that shares power among them and leaves unaddressed the wider aspirations of the Sudanese people for a settlement of their grievances. But today most Sudanese would settle for just a peace. Arguably, the two leaderships have jointly succeeded in grinding down the Sudanese people so that they are ready to accept any settlement, however unjust, simply in order to bring the fighting to an end. The Sudanese people may be so exhausted that it would be a lasting peace".⁹¹

These opportunities, however, are countered by other trends:

- ❑ first, the government is growing more relaxed about the implications of 11 September as the messages it is receiving from around the world, including from Washington, are largely positive, particularly in response to its counter-terrorism cooperation. Through the Danforth team's initial effort at introducing confidence-building measures, the U.S. has been underplaying its hand, not pressing for nearly as much as it could get, setting the bar far lower than the situation allows.
- ❑ secondly, as long as oil can be extracted at an acceptable cost (i.e., foreign investment continues, political repercussions of casualties and battlefield defeats are manageable, etc.), some within the regime argue for staying the course and that the government can either win the war over time or reduce the SPLA to military irrelevance.
- ❑ thirdly, if certain key actors in the ruling party and in the SPLA judge that they have too much to lose in a comprehensive peace deal, they have the influence to make it very difficult to find a negotiated solution.
- ❑ fourthly, some believe that the economic agenda of the National Islamic Front is not yet implemented fully, and more time is needed to acquire full economic control before major changes in the allocation of government power and the design of government structures can be considered. "It's

⁹¹ Justice Africa, *Prospects for Peace in Sudan: Briefing*, November 2001, p.8.

not quite ripe yet", observed one Sudanese civil society leader. "There are still state companies run by the National Islamic Front that haven't been privatised to the party's supporters. They haven't yet transformed themselves into competitive private sector entities that could compete and prosper without state control".⁹²

Nevertheless, the opportunities outweigh the obstacles at this juncture, and serious international engagement in the peace process is needed now. International leverage is at its highest point since the civil war began; waiting and assessing the parties' intentions through tests in the guise of confidence-building measures would lose the moment. U.S. Special Envoy Danforth is best positioned to lead the effort to move the parties into one serious process. Anything less than this outcome should be considered a failure of international political will, a clear demonstration that humanitarian band-aids are the favoured fall-back option for those with short attention spans and little stomach for the snake pit that negotiating a peace agreement for Sudan entails.

The result of missing this window of opportunity could be another two million graves over the next two decades.

⁹² ICG interview, November 2001.

SUDAN'S ADMINISTRATIVE BOUNDARIES



Source: www.newafrica.com

2. UNDERSTANDING THE PLAYERS

The war in Sudan continues to be driven by a complex stew of domestic, regional and international players acting out of clashing strategic, economic and socio-cultural interests. While the government of Sudan and the SPLA are the primary combatants, the conflict has also increasingly evolved into a struggle pitting the central government against a variety of groups and organisations in Sudan's periphery, southerners in the forefront, that have been socially, politically and economically marginalised.

To understand the complex contours of the war in Sudan, it is vital to explore the motivations and perspectives of some of the key players. It is necessary to address further both the role of domestic actors and the policies of regional and other international parties that are critical to any peace process. Moving Sudan toward peace requires aligning often competing parties, interests and approaches.

A. Within Sudan

The Government

The National Islamic Front government, which has ruled Sudan since the 1989 coup, is built around a small, powerful and well-organised constituency. Although lacking wide popular support, the government has marginalised most of its opponents other than the SPLA and the National Democratic Alliance. While it has internal rifts, none were an immediate threat to its power before 11 September 2001. In the aftermath of that day's events, however, external developments will impact directly on internal power struggles. The National Islamic Front will likely remain ascendant but a shake-up could occur, with ramifications for the future of the party and country.

The leaders of the National Islamic Front prepared for over a decade before seizing power. They organised constituencies and infiltrated government institutions. The Front and its founder, Hassan al-Turabi, recruited bright young men who rose within the ranks of the civil service, universities and

military as part of the broader effort to create cells in the most important institutions of the state. President Bashir was one such recruit.

The process of obtaining and maintaining power has been marked by sophisticated political calculations. Using an efficient organisation, penetrating media outlets, deploying well-trained cadres and agitators, adopting populist political discourse, receiving unlimited financial resources from Islamic banks and making full use of the state apparatus, the National Islamic Front was able to dictate the political debate and establish a base for the regime. Taking advantage of the SPLA's absence from the political process, it squeezed established political parties or tried to discredit them as corrupt symbols of Sudan's past.

After it overthrew the elected government, the National Islamic Front systematically dismantled democratic institutions and restricted freedom of speech and assembly. For over a decade, the government has been one of Africa's most authoritarian.⁹³ Opposition elements that posed a challenge have faced execution, arrest, deportation and harassment.

Upon taking power, the National Islamic Front used religion as a mobilising force.⁹⁴ "The Islamists use Islam as a tool of opportunity, a protective shield", noted one Western diplomat. "They regularly raise the flag of *jihad* when under duress".⁹⁵ While religion has been a deeply divisive issue, it is important to note that the government is driven more by a desire to hold on to office than any ideological agenda.⁹⁶ While President Bashir continues to use hard-line rhetoric to shore up his support within the conservative Islamist wing of the party, the pursuit of oil wealth has diminished the harder edges of the regime's Islamist agenda. It is precisely this oil wealth that has allowed the government to cut links with some of its erstwhile terrorist friends as it no longer needs the money they provided in return for sanctuary.

During its years in power, the government has destroyed a wide range of political institutions or bent them to its needs, including in the areas of education, civil society, the military, the police and the diplomatic corps. Instead of merit, loyalty determines opportunity and advancement.

93 Sudan has been on Freedom House International's list of "worst-rated countries", or "most repressive states" for twelve consecutive years (1989-2000). See Freedom House International's 2001 *Freedom in the World Report*, at www.freedomhouse.org. See also the annual reports of Human Rights Watch, at www.hrw.org and Amnesty International, at www.amnesty.org, in which a series of abuses over a dozen years has been documented.

94 The role of religion in Sudan is discussed more extensively in Chapters 3 and 4.

95 ICG interview in Khartoum, 30 June 2001.

96 One western diplomat observed: "The government has never offered development, education, healthcare, stability, tranquility, democracy or pluralism. It has only offered a patina of *sharia*". ICG interview, 5 October 2001.

Nevertheless, the government has attempted to put in place a window dressing of legality for its actions. A Sudanese commentator explained:

Turabi built an edifice of laws [when he was attorney general in the 1980s] that give different signals to different audiences, with the aim of having them understood differently by different people. He over-emphasised things that would appear to the West to be liberal but are interpreted differently by Islamists. This deception is one of Turabi's greatest strengths. European diplomats will quote certain constitutional clauses, but not the total package.⁹⁷

One Sudanese commentator charged: "There is an official rhetoric of toleration and equality regarding minorities, but it is not implemented. The government co-opts collaborators from minority groups, gives them little authority, and uses them to give an appearance of equality. Similarly, the constitution enshrines the freedom of the press, but puts a person from security in most of the publishing houses". This individual argued that while the outside world has seen signs of change, "these windows are very small and very arbitrary", and "those that want further restrictions are winning".⁹⁸

The government has also used near monopolistic control of the economy's export and banking sectors to solidify its grip. "The genius of the National Islamic Front was its early recognition that banking is the backbone of the economy", noted one northern Sudanese religious leader. "They invested heavily in banking before taking power, then took control of agriculture and trading from the businessmen associated with the traditional parties".⁹⁹ The government has also exerted close control over the security services and the media, and one opposition businessman claimed: "The government's dependence on the security apparatus is increasing".¹⁰⁰

Success in the National Islamic Front's economic agenda led to a moderation of its ideology. Oil development became the first priority of the government, although it maintained Islamist rhetoric, including commitment to *sharia* and *jihad*. "The hard core Islamists are still there in the government", pointed out one NGO official in Sudan. "But next to their ideology a stronger business orientation is growing, along with a desire to go in for regional economic agreements".¹⁰¹

⁹⁷ ICG interview in Khartoum, 2 July 2001.

⁹⁸ ICG interview in Khartoum, 2 July 2001.

⁹⁹ ICG interview in Asmara, 7 July 2001.

¹⁰⁰ ICG interview in Khartoum, 1 July 2001.

¹⁰¹ ICG interview in Khartoum, 17 November 2001.

The government took an important turn in December 1999, when President Bashir squeezed out Turabi, the National Islamic Front founder. Turabi's expulsion was driven not by ideological differences but by personal and political rivalry and came after he undertook modest political reforms by restoring some civil liberties and reducing the number of political prisoners. Turabi clearly hoped that such steps would encourage opposition parties to join the government and help convince the international community that Sudan was serious about reform. However, his token measures were not enough to persuade genuine opposition parties to join a government that continued to resist true power sharing. Since his fall, certain human rights restrictions have again increased. "The government allows some free press as long as it doesn't assist organised political activity", charged one Sudanese activist. "There is no room for autonomous political activity, but they will let anyone talk or publish if it doesn't hit these limits. But true freedom of association is non-existent".¹⁰²

Bashir continues to wield full executive power under the state of emergency declared when he moved against Turabi. He has consolidated his position in the aftermath of the purge. In December 2000 he held elections in which he garnered 86 per cent of the vote, but all the major opposition groups boycotted the ballot, and results were seriously manipulated. Two months later, he reshuffled his cabinet to put allies in key portfolios as well as important positions in regional administrations. In the aftermath of the 11 September attacks, Bashir has intensified efforts both to marginalise Turabi and strengthen ties with Egypt.

Turabi loyalists continue to be purged. "The government's power base has melted", claimed a Sudanese journalist, "The Turabi split robbed the government of a major part of its base".¹⁰³ Some also point to Umma Party leader Sadiq al-Mahdi's refusal to join the government as a blow to its efforts to broaden its appeal.

Despite the ouster of Turabi and his supporters, factionalism persists within the ruling party. Most Sudanese analysts see friction between President Bashir and Vice President Taha and shifting alliances within the cabinet. While Bashir remains popular with army rank and file, Taha draws most of his support from the security and intelligence services.

The events of 11 September 2001 have sparked off a struggle for the soul of the National Islamic Front party. Any number of outcomes is possible, including an evolution of the party or Islamist retrenchment and revivalism. More moderate

¹⁰² ICG interview in Khartoum, November 2001.

¹⁰³ ICG interview in Khartoum, July 2001.

elements seek a ruling party that distances itself somewhat from the extremism of its roots. Such a party would be guided by a non-tribal, Islam-oriented, but moderate agenda offering a more inclusive alternative to the traditional sectarian parties. Hard-line elements argue that international rifts, the perceived confrontation with elements of the Islamic world and the continuing denial of a Palestinian state could demand more stringent fidelity to an anti-western Islamist agenda that might be financed by rising oil revenue and increased Chinese and Malaysian investment.

There is little likelihood that resentment felt across the Islamic world of U.S. military action in Afghanistan could boil over into mass demonstrations within Sudan, during which Turabi supporters would foment an uprising. Similarly unlikely is a scenario in which discontent within Islamist ranks over the extent to which long-time friends from terrorist organisations are being betrayed might spark internal retribution, perhaps even supported from outside the country.

Turabi maintains a hard-line constituency that remains more significant than that of his rivals in government, and this affects its calculations and actions. After a dozen years of disappearances, repression, seized assets, eroding living standards and growing income inequality, many in Khartoum have deep grievances. Although unlikely, a confluence of interests between those with grievances and elements that feel the regime is selling out its original vision could eventually emerge as a destabilising factor.

Despite the divisions, hard-liners and moderates are still in agreement around a core agenda: maintenance of the country's unity; fidelity to the original Islamist tenets of the revolution; improvement of the regime's image and reduction of its isolation; and exploitation of oil. The differences are centred on personal rivalries and how to secure that agenda. The 11 September events and aftermath have opened the door to possible revisions to the regime's agenda but the opportunity for participating for the first time in a broad international coalition collides with apprehensions about straying too far from historical goals. Caution is dictated by the leadership's concern about risking damage to core support or revelations that incriminate key regime figures in past atrocities.

Those that argue that there are serious divisions within the regime say that moderate elements are keen to cooperate further with global counter-terrorism efforts and reform the regime. Moderates wish to secure a soft landing for National Islamic Front leaders and activists and rescue the movement from what they perceive as its path to destruction. They support tactical concessions to allow other elements into the government on their terms.

Those that see deep divisions within the regime argue that hard-line elements still believe they can maintain their stranglehold on power and are emboldened by the fact that political reforms are not high on the post-11 September international agenda. The hard-line elements are viewed as opposing democratic reforms and press freedoms, and as remaining committed to the full implementation of the original principles of the National Islamic Front revolution. "What these hard-line elements cannot allow is anything that affects their power base", alleged a leading Sudanese civil society figure. "The regime is constituted in such a way that genuine concessions are not acceptable. If there are any meaningful concessions on power sharing, the whole edifice will collapse".¹⁰⁴

Some government officials argue that they have moved beyond these divisions and are united around a single approach, and that a consensus, albeit tactical and temporary, has developed on the need to cooperate internationally. Furthermore, a senior official in Khartoum claimed, "We all agree on moving to a more diversified power structure and to share power even with the SPLA. We in the National Islamic Front took power by force in 1989 because we were excluded. We appreciate that others feel this way now, so we must let them in. The majority in our party now are convinced that we must open up in order to preserve unity and make peace".¹⁰⁵

Regardless of the true depth of division within the regime, traditional distinctions between moderates and hardliners are becoming more difficult to distinguish, or are perhaps eroding. Moderation of formerly extreme policies may not indicate a "moderate" ideology but rather simple pragmatism in an effort to preserve political power, parts of the Islamist programme and control of the economy, particularly oil resources. Most observers believe there are such distinctions, but categorizing leaders and the positions they hold is challenging. The degree of pragmatism in the face of evolving circumstances may be the key distinction.

Others believe there never were significant internal differences over ideology or even approach, but rather simply power struggles between competing factions within the National Islamic Front. "It is in the interest of the government to manipulate this issue", claimed a leading Sudanese civil society member. "There is no significant hard-line Islamist threat".¹⁰⁶

104 ICG interview in Khartoum, November 2001.

105 ICG interview in Khartoum, November 2001.

106 ICG interview in Khartoum, November 2001.

Senior army loyalties remain with Bashir. One Sudanese analyst pointed out:

Bashir is indeed popular within the army, but that's mainly because he is perceived as a soldiers' soldier. Despite wave upon wave of purges, and ideologically based recruitment from the bottom, the army's institutional reflexes managed to survive, frustrating the National Islamic Front's attempt to take control of the army from the inside out. The military views Vice President Taha with suspicion because he personifies that effort by the National Islamic Front.¹⁰⁷

Vice President Taha appears to have consolidated his control of the security services. His key ally is the deputy chief of the security organ, Salah Gosh, with whom he works closely. "Salah is there to ensure the Vice President's interests, and to protect him from potential threats to power,"¹⁰⁸ a senior Sudanese activist claimed. "Vice President Taha is using the internal security structures to impose decisions. The army won't go along forever", another observer argued.¹⁰⁹ It is this consolidation of control over the security services that gives Vice President Taha enormous power. It resulted from years of hard work in Turabi's shadow, explained one Sudanese analyst:

Turabi focused on bigger picture governance and foreign policy issues, and left the day-to-day running of the security apparatus to Taha. Over time, Taha consolidated his control, and now enjoys deep loyalties in that sector. During the split, when Turabi turned to the security apparatus in order to counter Bashir's moves, he found it dominated by Taha's people, and Taha had thrown his support to Bashir. Turabi tried to use the regional entities to counter-attack, but it was meaningless, as he had lost control over the security apparatus.¹¹⁰

A Sudanese analyst discussed the implications of possible splits between the President and Vice President as follows: "The military has remained in the hands of Sudanese from the western part of the country. They believe Vice President Taha is undermining the interests of western Sudanese, so they remain loyal to President Bashir. They believe Vice President Taha is promoting the interests of non-western northerners, and if Taha were to try to take over, it would be bloody, because the army would support Bashir".¹¹¹

107 ICG interview, 14 September 2001.

108 ICG interview in Khartoum, November 2001.

109 ICG interview in Khartoum, July 2001.

110 ICG interview in Khartoum, November 2001.

111 ICG interview in Khartoum, 30 June 2001.

Any divisions within the government will make any peace deal with the SPLA and the National Democratic Alliance all the more challenging. Although Bashir has survived because of army support, his stature has grown because of his deft handling of Turabi's challenge and his aggressive exploitation of the oil sector. His ideological tendencies remain something of an enigma, although publicly he usually takes a bellicose line, particularly following military defeats.

Because of the internal wrangling, the effectiveness and loyalty of the military rank and file, who have suffered their own purges, is in question. "The national defence has been Balkanised", observed a leading opposition figure, "Some are with Turabi, others with President Bashir, and many remain on the sidelines. We have lost our professional army because the National Islamic Front focused on its own army".¹¹²

Bashir's ability to count upon the Popular Defence Force militias that were developed as a counterbalance to a strong army was reduced by the Turabi ouster. Once out of government, Turabi declared that the civil war no longer qualified as a *jihad*, substantially undercutting recruitment.

Sudan's foreign policy is changing significantly. Even before the attacks in the United States on 11 September, there was growing pressure to explore a *rapprochement* with Washington. Having used the development of oil resources to move closer to parts of the European Union and some neighbouring countries, there has been an increasing desire to improve ties with the Bush administration as well. As Presidential Advisor Qutbi al-Mahdi commented, "There is a growing understanding that we must deal with the U.S. because it is influential".¹¹³

Foreign Minister Ismail claimed that the government is misunderstood: "Sudanese people are western-oriented. But in the beginning we made mistakes and alienated the West. We are trying to reverse this. We want major cultural and economic ties, but we are divided about how best to get there".¹¹⁴ However, key figures in the government claim that closer links to the United States could spark a domestic backlash among Islamist hardliners. Presidential Peace Advisor Ghazi Salahuddin Attabani pointed out: "We have a domestic constituency that is very dangerous to alienate. Our core constituency is not interested in satisfying the U.S. This threatens the very existence of our rule".¹¹⁵

112 ICG interview in Khartoum, 2 July 2001.

113 ICG interview in Khartoum, 1 July 2001.

114 ICG interview in Khartoum, 30 June 2001.

115 ICG interview in Khartoum, 2 July 2001.

In terms of any peace process, the government continues to try both to divide the National Democratic Alliance and to lure opposition parties and figures with an array of inducements and threats. It has pressured a number of opposition figures by expropriating their assets and otherwise harassing them, while offering to restore assets and give prominent posts if they join the government. While the government claims it has established the groundwork for federalism, self-determination and a pluralistic legal system, there have been few serious steps. Presidential Peace Advisor Ghazi Salahuddin's Attabani insistence that "It is not our policy to divide the south", because "too many players is a disadvantage,"¹¹⁶ seems at variance to actual practices.

The personal opposition of key National Islamic Front actors to compromise and to foregoing the benefits of absolute power also poses a significant obstacle to the peace process. "Many National Islamic Front members would want the situation to continue as it is", observed one Sudanese analyst. "Personal interests are key. Many of these guys have no constituency, and thus would lose out in peace".¹¹⁷ Another Sudanese commentator agreed: "There is a tiny group in the government that is not ready for peace. They don't want to give up their jobs; the oil money; the companies that are being privatised. They will say Islam is under threat to maintain the status quo".¹¹⁸ Others argue that this is the moment for evolution and compromise in the interests of progress.

Hassan al-Turabi and the Popular National Congress

Hassan al-Turabi masterminded the strategy that brought the National Islamic Front to power in 1989. He was its undisputed leader, with a long record in politics and government and a leading international Islamist voice. He created a convergence of interests of Islamists in the military, professional associations, and political parties that swept the democratic government away.

By the mid-1990s, however, Turabi made the tactical decision that elections and re-establishment of a civilian government would better serve both him and the National Islamic Front. Between 1997 and 1999, he transferred much power to civilian institutions that he led from his base as Speaker of the Assembly. President Bashir and Vice President Taha perceived a threat and joined to end this experiment at liberalisation in December 1999.

¹¹⁶ ICG interview in Khartoum, 2 July 2001.

¹¹⁷ ICG interview in Nairobi, 14 July 2001.

¹¹⁸ ICG interview in Khartoum, 3 July 2001.

Bashir disbanded the parliament and removed Turabi as Speaker. Turabi then formed a breakaway party, the Popular National Congress, in July 2000.

Turabi and leading members of his new party were arrested in February 2001 in direct response to events surrounding an agreement Turabi signed with the SPLA on 16 February 2001, in an effort to demonstrate his continuing relevance. The agreement with the SPLA called for democracy and peace, and Turabi later said that it did not propose armed rebellion. However, Turabi subsequently called for a popular uprising, which immediately led to his arrest. His party newspaper, *Rai al-Shaab*, was closed and dozens of his followers jailed. The following month, Turabi was charged with conspiring with an enemy of the state. His friends are being driven from government and the ruling party at all levels in what one Western diplomat called "a witch hunt".¹¹⁹ Most of the government's latest restrictions on civil liberties have been aimed at the threat it perceives to be posed by Turabi.

Even Turabi's second and third tier supporters are followed relentlessly. The government pursued a similar strategy when for years it sought to split the Umma Party and lure its more ambitious members with high-ranking jobs and other benefits. The effort won over only a handful but it did squeeze the party out of the National Democratic Alliance and into its current political limbo. "The government is applying the same strategy it applied against the Umma Party", said one Sudanese commentator. "They want to split Turabi's party in two".¹²⁰

It was not surprising that Bashir felt Turabi posed a political risk. "Turabi was building a broader coalition that included northerners, westerners and southerners", observed one Sudanese commentator.¹²¹ Turabi had also begun - opportunistically - to emphasise the African nature of the country, which some of the Arab leadership perceives as a threat, and more aggressively denounce government corruption. As one opposition activist pointed out, "Turabi was espousing democracy, liberalisation and support for a dialogue with the Americans. He asked President Bashir and others to take off their military uniforms and form a civilian government. He genuinely believed that the Islamists could win an election. This was very threatening and ignited the situation".¹²²

119 ICG interview in Khartoum, 30 June 2001.

120 ICG interview in Khartoum, 2 July 2001.

121 ICG interview in Khartoum, 30 June 2001.

122 ICG interview in Khartoum, 1 July 2001.

The government also fears Turabi's organisational and fundraising abilities. For ten years, Turabi scrutinised every officer recruit for the army and police. At roughly 500 per year, that equals 5,000 soldiers and policemen who were vetted personally. Even 5 per cent loyalty from this group would represent a meaningful nucleus. He also kept a tight control on the flow of Islamist money from the Gulf that largely resulted from his own fundraising efforts and credibility. "Turabi has half of the student movement with him, and they have arms", claimed an opposition activist, "His support in the military is unknown. The government and Turabi know each other very well. Turabi is the only hope to penetrate this government and cause it problems".¹²³ Another prominent opposition leader agreed: "The Turabi split is the biggest problem the regime faces. The government doesn't control the national army from top to bottom. The national army and the security forces are split. Trust was critical in building the revolution and now they have no trust".¹²⁴

An opposition businessman added: "The split with Turabi has been a problem for the government. They have no more new initiatives. They lost their thinker. The younger elements remain believers in Turabi".¹²⁵ A Sudanese commentator pointed out that perhaps the most destabilising element of the Turabi factor is that there is a "constant fear on the part of both factions of the government that Turabi will side with the other".¹²⁶

A Sudanese academic provided a window into the depth of the schism in Khartoum:

The National Islamic Front cadres see Bashir as a traitor to the Islamic movement. He wasn't supposed to consolidate power. Overthrowing Turabi was seen as wrong; Turabi was the head of the Islamist movement. Vice President Taha also had the allegiance of the Islamists, but now they see him in a different light because he stood with President Bashir in removing Turabi. Vice President Taha may have to go back to Turabi, who still holds the real Islamic movement. The Islamists will have to be unified in the future if other parties are allowed to contest for power. Taha can't do it alone.¹²⁷

¹²³ ICG interview in Khartoum, 1 July 2001.

¹²⁴ ICG interview in Khartoum, 2 July 2001.

¹²⁵ ICG interview in Khartoum, 1 July 2001.

¹²⁶ ICG interview in Khartoum, 3 July 2001.

¹²⁷ ICG interview in Nairobi, July 2001.

With Turabi in detention, his Popular National Congress party is somewhat rudderless. "Turabi has all the keys in his hands", observed a Sudanese activist. "He has all of the links with people in the army and security services".¹²⁸ Turabi is also alleged to have maintained his ties to extremist elements outside Sudan. "They are the source of his money and influence", claimed one member of the independent Sudanese press. "They most readily acknowledge Turabi's record as the founder of the Islamist movement in Sudan".¹²⁹

The Popular National Congress faces an additional problem, which is the legacy of Turabi's actions while he was a leading force in the government. "The public holds Turabi more responsible for Bashir's mistakes than Bashir himself", said a leading Sudanese oppositionist. "They think of Turabi as the engineer and Bashir as the foreman".¹³⁰

The government reportedly approached Turabi about returning after the SPLA's unsettling military victory at Raga in June 2001. Turabi set conditions, including guarantees for the rehabilitation of his Popular National Congress party. The government refused, and he remained in detention as of the end of 2001. Foreign Minister Ismail claimed that in some ways Turabi has actually benefited politically from his detention since, "He has become a martyr".¹³¹

The Popular National Congress is exploiting the aftermath of 11 September by playing both the Islamist card and themes of economic stagnation. The government reportedly arrested over 100 members of the party in the month after 11 September.¹³²

It is ironic that Turabi, the architect of an extremist Islamic vision and a man with ties to a host of terrorist organisations, has - for whatever reasons - become a leading advocate of the effort to liberalise government policies from within and perhaps even reach out to the bitter civil war enemy. In his prime he was a leading Islamist thinker globally, widely regarded by those who dealt with him as brilliant, if not always principled. Turabi has been slowed physically in recent years by an injury received in an attack in the mid-1990s, but he remains the most complex, enigmatic and unpredictable element on the Sudanese scene. His tactical moves toward a more liberal

¹²⁸ ICG interview in Khartoum, 16 November 2001.

¹²⁹ ICG interview in Khartoum, November 2001.

¹³⁰ ICG interview in Khartoum, November 2001.

¹³¹ ICG interview in Khartoum, 30 June 2001.

¹³² ICG interview with Western embassy official in Khartoum, November 2001.

political dispensation domestically combined with continuing commitment to exporting militant Islamism make him suspect to the more pedestrian and cautious political elite in today's Khartoum, but he has a significant following and continues to represent a threat to the government. In a country where alliances have historically dictated the ebb and flow of political life, his tactical agreement with the SPLA was unexpected. Neither its implications nor the true level of Turabi's support have yet been fully tested.

The SPLA

In the eighteen years since launching its rebellion, the SPLA has weathered internal splits, massive government offensives, damning international critiques of its human rights record, criticism from within the south and the southern diaspora, and a host of other challenges. A decade ago, it lost its main benefactor, the Soviet-backed Mengistu regime in Ethiopia, and had to reinvent itself as a popular liberation movement. It suffered another serious setback in 1998, when three principal benefactors (Ethiopia, Eritrea and Uganda) became consumed in other wars.¹³³

Nevertheless, the SPLA remains the principal armed opposition group in southern and eastern Sudan, and it is an increasingly important factor in northern political calculations. As one SPLA commander on the front lines in Bahr al-Ghazal told ICG, "We have survived. Nothing they can bring will destroy us".¹³⁴

The SPLA must overcome a heavy legacy of human rights violations and authoritarianism. Although it continues to commit rights abuses, these have diminished significantly, partly in response to international condemnation. It has created a rudimentary government and delivers public services in many areas it controls. Although heavily influenced - and in many places completely controlled - by the military, this civil capability is taking on a life of its own, facilitated by the opportunity to channel aid from international donors.

The emergence of civil society organisations within southern Sudan has also created a dynamic of accountability that did not exist five years ago. The SPLA allows very limited space for independent voices and still has little

¹³³ The war between Ethiopia and Eritrea erupted in May 1998, the same year in which Uganda joined Rwanda to invade the Congo. Although the SPLA still receives some support from these countries, it is of equal importance that their borders remain open for SPLA movements and safe haven.

¹³⁴ ICG interview in southern Sudan, 11 July 2001.

tolerance for opposition. But the process of slow liberalisation, partially as a result of donor pressure and partly from need to increase grassroots support, has inched forward.

SPLA leader Garang's power has diminished somewhat over the past half decade. As internal reforms have widened decision-making processes, Garang's previous position of absolute authority on most issues has been weakened. A larger group of commanders and civil administrators now have input into decisions. This has major repercussions for any peace process, particularly in terms of the need for negotiators to extend their contacts beyond just Garang if they want to influence SPLA thinking.

Within the south, support for a referendum on self-determination continues to grow at a time when the government has been ever more reluctant to discuss the issue. One prominent southern Sudanese politician pointed out: "The SPLA is feeling the pressure from the sentiment for self-determination. The will of the people must be expressed".¹³⁵

Support for self-determination also appears strong among the two million southerners resident around Khartoum. An unknown variable, though, is where the political sympathies of this huge constituency lie. Numerous small southern Sudanese political parties that represent unknown numbers are encouraged by the government in an attempt to undercut support for the SPLA.

Some of the internal divisions that plagued the SPLA and its splinter groups during the late 1990s in its Bahr al-Ghazal stronghold have dissipated. Local disaffection with John Garang and the leadership has diminished significantly. Salva Kiir, Garang's deputy, remains very popular in the area and is key to maintaining the current leadership composition of the SPLA. At the August 2001 SPLA Leadership Council meeting, he was given new authority to coordinate military strategy and arms purchases.¹³⁶ One Sudanese commentator observed: "The southern Sudanese people are seeing Garang in a better light. He has talked about the New Sudan [the SPLA's vision of a united, democratic, secular government] even while consolidating the civil administration in the south as a basis for a possible independent state".¹³⁷

¹³⁵ ICG interview.

¹³⁶ Justice Africa, *Prospects for Peace in Sudan*, September 2001.

¹³⁷ ICG interview in Nairobi, July 2001.

However, military force remains the heart of the SPLA movement, and as Garang told ICG: "The military situation on the ground is the only thing that will change the calculations of the governments in Khartoum and Cairo".¹³⁸ It is no coincidence that the government came closest to addressing the demands of the SPLA in June 1989 as the rebel group's military success was growing.

The attempt to stretch government defences requires a multi-theatre strategy. "We need to develop the eastern front", said Garang, who wants to open up attacks on the border with Eritrea in eastern Sudan.¹³⁹ The SPLA held an extraordinary session of its leadership council in August 2001 that brought together most of its significant commanders and politicians to debate strategy. Increased military activity in the oilfields appears to indicate some of the decisions reached.

In summary, the SPLA believes strongly in its cause but it remains vulnerable to schisms, is often troubled by an unclear political vision and is distressed by continuing human rights abuses. It is consistently outgunned by superior hardware on the battlefield. Southern unity and the cohesion of the National Democratic Alliance will be central to its aspirations.

The National Democratic Alliance and the Umma Party

The National Democratic Alliance, often accused of being a hollow consortium serving as a Trojan horse for SPLA interests, is an increasingly marginal actor on both the political and military fronts. It has largely failed to create a credible forum for opposition in government-controlled areas of Sudan or to maintain much control over areas it has won in combat in eastern Sudan. Nevertheless, it is the first meaningful coalition to include political and military groupings from the north, south, east and west of the country. It aims to develop a minimum consensus approach to governing Sudan that moves beyond north-south divisions, racial discrimination and religious intolerance and builds on the framework of the 1995 Asmara Declaration in which participating parties agreed to separation of state from religion and the right of self-determination. The Alliance is perhaps more important as a model for bringing together diverse interests than a true united national opposition. But that symbol is significant, and many of its member organisations are committed to constructing a genuine governing coalition.

¹³⁸ ICG interview in Nairobi, July 2001.

¹³⁹ *Ibid.*

One Western diplomat summarised it this way: "The National Democratic Alliance never has been a coherent coalition, and the SPLA dominates. It is disorganised, insubstantial and ineffectual. But, it is important that the National Democratic Alliance exists and maintains a minimum national agenda".¹⁴⁰ Indeed, that existence has been the main buffer keeping a number of northern political parties from capitulating to government pressure to abandon opposition and return to Khartoum's camp.

The most important component of the Alliance beyond the SPLA is the Democratic Unionist Party, a northern opposition group that derives its support mainly from the Khatmiyyah religious sect and has close ties to Egypt. Its leader, Muhammad Osman Mirghani, has Islamic and Arabist propensities, but he remains flexible and currently serves as the Alliance's chairman, which is a meaningful symbol that the coalition is not solely a southern movement driven by the SPLA.

Mirghani has been under intense diplomatic pressure from Egypt to return to Khartoum and join the government. This presents him with a difficult choice. If he goes back to the capital, he has no guarantee of a government position, he will lose his pre-eminent position within the National Democratic Alliance, the party will be further divided and he will play second fiddle to the head of the Umma party, Sadiq al-Mahdi.¹⁴¹ But the longer Mirghani remains in the National Democratic Alliance, the more severely his family and party supporters will suffer economically. "The Democratic Unionist Party is a family business", noted one Sudanese academic, "Mirghani in the end may have to go back to regain their businesses. Khartoum is already releasing some of his properties, and some of his family is venturing back".¹⁴² In October 2001, Mirghani's brother Ahmed went back to Khartoum, a move seen as having an Egyptian hand.¹⁴³ The pressure to get back into Sudan to compete directly with the Umma Party is eating away at Democratic Unionist Party resolve and further weakening the National Democratic Alliance.

The economic pressure of remaining outside Sudan is wearing some opposition elements down, precisely the government's objective when it expropriated the property and assets of opposition parties in the early years after the coup. An opposition businessman in Cairo explained: "The financial situation of the opposition is a disaster. We can't pay our bills. The

¹⁴⁰ ICG interview in Khartoum, 30 June 2001.

¹⁴¹ For the relationship of the Umma Party and Mahdi to the Alliance and the government see below.

¹⁴² ICG interview, August 2001.

National Islamic Front knows this, and their financial situation is improving. They expect the opposition to collapse".¹⁴⁴ The son of a leading opposition figure told ICG: "It is even more difficult for us younger people to remain in principled opposition. We want to get our family's assets and properties back. We want a share of the oil money, so that we can fund our political organising and agenda".¹⁴⁵

Nevertheless, the leader of one opposition group claimed that Mirghani has already beaten the odds: "We didn't expect him to survive in the opposition for so long. It must be understood how much pressure he is under, especially from Egypt, to go back to Khartoum. Egypt needs to understand that the opposition is the National Democratic Alliance, the SPLA, and the Democratic Unionist Party, and that these three components go together. President Bashir and Mirghani cannot deliver the SPLA for Egypt".¹⁴⁶

Mirghani and the Democratic Unionist Party play a unique role in the opposition. Mirghani's links with Egypt, Saudi Arabia and other Gulf states weaken Khartoum's efforts to paint the civil war as a purely north-south, Muslim-Christian affair. Mirghani's alliance with SPLA leader John Garang also makes it more difficult for Egypt to dismiss calls for self-determination out of hand. However, some within the south fear that Mirghani's influence will water down the opposition's objectives.¹⁴⁷

Within the National Democratic Alliance, the SPLA-Democratic Unionist Party alliance has a long history. As early as 1988 the party signed an accord with the SPLA, indicating its commitment to peace, even if it meant suspending Islamic law and granting the south self-determination. That year Mirghani met with John Garang in Addis Ababa and initiated a process around a constitutional conference that almost culminated in a peace agreement before it was cut short by the 1989 coup. Mirghani remains committed to the constitutional conference approach, while the SPLA has increasingly emphasised self-determination.¹⁴⁸ Both Mirghani and Egypt have struggled to accept this evolution in SPLA policy, and it remains up for eventual negotiation.

143 ICG interview with European diplomat, 14 November 2001.

144 ICG interview in Cairo, 4 July 2001.

145 ICG interview in Khartoum, 1 July 2001. The government uses more than economic levers in its effort to intimidate and otherwise influence members of the National Democratic Alliance. For example, it arrested a number of Alliance leaders in December 2000 in Khartoum after they met routinely with a U.S. diplomat. They were held for months, then tried for espionage and plotting to overthrow the state. Though the activists were released after the 11 September 2001 events, the incident has had a chilling effect on the political activity of the National Democratic Alliance in government-controlled areas.

146 ICG interview, July 2001.

147 ICG interviews in Cairo, July 2001.

148 Justice Africa, *Prospects for Peace in Sudan*, August 2001.

Although Mirghani retains control of the most significant faction, the Democratic Unionist Party has fragmented. The divided party is weaker than it was a decade ago, and many members are disgruntled with Mirghani's unilateral decisions, the lack of transparency and his meetings and agreements with other political parties independent of the National Democratic Alliance. Egypt is scheduled to host a Democratic Unionist Party conference at some point, which should be significant for the party's course. Mirghani's frequent consultations with Cairo led one Sudanese government official to claim derisively: "Mirghani is just clay in the hands of the Egyptians".¹⁴⁹

The Beja Congress, another member of the National Democratic Alliance, represents a group of traditionally marginalised people from the northeast. It joined the Alliance in 1995 in response to the government's Islamisation program that targeted Beja youth and forced conscription into the paramilitary militia, the Popular Defence Forces.¹⁵⁰ The Beja Congress' armed wing has attacked government troops and installations in eastern Sudan.

Other notable members of the National Democratic Alliance include the Sudan Alliance Forces, largely composed of secular northern politicians and intellectuals that have been fighting in the east, and the Union of Sudan African Parties, composed of seven southern political organisations, including the Sudan African National Union, sympathetic to the SPLA.

The development, slow as it is, of a political-military alliance of organisations from peripheral areas of Sudan could eventually add a potentially dynamic element to the political equation. These groups, such as the Sudan Alliance Forces, the Beja Congress from the east, the Sudan Federal Democratic Alliance from the west, and the Rashaida Free Lions from the far north and northeast, have traditionally not had mainstream roles like the Umma Party and the Democratic Unionist Party. The SPLA has resisted an open alliance with them thus far, not wanting to dilute its own influence within the National Democratic Alliance. However, if the Democratic Unionist Party drops out of the Alliance, this would become far more likely. It could well cause the civil war to shift even more toward a centre-periphery conflict.

The largest and oldest northern party - the Umma Party - left the National Democratic Alliance in March 2000 when its leader, former Prime Minister

149 ICG interview, September 2001.

150 For the Popular Defence Forces, see Chapter 5.

Sadiq al-Mahdi, returned to Khartoum hoping to join the government. "This almost caused a fatal split within the Umma Party", observed one Western diplomat. "The difficulties for the party have increased since Sadiq returned to Khartoum".¹⁵¹ After internal debates, Umma decided in February 2001 that it would not join the government unless all parties were included and new elections held. Many government officials are still eager to bring Umma into the government, feeling that it would lend legitimacy. But key figures remain reluctant to offer significant concessions. "If we rejoin under their terms", said one Umma leader, "we will be discredited. Only 40 of our party members have joined".¹⁵²

Umma Party Arab Baggara chiefs interviewed by ICG in northern Bahr al-Ghazal were critical of their leader: "We are ignorant of politics, but we blame Sadiq for returning to Khartoum. The Umma Party should rejoin the National Democratic Alliance. Sadiq's departure reduced the pressure on the government to negotiate peace".¹⁵³ A prominent Umma leader in Khartoum agreed: "The people in Sudan are not fanatics. The majority of the party believe that leaving the National Democratic Alliance was a mistake".¹⁵⁴

Instead of rejoining the National Democratic Alliance or joining the government, it appears that the Umma Party will pursue a strategy of bilateral contacts and agreements with key actors. Sadiq al-Mahdi and the Democratic Unionist Party concluded an agreement on shared principles in early 2001; similar initiatives are being taken with the SPLA and Communist Party. As one Umma leader noted, "We want to build something bigger than the National Democratic Alliance with the National Democratic Alliance inside it. Umma is unlikely to come back into the National Democratic Alliance, so we have to form a new organisation".¹⁵⁵

Others see this as a hostile manoeuvre. "The Umma's intention is to destroy the National Democratic Alliance and isolate the SPLA, in order to recreate the north-south dichotomy", said one opposition leader. "Sadiq fears the concept of the 'New Sudan'. It will ensure the permanent loss of power of the traditional parties".¹⁵⁶ Furthermore, the SPLA views Umma's attempts to promote alternative southern viewpoints in any negotiation as further evidence of efforts to "build an anti-SPLA southern coalition", according to

151 ICG interview in Khartoum, 30 June 2001.

152 ICG interview in Khartoum, 2 July 2001.

153 ICG interview in southern Sudan, 14 July 2001.

154 ICG interview in Khartoum, 1 July 2001.

155 ICG interview in Khartoum, 2 July 2001.

156 ICG interview in Cairo, 4 July 2001.

SPLA officials.¹⁵⁷ Although many southerners appreciate Sadiq al-Mahdi's outspoken support of the need to uphold the right of southern self-determination, his continuing efforts to widen the region's participation in key political events and undermine the SPLA may backfire.

Despite the criticism, Sadiq and other Umma leaders remain active in attempting to shape events. Sadiq was a key behind-the-scenes architect of some parts of the most recent Libyan-Egyptian peace initiative, and he continues to try to influence both opposition and government policy and politics, albeit with little recent success. The Umma Party's current limbo between the National Democratic Alliance and the government leaves it in an awkward stance.

Some argue that the Umma Party's neutrality will actually serve it well. "Sadiq played his cards well", one member of the independent Sudanese press observed. "He isn't part of either side. He now can be a credible alternative".¹⁵⁸

While the National Democratic Alliance has largely been a coalition of political parties, it plans to expand links with non-party elements of society, such as student groups, trade unions, professional associations and women's organisations. The Alliance's internal contradictions, however, have kept it from matching its rhetoric with military and diplomatic leverage. The highly diverse agendas among member organisations diminish the chances for concerted long-term strategy. There is no room for flexibility in the Alliance's negotiating posture unless it can develop more nuanced fallback positions. A simple concession on a given issue for one party can be explosive and unacceptable for another. The issue of religion and state, for example, could split the organisation during negotiations with the government. Consequently, the National Democratic Alliance likely will continue to hew toward the lowest common denominator of the agenda it spelled out five years ago in Asmara.

The U.S.\$3 million that the U.S. government has said it is prepared to provide to enhance the Alliance's negotiating capacity could be used to lessen this problem.¹⁵⁹ Otherwise, the Alliance stands in danger of

157 ICG interview in Nairobi, 14 November 2001.

158 ICG interview in Khartoum, November 2001.

159 For further discussion of this assistance, see Chapter 7.

disintegrating during any serious peace talks.¹⁶⁰ At the same time, the U.S. and other donors need to ensure that the resources they provide do not become the source of further rifts between the SPLA and the Democratic Unionist Party.¹⁶¹

B. With Friends Like These: The Regional Players

Sudan's neighbours have all too often been more than willing to stoke the fires of conflict. Deep distrust, disputes over oil, water and land, and long-running concerns about religion, secessionism and military adventurism have fuelled an environment of antagonism and violence. A complex stew of rapidly shifting policies, commercial interests, alliances and rivalries - often relying on support for cross-border insurgents to advance diplomatic goals - has meant that Sudan's neighbours have been part of the problem more often than they have been part of the solution. Important regional states often believe they have more to gain from a weak Sudan than from a strong, peaceful one. "The more the Khartoum regime is vulnerable", alleged a Sudanese civil society leader, "the more concessions some of the neighbours feel they can extract".¹⁶²

Deeply divided regional policies toward Sudan have blocked the progress of any serious peace process and allowed Khartoum and the SPLA to play states off against each other. This has led to ill-fated and counter-productive regional peace initiatives and largely impotent international responses, including the Egyptian-Libyan Joint Initiative and the Inter-Governmental Authority on Development (IGAD) process. These and other peace initiatives are discussed in Chapter 6.

Egypt

Egypt wants a united, moderate and cooperative Sudan as a neighbour. While this may sound straightforward, it has often led to deeply contradictory policies. Historically, Egypt has considered Sudan something of a younger brother, and Cairo continues to treat events within Sudan as matters of national security. Egypt's interests include ensuring maximum supplies of Nile River water, maintaining Sudan as a unified state, bolstering Egyptian

¹⁶⁰ Not extensively discussed in this report but of importance in the long run in Sudan is the role of civil society organisations within both the National Democratic Alliance and broader Sudanese society, north and south. Civil society actors maintain the potential of being key catalysts for reform and change in Sudan. Though brutalised early on by the regime, they have been slowly reorganising and building their capacity to participate meaningfully if there are openings in the future.

¹⁶¹ Justice Africa, "Prospects for Peace in Sudan", August 2001. A September 2000 National Democratic Alliance conference authorised committees to develop such fuller negotiating positions.

¹⁶² ICG interview in Khartoum, November 2001.

influence in Khartoum, and reining in more extreme Islamist elements, especially those that directly threaten the regime in Cairo. In addition, millions of Sudanese live in Egypt. One high-ranking Sudanese official described the evolution in relations between Sudan and Egypt this way: "The Egyptians no longer control the Sudanese government, but we now have mutual interests".¹⁶³

Dealing with fundamentalism in Sudan has been a high priority concern for Egypt, and the sharp international fallout resulting from the 11 September 2001 terrorist attacks against the U.S. will only make this perspective more pressing. Egyptian policymakers have tried to dilute the influence of the more extreme Islamists in Sudan and believe they scored a major victory with Turabi's removal. Egypt seeks to marginalise Islamist elements in Sudan primarily to prevent the further radicalisation of groups within Egypt. Given this perspective, Egypt would like to see Democratic Unionist Party leader Mirghani included in the government and, eventually, Vice President Taha forced out.

Egypt generally views President Bashir as a bastion against extremism and a window into the Sudanese military, but it is nearly as suspicious of Taha as it was of Turabi. An opposition financier commented: "The Egyptians want to maintain Bashir because he is weak and because they can. At the moment, he can maximize the return on their interests, for which they need a subservient regime".¹⁶⁴ A Sudanese civil society representative concurred: "This regime in Khartoum is ideal for Egypt. Over time the Egyptians have tamed it, and now they can control it".¹⁶⁵

Support for Bashir represents an evolution of Egyptian foreign policy. In the immediate aftermath of Sudan's implication in the attempted assassination of President Mubarak in June 1995, Egypt explored overthrowing Sudan's government. Over time, however, the Egyptians shifted from a policy of isolation to one of engagement. "We found our policy of containment of the regime in Khartoum unsuccessful", said a high-ranking Egyptian official.¹⁶⁶ The Egyptian Foreign Ministry has generally favoured this, while the General Intelligence Services has consistently advocated a harder line.

Egypt's policy continues to shift as events unfold. Certainly Cairo is uncomfortable that Vice President Taha has consolidated control, and Sadiq

163 ICG interview, September 2001.

164 ICG interview in Cairo, July 2001.

165 ICG interview in Khartoum, November 2001.

166 ICG interview in Cairo, 5 July 2001.

al-Mahdi of the Umma Party has moved closer to the government. After the government's military defeat at Raga, Egyptian General Intelligence Services also began again exploring a deeper relationship with the National Democratic Alliance. As a leader of an opposition party commented: "Egypt had written off the National Democratic Alliance, but they picked it back up after recent military developments".¹⁶⁷

Egyptian policy remains conflicted. The government moves ahead with its peace initiative, built around a reconciliation strategy aimed at luring northern parties back to Khartoum. At the same time, however, Cairo is very worried about antagonising John Garang, with whom it has a complex relationship over self-determination. Increasing southern calls for Sudanese self-determination, and the firming of the SPLA position on the issue, greatly concern Cairo. The Egyptian government had relied heavily on Garang to silence self-determination calls, but this strategy is having diminishing success. "Egypt can no longer ignore self-determination", argued a prominent southern Sudanese politician. "They realise they need to construct incentives for unity".¹⁶⁸

Secession rhetoric can be explosive in the Islamic community. A Sudanese opposition figure noted: "Khartoum has tried to rile up the Egyptians on the basis of a Zionist threat and a U.S. conspiracy to divide the Sudan. The line is that southerners are being used by Israel and the U.S. to separate the south. The Egyptians are gripped by this conspiracy".¹⁶⁹ That propaganda has gained some traction in Cairo, particularly in light of anger about events surrounding the Palestinian issue.

In spite of its increasingly efficient use of water, Egypt also worries about the effect that an independent southern Sudan could have on its access to Nile River resources, although the SPLA has expressed a desire to be flexible. "Southern Sudanese have no interest in making claims on the water", said a top SPLA official. "It is too easy to flood. We want to reclaim land, not submerge it. Sudan is as low in altitude as Holland. We can't divert the Nile water - where would we send it in the south? It can only flow northward".¹⁷⁰ If Egypt did believe that a diversion agenda was operative, it would likely invade militarily. Similarly, it would react sharply if Ethiopia were to embark on a major unilateral dam building initiative on the Blue Nile.

167 ICG interview in Nairobi, July 2001.

168 ICG interview in Khartoum, July 2001.

169 ICG interview, July 2001.

170 ICG interview in Cairo, 4 July 2001.

The governments of Egypt and Sudan are finalising agreements that would allow the former access - via joint ventures - to hundreds of thousands of hectares of land in the far north of Sudan adjacent to the Nile. This would have the practical effect of increasing Egypt's water resources. "Yes, the Sudanese government has offered land to us, but we have to study their proposals", said one Egyptian official.¹⁷¹ There is also discussion of sending Egyptian labourers to work in Sudanese agriculture, which would help relieve over-population in Cairo. "Sudan will become a water tank for Egypt and a reservoir for Egyptian labour", charged one opposition member.¹⁷² Another Sudanese academic observed, "Historically, Egypt has negotiated water agreements with weak governments in Khartoum. They would like to weaken this government further".¹⁷³

Despite the cooperation between Cairo and Khartoum, many in the latter capital deeply resent Egypt's heavy hand in their affairs. "The Egyptians decided that we posed a threat to their water", complained a top-ranking official in Khartoum. "They feared our use of the water, and tried to dictate to us what to do. But we cannot accept this".¹⁷⁴

Cairo in general views its neighbours as potential threats to its water access, and does not want an "African" southern Sudanese state. Khartoum in turn has been working in league with these same neighbours to overturn Egyptian hegemony on water resources. An Egyptian official disputed that his country opposes southern independence simply because of water interests: "We don't fear another state because of the water issue. There are already ten countries involved in negotiating access, so that's not a big deal. We want to see stability in the region, and a new state would destabilise things. Look at Eritrea's independence from Ethiopia".¹⁷⁵

Ethiopia

In the early and mid-1990s, Ethiopia was key to the SPLA's development of a military capability in eastern Sudan. It provided extensive technical assistance and offered artillery, tank and specialised unit training. Ethiopian forces were instrumental in major SPLA victories in 1996 and

171 ICG interview in Cairo, 5 July 2001.

172 ICG interview, July 2001.

173 ICG interview, July 2001.

174 ICG interview in Khartoum, November 2001.

175 ICG interview in Cairo, 5 July 2001.

1997 and helped create a buffer zone within Sudan to prevent Ethiopian opposition groups from operating effectively from there. Since then, SPLA units have resisted numerous Sudanese government offensives in the region, and local commanders credit the earlier Ethiopian support for much of their success.¹⁷⁶

While content to see parts of Sudan carved away from government control in the mid-1990s, Ethiopia (along with its allies at the time, Eritrea and Uganda) did not want to topple the Bashir government for fear that it would be replaced by one more closely controlled by Egypt. As a Sudanese government official claimed: "Ethiopia's greatest fear is a government in Khartoum controlled by Egypt".¹⁷⁷

Since the Eritrean war, and development of Sudan's oil resources, Ethiopia's posture has shifted considerably. Ethiopia and Sudan have undertaken an extensive *rapprochement* and concluded bilateral agreements, including on transport, energy and communications. As one opposition Sudanese military commander explained, "Ethiopia has national security interests it is pursuing. It needs Sudan's oil, its port, and the security arrangements that reduce any threats from the west. It needs a friendly government in Khartoum".¹⁷⁸

Since Ethiopia continues to perceive Eritrea as more of a direct short-term security threat than Sudan, it has been eager to diversify its oil imports, much of which previously came through Eritrea's port. One Ethiopian analyst commented: "Ethiopia's strategy of containment and pressure of the mid-1990s has been completely replaced. It is now based on interest. They don't want a strong Sudanese government that acts unilaterally. For Ethiopia, Sudan is manageable now".¹⁷⁹

Since 1998, Ethiopia has established the Blue Nile as an important strategic line of demarcation. It does not permit any cross-border military activity by Sudanese opposition groups north of this line, and has effectively cut off some of the National Democratic Alliance forces - particularly the Sudan Alliance Forces - which controlled Sudanese territory along the border. South of this line, Ethiopia still permits the SPLA to operate freely across the border. In exchange for this relative

176 ICG interviews with SPLA officials in Addis Ababa, July 2001.

177 ICG interview, September 2001.

178 ICG interview in Addis Ababa, 17 July 2001.

179 ICG interview in Addis Ababa, 16 July 2001.

restraint, Sudan has cut off its support for the Oromo Liberation Front, a guerrilla group opposed to Ethiopia, and stopped allowing it to stage operations from Sudanese territory. As one highly placed Sudanese government official commented: "Ethiopia got what it wanted".¹⁸⁰

Ultimately, though, the potential for an arms race, fundamental disagreements over governance, paranoia over each other's support for the other's opposition, economic tensions and deep historical rivalries all make renewed confrontation between Ethiopia and Sudan a distinct possibility.¹⁸¹ Furthermore, there is a significant constituency within the Khartoum regime that remains eager to stoke divisions between Ethiopia and Eritrea.

In the meantime, however, Ethiopia's focus on threats from Eritrea and Somalia leave it in a position to pursue cooperation with Sudan. In the aftermath of the 11 September attacks, Ethiopia will redouble efforts with Sudan and the United States to isolate one of the main Ethiopian rebel groups, Al-Itihad al-Islamia, an Islamist organisation based in Somalia and linked to bin Laden. But many Ethiopian officials continue to see Sudan as the foremost threat in the region, particularly because of its potential ability to stir up trouble among their countries' large Islamic population.¹⁸²

Eritrea

Eritrea largely views Sudan as a national security issue and has supported the deployment of National Democratic Alliance forces across its border into eastern Sudan, in what is known as the "eastern front". Eritrea fears the Sudanese government's potential to destabilise the Eritrean state, which is delicately balanced between Muslim and Christian populations and interests. Given Khartoum's past penchant for supporting Eritrean armed opposition groups, this fear is not unfounded.

Sudan's eastern front has the potential to become an increasingly important military theatre in the civil war, given its proximity to key northern infrastructure, including the pipeline and the Khartoum-Port Sudan road. To this date, however, opposition forces have not been able to sustain consistent attacks on that infrastructure or hold significant territory. One military officer in the region commented, "Eritrea didn't

¹⁸⁰ ICG interview, June 2001.

¹⁸¹ Ethiopia spends twice as much as Sudan on defence but this gap will be narrowed quickly as Sudan's oil wealth increases and Ethiopia downsizes its post-war military.

¹⁸² ICG interviews, August 2001.

give the opposition training and technical support. They turn the tap on and off. But they don't have the resources to make a big enough impact".¹⁸³

Opposition representatives note that Eritrea has provided continual support to the National Democratic Alliance, even at the height of the war with Ethiopia, although it has also attempted periodically to improve relations with Khartoum as a means of undercutting Sudanese-Ethiopian ties. Two separate sources reported that Libyan President Qadhafi offered large compensation to Eritrea in 2000 if it would end support for the National Democratic Alliance.¹⁸⁴ Further, Sudan has unsuccessfully offered to terminate its support to the insurgent group Eritrean Islamic Jihad if Eritrea would drop Sudanese opposition groups on the eastern front.¹⁸⁵ Some Eritrean officials (including President Isaias Afewerki) would actually like to increase support for the National Democratic Alliance on the eastern front but serious internal political problems hinder this. Although Eritrea has undertaken its own effort at peacemaking in Sudan conflict (see Chapter 6), it remains deeply involved in the military situation like many of Sudan's neighbours.

Uganda

Uganda has been the most loyal and continuous supporter of the SPLA since President Yoweri Museveni came to power in 1986. It provides support and haven and at times has been directly involved in rebel offensive actions. After the loss of Ethiopia as the SPLA's main base in 1991, Uganda became much more important to the SPLA. To counter Uganda's support for the SPLA, Sudan has long backed the Lord's Resistance Army¹⁸⁶ and Allied Democratic Forces, both of which are insurgent groups that have targeted the government of Uganda.

Nearly half a million people remain internally displaced in northern Uganda as a result of the fighting between the government and the Lord's Resistance Army. Many of these people have been relocated to government-run "protection villages", and local leaders are increasingly anxious for the government to dismantle these camps, allow people to return to their home areas and provide adequate protection in these areas.¹⁸⁷

¹⁸³ ICG interview, July 2001.

¹⁸⁴ ICG interviews in Asmara, July 2001.

¹⁸⁵ ICG interviews in Asmara, 8 July 2001.

¹⁸⁶ Since the mid-1990s, the LRA has been based in Sudanese government garrisons, undertaking cross-border attacks in northern Uganda as well as fighting the SPLA in southern Sudan.

¹⁸⁷ "Acholi Leaders Urge Government to Dismantle IDP Camps", Integrated Regional Information Network (IRIN), 23 August 2001.

Uganda's continuing involvement in the Congo has cut into some of its support for the SPLA, and efforts by former U.S. President Jimmy Carter and Libya's Qadhafi to improve relations between Sudan and Uganda have yielded some results, most importantly, a fissure in the relationship between Khartoum and the Lord's Resistance Army (LRA). Interestingly, Sudan has recently become an important investor in Uganda,¹⁸⁸ and this level of engagement could well signal a shift in relations.

In late August 2001, on the margins of an international meeting in Kampala, President Bashir unexpectedly announced that his government was withdrawing all support for the Lord's Resistance Army, proclaiming: "We are proceeding towards a new era based on the fact that Sudan is not supporting any opposition group in the region". Bashir openly acknowledged earlier support for the group, saying it was in response to Ugandan help for the SPLA, and called on Uganda to stop backing the SPLA.¹⁸⁹

Bashir's announcement failed, however, to extract a pledge from Uganda on the SPLA. Instead, it sparked off increased banditry and a series of military operations by the Lord's Resistance Army against Sudanese government forces.¹⁹⁰ A number of children abducted by the Lord's Resistance Army escaped and revealed the extent of the fighting.¹⁹¹ Bashir's proclamations did likely spur some defections from the Lord's Resistance Army.¹⁹² However, Uganda's refusal to curb its support for the SPLA will likely sour the two governments' attempts at *rapprochement*. Museveni's sentiment in support of southern Sudanese independence will only add further fuel to the fire.

Kenya

President Moi has taken a personal interest in his government's Sudan policy. A high-ranking Kenyan diplomat argued: "Kenya has borne the brunt of the response to the war, and that is why President Moi takes the lead on this issue".¹⁹³ However, domestic preoccupations have frequently distracted Moi's attention.

188 Stephen Ilungole, "Investors in Top Ten", *New Vision*, 22 August 2001.

189 "Bashir Says Support for Rebels Has Ceased", IRIN, 21 August 2001.

190 IRIN, 7 September 2001.

191 Cyprian Musoke, "Kony Turns Guns to Sudan Government", *New Vision*, 25 August 2001.

192 IRIN, 7 September 2001.

193 ICG interview in Nairobi, July 2001. Kenya's leadership of the IGAD peace initiative is discussed in Chapter 6.

Meanwhile, Kenya continues to receive a perverse subsidy as a result of Sudan's long agony. As a primary channel for the massive international relief effort for Sudan, it obtains port fees, road taxes and the financial benefits that accrue from the presence of thousands of NGO workers as well as construction and maintenance of the Lokichoggio airfield and other infrastructure improvements. The United Nations Operation Lifeline Sudan and associated humanitarian organisations are largely staged from Kenyan territory. Kenya permits non-United Nations affiliated NGOs to operate as well, although Khartoum argues that these access Sudanese territory "illegally".¹⁹⁴ Kenya has also allowed the SPLA to maintain offices in Nairobi since its inception.

Kenya recently became embroiled in an internal dispute over whether to purchase Sudanese oil. In what appeared to be the Sudan government's latest oil diplomacy success, it concluded a deal with Kenyan Energy Minister Raila Odinga to export tariff-free oil to Nairobi under the terms of the Common Market for Eastern and Southern Africa. Subsequently, a domestic controversy led to re-evaluation of the contract, which caused Sudan's Foreign Minister to threaten ending imports of Kenyan coffee and tea.

Facing a trade war, Kenya finally allowed the duty free imports. This led to further controversy within the Kenyan energy industry, which argued that importing refined products from Sudan would break the "white oil rule", which puts all imports through the Mombassa-based refinery. Another possible escape hatch exists if the domestic industry successfully makes the case that Sudanese crude does not meet Kenyan specifications. Further controversy is likely in any event as the budgetary implications of the deal become clear.¹⁹⁵

Libya

Libya's President Qadhafi has intermittently supported both the government and the rebels. He has partnered with Egypt to sponsor the Libyan-Egyptian Initiative (see Chapter 6) and opposes a self-determination referendum for the south for reasons similar to those of Cairo. Also like Egypt, Libya supported Bashir in ousting Turabi. Qadhafi has worked assiduously to improve relations between Sudan and Uganda. His greatest interest is in using a potential peace deal to promote his image as a continental leader,

¹⁹⁴ ICG interview with donor government official, September 2001.

¹⁹⁵ Jaindi Kisero, "Kenya Opens the Door to Sudan Oil Imports", *Nation*, 14 August 2001.

and Khartoum has played on that expertly. Libya's interests also include economic links with Darfur in western Sudan as well as the large number of Sudanese living in Tripoli. Although their cooperation on Sudan is not without significant strains, Egypt may insist on Libya's direct participation in the peace process even if this makes the U.S. uneasy.

C. Other Key International Actors

The broader international community has often been as divided as Sudan's neighbours. Traditionally, the United States has favoured isolating Sudan, while the European Union and other European states have tilted in favour of securing change through engagement. The development of Sudan's oil resources - providing a new commercial incentive for engagement - and the fallout from the 11 September 2001 terror attacks against the United States have only complicated this already challenging dynamic.

In recent years, much of the U.S. interaction with Sudan came in the form of economic sanctions and public condemnation. By contrast, many European countries have invested in the burgeoning oil sector. However, the most aggressive investors in Sudan's oil and business sectors have been from Asia, particularly China and Malaysia.

United States

During the Clinton administration, the U.S. slowly ramped up unilateral pressures in response to Sudan's abysmal human rights record, its prosecution of the war and its support for terrorism. This culminated in the imposition of comprehensive unilateral sanctions in late 1997. However, the impact of these sanctions was often less than the administration's rhetoric implied. Much of the rest of the world, particularly Khartoum, believed that the U.S. was doing considerably more (especially with the SPLA) than it actually was. The bombing of the al-Shifa pharmaceutical factory on 20 August 1998, following a terrorist attack on two U.S. embassies in Africa, appeared, erroneously, to confirm the suspicion that the U.S. sought to overthrow the government in Khartoum. But bureaucratic in-fighting and a general desire to avoid foreign entanglements meant that Clinton administration actions were more bark than bite and were not aimed at toppling the regime or ending the war. Furthermore, differences with Europe made multilateral action difficult.

The Clinton administration, however, was effective in using its policy of isolation and containment to develop leverage with Khartoum that the Bush

administration can now use in its peace promotion efforts. Sudan remains eager to improve relations and to remove remaining U.S.-imposed obstacles to its full integration into the global economy.

For the last few years, an activist U.S. Congress¹⁹⁶ and a handful of officials in the Clinton and Bush administrations have pressed for further measures, including capital market sanctions against foreign companies doing business in Sudan and non-lethal aid to help the National Democratic Alliance defend communities from human rights abuses. There has been growing grassroots support in the U.S. for such measures, largely driven by the frequent portrayal of Sudan's government as waging a brutal anti-Christian campaign, including through the taking of slaves.

There were great expectations for U.S. policy under President Bush, particularly from conservative Republican Party constituencies that have made Sudan a key issue. The appointment of Sudan rights advocates such as Elliot Abrams to key positions in the administration encouraged the opposition.¹⁹⁷ On the other hand, the Sudanese government had hopes as well, because, as one Sudanese analyst pointed out, "there was nowhere to go but up from where the Clinton administration was. Any move Bush might make would be positive considering where they started from".¹⁹⁸ Ghazi Salahuddin Attabani, the Presidential Peace Advisor, claimed:

The U.S. is the elephant, and Europeans are reluctant to move because of the American issues. We know the U.S. will not be an honest broker, but we are not anti-U.S. The Gulf War created many of our problems.¹⁹⁹ Nevertheless, there are many in the government who feel that we cannot make any more concessions in the peace process, that we have been weakened by the U.S. and are thus not able to concede anything more.²⁰⁰

The U.S. has badly managed an effort to provide U.S.\$3 million in non-lethal aid such as political training, transport and communication support to the opposition. The plan was prematurely announced by the Clinton administration in 2000. Bureaucratic resistance from the U.S. Agency for International Development and an inability to find any organisation willing

196 Key Congressional leaders include Senators Sam Brownback (R-Kansas) and Bill Frist (R-Tennessee), and Representatives Donald Payne (D-New Jersey) and Frank Wolf (R-Virginia).

197 Abrams, an assistant secretary of state in the Reagan administration, has become President Bush's top advisor on human rights in the National Security Council and remains closely engaged in Sudan policy.

198 ICG interview in Nairobi, 2 October 2001.

199 Sudan supported Iraq during the Gulf War.

200 ICG interview in Khartoum, 2 July 2001.

to implement the program led to a worst-case scenario of perceptions of aid without the reality. The mistake was repeated during the Bush administration due to a premature leak in March 2001. "We were very surprised by media announcements of aid to the National Democratic Alliance", said Democratic Unionist Party leader Mirghani, "This has been negatively used by the regime to create a picture of foreign intervention into Sudanese affairs, and of the National Democratic Alliance as stooges of foreign forces. It tarnished the image of the National Democratic Alliance".²⁰¹

Initially, the Bush administration had appeared reluctant to go much further than its predecessor in either engaging or opposing Sudan. Despite constituency and congressional pressure, it focused its early efforts on implementing Clinton administration aid programs for the National Democratic Alliance, marginally increasing other aid programs and relying on Special Envoy John Danforth to determine the level and scope of eventual involvement in peacemaking efforts. The events of 11 September have altered those initial tendencies in ways discussed elsewhere in this report.²⁰²

Foreign Minister Ismail observed before 11 September 2001 that the U.S. had three options. First, it could undertake a serious effort to engage Khartoum on the bilateral relationship and the peace process. Second, it could fail to "face down the pressure groups, give in to the pressure, and continue a policy of isolation". Third, it could move beyond the Clinton administration policy and escalate its efforts against Khartoum. Given the different signals over its first six months, Ismail was reluctant to hazard a guess as to which path the administration would choose.²⁰³

Nearly everyone interviewed by ICG in Khartoum said that the Bush administration's Middle East policy - particularly its perceived support for Israel's treatment of the Palestinians - hurt the opposition. The connection is often made to alleged U.S. support for an independent southern state. "People believe the U.S. wants a separate south to create a barrier to Islamic expansion", said an opposition leader. "Americans are mistrusted in the north because of this perceived agenda".²⁰⁴

201 ICG interview in Cairo, 5 July 2001.

202 The Danforth appointment was announced formally on 6 September 2001 but the former Senator had been actively canvassing opinions in Washington for some time previous.

203 ICG interview in Khartoum, 30 June 2001.

204 ICG interview in Khartoum, 1 July 2001.

U.S.attitudes in the aftermath of the 11 September terror attacks appeared to signal a shift in the bilateral relationship. The two capitals had been engaged in a dialogue on terrorism well before the attacks,with a U.S.team resident in Khartoum for a year. Before 11 September, the U.S. team concluded that Sudan has complied with the demands of UN Security Council resolutions regarding the assassination attempt against Egyptian President Mubarak. This led the U.S. to drop its opposition to lifting UN travel sanctions against Sudanese officials, and the Security Council has done so.Other developments since 11 September are covered in Chapters 3 and 8.

European Union

The attention the European Union (EU) pays to Sudan depends fundamentally on its member states' interests. For example, the Belgian government, which held the EU Presidency during the latter half of 2001, declared its policy priorities to be Central Africa and Afghanistan. Sudan will thus have to wait its turn until the next Presidency, or the one after that,or may never become a major focus of attention at all.

Nevertheless, the EU has pursued a policy of "constructive engagement" with Khartoum. A number of EU member states have invested in the oil industry, either directly in production or in oil services. In 1999, the EU launched what it terms a "Critical Dialogue"²⁰⁵ aimed at influencing the government on a variety of issues,including human rights,humanitarian aid, political liberalisation, terrorism and the peace process. In 2000, fifteen meetings were organised within this framework,bringing representatives of the EU Council and Commission and member states together with the Sudanese authorities in Khartoum.

The ultimate aim of the dialogue is to reach "complete normalisation of relations" and re-establish full development cooperation.Until that time,the EU is willing to consider financing programs directly related to the themes of the dialogue. The EU launched a rehabilitation program in December 2000, described as "humanitarian plus", funded at a level of U.S.\$13.6 million,which was intended to go beyond a strictly humanitarian approach and into small-scale development assistance.On the diplomatic side,the EU

²⁰⁵ The launching of the Critical Dialogue in 1999 was actually the renewal of a dialogue between the EU and Sudan that was suspended in 1990 due to the worsening human rights situation and the lack of progress on negotiations to end the civil war. This position was maintained for most of the 1990s,with the EU limiting its assistance to humanitarian activity - emergency relief and food aid."Critical Dialogue" is a specific EU diplomatic concept utilised with respect to a number of states with which relations are problematic. Iran, for example,is another country with which the EU has conducted such a policy.

has issued generally vague declaratory statements over the years urging the warring parties to make progress on peace and condemning SPLA renewal of military activity and government aerial bombing of civilian targets.

At some point, EU Member States may give the green light to the European Commission to resume its regular development assistance.²⁰⁶ However, the EU's humanitarian aid agency European Community Humanitarian Office (ECHO), by its own admission, has had problems defining a strategy. It perceives its main task in Sudan as classic emergency aid. In an unfortunate politicisation of humanitarian assistance, the European Commission, to which ECHO is subordinate, suspended funding of humanitarian projects in SPLA territory following the insurgents' ill-advised expulsion in February 2000 of several NGOs that refused to sign a controversial memorandum of understanding. This suspension, however, leaves ECHO with freedom that it says it will use to respond to humanitarian needs in these areas if they become more urgent.

The EU has expanded its "Critical Dialogue" by beginning a conversation with the National Democratic Alliance on human rights, peace and other issues. In early May 2001 the Alliance responded to an EU request with a written critique:

The EU letter presents the problem in the Sudan in a partial manner as a conflict between the north and the south, fought in and limited to southern Sudan....The letter betrays a tendency to gloss over the root causes of the war by endorsing the position of the [Sudan government] calling for a permanent cease-fire without resolving the conflict...The National Democratic Alliance is shocked by the EU position during the last session of the UN Commission on Human Rights in defending the repressive Sudanese regime despite its obvious violations of human rights...²⁰⁷

The assessment of the Critical Dialogue by Sudanese civil society and opposition activists interviewed by ICG is mostly negative. One leading civil society representative dismissed it as "a dialogue of the deaf. It is useless".²⁰⁸ Another said that it is referred to as the "Critical Monologue".²⁰⁹ A Sudanese academic pointed out:

²⁰⁶ The "Humanitarian Plus" program established in December 2000 is designed to address humanitarian as well as rehabilitation needs in more or less stable areas in both northern and southern Sudan with a two-year funding cycle. It aims to create a minimum capacity for self-reliance in the sectors of food security, basic health, water and sanitation.

²⁰⁷ Letter from the National Democratic Alliance to EU Heads of Missions in Asmara, 3 May 2001.

²⁰⁸ ICG interview in Khartoum, 1 July 2001.

²⁰⁹ ICG interview in Khartoum, July 2001.

The regime is very successful in manipulating the European position. They are skilful in concealing their real position as they make constant cosmetic changes and sell them to Western countries. The French and the Germans are the most accepting audience. The oil complicates things greatly. The government is very pleased with its success in influencing European policies. The Bush administration should not fall into the same trap.²¹⁰

This is most dangerous, he says, because of its implications for the peace process. "The government believes it will win the war eventually. They think that their success with the Europeans means they don't have to make a deal at the peace table. The Europeans moved without getting any commitments in return".²¹¹

European human rights groups increasingly are aiming their advocacy on Sudan at the EU. NGO pressure has forced Brussels to undertake an inquiry into the role of European oil companies in Sudan that potentially could affect future investment.²¹²

European and U.S. positions on Sudan are somewhat at odds, suggesting a more high-level, sustained discussion would be useful if both wish to be involved in any future peace process. "The Europeans think we Americans have it wrong", noted one U.S. official. "They think we have to convince Khartoum that we are not a threat to their remaining in power. When did it become our role to guarantee anyone's longevity anywhere in the world?"²¹³ Similarly, European diplomats are frustrated by American standoffishness, believing that Khartoum would more likely have the confidence to undertake more meaningful reforms if it were not subject to American isolation and pressure.

In the eight-month lull in the U.S. diplomatic effort between the end of the Clinton administration and the appointment of Danforth as a special envoy, most European capitals waited for the U.S. to signal its new direction. The EU is still in a wait-and-see position, holding back on formulating a more robust strategy although some European Commission staff in the region have been actively promoting dialogue on substantive issues. Switzerland, however, through its Special Envoy for Conflicts, Joseph Bucher, conducted on-going shuttle diplomacy in the latter half of 2001 in an attempt to narrow

210 ICG interview, July 2001.

211 *Ibid.*

212 The Economist Intelligence Unit, "Sudan at a Glance: 2000-2001", July 2001.

213 ICG interview, July 2001.

differences between the SPLA and the government. Norway is preparing to re-engage. The new government in Oslo reappointed Hilde Johnson as Minister for International Cooperation in November 2001. Johnson worked assiduously in support of the IGAD process during the late 1990s as a co-chair of the IGAD Partners Forum.

China and Malaysia

China and Malaysia have growing mutual interests with Sudan. Sudan needs the international credit, the arms, the political cover in the UN Security Council and the oil market that China provides. It also needs the bridge loans that Malaysia has made to enable Sudan's adherence to International Monetary Fund program debt servicing requirements. For China and Malaysia, meanwhile, Sudan is an important alternative oil source to help fuel their modernisation plans.

The two countries are the most assertive foreign investors in Sudan. Together they comprise over 60 per cent of the consortium developing the oil industry, the Greater Nile Petroleum Operating Corporation. The China National Petroleum Corporation "is towering in Upper Nile", said a leading southern Sudanese politician. "It is building a power that will rival the United States for influence in Sudan".²¹⁴ A Sudanese businessman decried China's investment advantages: "The Chinese are making it difficult for European companies. They are receiving favourable access to credit and other advantages. The Chinese are increasing investments in certain sectors, and will soon have monopolies. They have low quality products, easy terms of payment and use the oil as a guarantee. They sell anything".²¹⁵

China, a net exporter of energy until 1993, is now importing 1.4 million barrels per day and will import half of its oil requirements by 2010. Asia as a whole is a deficit region, and China has made it a matter of national security to diversify its energy sources. Sudan, which is expected to export roughly U.S.\$500 million in oil to China in 2001, is a significant part of that strategy.²¹⁶ China is prepared to defend its investments by providing military support to Khartoum.

The China National Petroleum Corporation and Malaysia's Petronas are working as partners in Sudan, as they are in other countries where UN or U.S. sanctions are in place, such as Iran and Libya. "The Chinese are using

²¹⁴ ICG interview in Khartoum, July 2001.

²¹⁵ ICG interview in Khartoum, 17 November 2001.

²¹⁶ Center for Strategic and International Studies, "A New Face for Chinese Engagement in Africa", August 2001.

the sanctions to consolidate their lead position in the oil industry", alleged a member of the Sudanese private sector. "They have a vested interest in the continuation of a certain low level of insecurity. It keeps other major investors out".²¹⁷ There is an almost total disregard for the human rights implications of their investments.

Sudan is a growing market for Chinese arms and other industrial goods as well. China produces lower end military products that Africa consumes readily, and Sudan is no exception. It sells affordable AK-47s, ammunition, mortars and rocket-propelled grenades. It has also sold Sudan fighter aircraft, attack helicopters and anti-tank weaponry.²¹⁸ Unlike with many Western arms transactions, Sudan and other African purchasers need not worry about being lectured on human rights. The same is true of Malaysia with whom Sudan has numerous bilateral trade agreements and where thousands of National Islamic Front students have gone for training.

Growing dependence on China will have an impact over time in Sudanese foreign policy calculations vis a vis the West. China already runs interference in effect for Sudan on the UN Security Council with respect to U.S. (and UK) human rights and terrorism concerns and, more broadly, provides Khartoum some protection through its scepticism about the concept of humanitarian intervention globally.

217 ICG interview in Khartoum, 18 November 2001.

218 Center for Strategic and International Studies, op.cit.

3. THE TERRORIST CONNECTION

Having served as a safe haven for Osama bin Laden until 1996 while also providing a base of operation for other terrorist groups, Sudan has naturally become a focus of the international war on terrorism. The government of Sudan, nervous about further international isolation and potential military reprisals, has cooperated with the U.S. in sharing information on terrorism. However, there is a clear danger that the government of Sudan will leverage such cooperation in an attempt to get the international community to look past its numerous abuses in prosecuting the civil war and its authoritarian approach to governance as a whole.

A. Terrorism and the National Islamic Front

The roots of today's political Islam and state support for terrorism in Sudan can be traced back to the 1960s, when the National Islamic Front (then the Muslim Brotherhood) began laying the groundwork for its emergence as a popular political force. Lacking a sizeable political base, the National Islamic Front could exert influence only by making temporary alliances with the two traditional and much larger religious parties, the Umma Party and the Democratic Unionist Party. But the National Islamic Front recognised the limitations of existing as a fringe political movement. Led by Hassan al-Turabi, it devised a new strategy aimed at using political Islam to build an independent and secure constituency. Turabi's goals were to distinguish the Front's ideology from that of the traditional, sectarian political parties and to capture a leading role in the international Islamist movement.

After generating a small domestic following within Sudan and allying himself with then-President Nimeiri in a power-sharing agreement in 1977,²¹⁹ Turabi sought international support to sustain and expand his movement. He first approached middle class Arab and Muslim intellectuals, who were sympathetic to critiques of the "secular" and "imperial" West and open to radical political action to confront the perceived cultural threat. Turabi focused his efforts on the intellectual class, which, he recognised, was most familiar with local and international political and economic conditions and most capable of organising a successful, broad-based Islamist movement.

²¹⁹ Turabi became Attorney General after Nimeiri instituted his national reconciliation program in 1977.

With this small but significant domestic base, Turabi began promoting his Islamist vision internationally and initiated contact with political Islamists in Algeria, Tunisia, Egypt, Jordan, and other Arab states, including in the Gulf. "Religion provided Turabi with the armoury for mobilisation and manipulation of the masses", noted a Sudanese academic.²²⁰

Contacts abroad were meaningless, however, if the National Islamic Front remained powerless at home. Turabi and other Front leaders thus entrenched themselves politically and economically in Khartoum, exploiting President Nimeiri's newfound adherence to Islam. In May 1978, the Front benefited greatly from the opening of the Faisal Islamic Bank, the Middle East's first Islamic bank. President Nimeiri gave National Islamic Front cadres significant shares in the new enterprise, granted them generous tax breaks and employed them in several branches.

By staffing Faisal, the National Islamic Front secured key positions in the Sudanese financial sector, and allowed its leaders gradually to acquire a disproportionate share of national economic assets and develop a quasi-monopoly on trading activities. Eventually, the Front used its power within the financial sector not only to help develop popular support, but also to lure Islamic extremists into Sudan from around the world. The Faisal Bank's success was vital to the spread of the Islamic banking phenomenon throughout the Muslim world.

One of the National Islamic Front's earliest political achievements was persuading President Nimeiri to abrogate the 1972 Addis Ababa peace agreement with the south. Fundamentally opposed to the peace accord as a concession to southern "infidels", Front leaders convinced Nimeiri that he would be regarded as a great Islamic leader if he transformed Sudan into an Islamic state. In 1983, Nimeiri divided the south into three new regions which he deprived of the right to draw on oil revenues, dissolved the southern assembly, returned political and economic control to Khartoum, and implemented *sharia* as state law.

The National Islamic Front's political influence rose with Nimeiri's ouster in 1985. Though it lost the 1986 election to the Umma Party, it gained 40 per cent of the Khartoum vote (nationally, the Umma Party captured nearly 100 seats, the Democratic Unionist Party 60, and the National Islamic Front 50), receiving

²²⁰ ICG interview, 25 October 2001.

²²¹ *Africa Confidential*, 28 September 2001.

²²² One National Islamic Front slogan ran: "The only visa you need is 'La Allah illah Allah'" ("There is no God but God", the Muslim profession of faith). See *Africa Confidential*, 28 September 2001.

strong backing from professionals and military officers. However, it was forced to watch from the sideline as Sadiq al-Mahdi became prime minister, and it staged the 1989 coup because it feared its power was waning as Mahdi expelled its members from his cabinet and made peace overtures to the south. The coup terminated the peace process, ensured the National Islamic Front's pursuit of an Islamic state and guaranteed that the National Islamic Front would flourish.

The foreign contacts that Turabi had initiated during the previous decade turned into diplomatic alliances after the National Islamic Front rose to power. Promoting its version of militant Islam, the regime established Khartoum as a base for Islamic internationalism, challenging Saudi Arabia and Iran for global influence. Soon radical Islamist movements, including terrorist organisations, from Arab and other Muslim countries in Africa, Asia and Europe, flocked to Khartoum.²²¹ The Sudanese government provided logistical aid and a safe haven from international search operations and police oppression in their own countries.²²² "The link between the Sudanese government and the international Islamist movement was Turabi", said a Sudanese legal expert.²²³

In 1991, Turabi founded the Popular Arab and Islamic Conference in an attempt to organise the many disparate Islamic groups and movements inside and outside of Sudan. The goals were to strengthen Muslim solidarity and generate support for Arab and Muslim causes. Turabi outlined his Islamic vision in an interview with *The New York Times*:

If the changes we've made here take hold, it will amount to a veritable revolution. In Cairo and in Riyadh, the traditional religious establishments are trembling. The Saudis, with their monarchy and secular elites, have been propagating for years a very conservative Islam throughout the Middle East. But the Gulf War has shattered that dynasty's legitimacy. Now, even they face a full-fledged Islamic movement that will no longer be bought off.²²⁴

With Turabi's efforts at building a global Islamic movement, centred on Khartoum, finally bearing some fruit, National Islamic Front leaders intensified their military campaign against the SPLA in the south and cracked down further on opposition parties in the north to ensure that no domestic threats imperilled their objectives.

²²³ ICG interview in Khartoum, 16 November 2001.

²²⁴ "The Islamic Wave", *The New York Times Magazine*, 31 May 1992.

In the early 1990s, after backing Iraq in the Gulf War,²²⁵ Sudan became increasingly isolated, including in the moderate Arab world. Saudi Arabia, Kuwait and the United Arab Emirates suspended all assistance, and Egypt and the United States began to monitor Sudan closely for links to terrorist organisations. This compelled the National Islamic Front government to rely increasingly on private Islamic businesses and organisations to finance the state and army.²²⁶ For example, Mustafa Hamza, an Egyptian later implicated in the assassination attempt against President Mubarak, had large numbers of followers in training camps in Sudan, and Islamist Palestinians and Arabs who had fought in Afghanistan were reported to be with government troops in the south.

In 1990, Sudanese officials reached out to Osama bin Laden, at the time in Afghanistan where he had fought with the *mujahedeen* against the Soviets. Jamal Ahmad al-Fadl, a former bin Laden confidante, testified at the embassy bombings trial in New York in February 2001 that he observed a meeting between Sudanese officials and bin Laden in Peshawar, Pakistan where the Sudanese offered to aid bin Laden's organisation, al-Qaida, if it moved to Sudan.²²⁷ Bin Laden and al-Qaida were especially attractive to the National Islamic Front government. Bin Laden's wealth (he inherited U.S.\$300 million after his father died), extremist Islamist views, opposition to the Saudi royal family and passion for supporting Islamist causes made him a perfect fit for the consortium of groups that Turabi was recruiting.

The relationship was mutually beneficial. Bin Laden was impressed by the convictions of the National Islamic Front government and Sudan's potential as an operating base for al-Qaida (large, isolated and proximate to the Middle East). In addition, Sudan provided bin Laden a partnership with a government. A state with diplomatic powers, with the capability of issuing internationally recognised passports and distributing visas and letters of reference, would prove invaluable to bin Laden and his network as they criss-crossed the globe. The National Islamic Front government willingly accommodated. From 1991 until 1996, Turabi and bin Laden worked closely together in pursuit of their common extremist Islamist vision.²²⁸

²²⁵ Iraq was a key military sponsor of the National Islamic Front's war effort in the south at the time.

²²⁶ The support of individual Islamic groups like Osama bin Laden's became increasingly important for Sudan as it was isolated by the international community and redlined by global economic institutions, such as the IMF and World Bank, throughout the 1990s.

²²⁷ "Bin Laden's Activities Exposed in New York Trial", *Jane's Terrorism and Security Monitor*, 14 March 2001.

²²⁸ Some National Islamic Front members worked too closely with bin Laden and were later indicted for involvement in the first World Trade Center bombing in 1993, the assassination attempt on Egyptian President Mubarak in 1995, and the August 1998 U.S. embassy bombings. See *Africa Confidential*, 28 September 2001.

Bin Laden moved al-Qaida to Khartoum in 1991, and Sudanese intelligence immediately played an active role in supporting the terrorist organisation's mission. For example, according to al-Fadl's testimony, Sudanese intelligence assisted al-Qaida to transport people and weapons, including Stinger anti-aircraft weapons, in and out of Sudan. In addition, the government of Sudan allowed al-Qaida to rent a Sudan Airlines cargo plane to export sugar to Afghanistan in exchange for weapons and missiles.²²⁹

In his early years in Khartoum, bin Laden integrated al-Qaida into Sudanese companies. The Saudi millionaire invested in ventures ranging from construction to agriculture and banking. His early non-banking investments totalled nearly U.S.\$15 million, mostly in heavy machinery.²³⁰ The largest were in al-Hajira, a construction company, Taba Investment and Wadi al-Aqiq, which farmed hundreds of thousands of acres in the fertile central Gezira province. These companies allowed bin Laden to obtain significant shares of the production of gum arabic, corn, sunflower and sesame products, Sudan's major agricultural exports.²³¹

Bin Laden also made significant investments in Sudanese infrastructure projects. He helped build an airport and major roadways, including one linking Khartoum with Port Sudan, and supported the Sudanese army. The companies were also used as a cover to transfer money around the globe to finance terrorist activity, to access explosives and weapons (including, reportedly, attempts to acquire uranium),²³² and to build training camps. For example, his al-Hajira construction company legitimately accumulated explosives and then shipped them to Yemen and Jordan to be used in bombings. The extensive farms he owned in central Sudan became training camps for his terrorist network.

The flurry of Islamist activity in Sudan in the early 1990s gave bin Laden opportunity to coordinate his activities with those of other fundamentalist groups. For example, it is believed that he met with Hezbollah's chief and discussed the logistics of cooperation and that Hezbollah provided explosives training for al-Qaida and Islamic Jihad.²³³ Bin Laden also made contacts with officials of Iran, which had a significant presence in Sudan as a key financier of the government's war effort against the SPLA. He

229 Judy Aita, "Bin Laden Associate First Witness in Embassy Bombing Trial", U.S. State Department, Washington File, 6 February 2001.

230 James Astill, "Osama: the Sudan Years", *Guardian*, 17 October 2001.

231 Michael Kranish, "Bin Laden Delivered Weapons, Profits", *Boston Globe*, 27 September 2001.

232 "Bin Laden's Nuclear Threat", *The Times*, 26 October 2001.

233 "Top bin Laden aide was in U.S. twice during 1990s, court records show", Associated Press (AP), 12 October 2001.

presumably hoped to establish strong relations with Sudan and Iran to create a triangular partnership that would promote Islamic fundamentalism around the globe by underwriting terrorism.

Following the earlier example of the National Islamic Front, bin Laden also invested heavily in Islamic banks in Sudan. He provided U.S.\$50 million in start-up capital to the al-Shamal Islamic Bank,²³⁴ which in 1993 wired U.S.\$250,000 to a bin Laden associate in Texas to buy a plane for him.²³⁵ That same year, according to al-Fadl's testimony, U.S.\$100,000 was withdrawn from al-Shamal and delivered to an al-Qaida group active in Palestine and Jordan.²³⁶ Al-Shamal and Taba Investments provided millions of dollars of financing to help support al-Qaida's terrorist network around the world - from, according to a recent press claim, supporting some *mujahedeen* in Bosnia during that war²³⁷ to boosting the Taliban in Afghanistan.²³⁸

Sudan thus became an operational headquarters for global terrorist activity. In 1992 bin Laden tried to bomb U.S.soldiers in Yemen.²³⁹ The next year, the U.S.presence in Somalia prompted bin Laden to issue a *fatwah* to expel U.S. forces from the region. Al Fadl testified that bin Laden said:"The American army has now come to the Horn of Africa,and we have to stop the head of the snake. The snake is America,and we have to stop the snake. We have to stop what they do in the Horn of Africa".²⁴⁰ He feared southern Sudan might be the next target of American intervention - a widely held view in Sudan. In a 1997 interview with CNN, bin Laden claimed credit for training the local Somalis who killed eighteen U.S.Rangers who were in Somalia on what began as a humanitarian relief mission.²⁴¹ The veracity of this claim is unknown.

Bin Laden was accused of financing the first attack on the World Trade Center in New York, in 1993.²⁴² The mastermind of that bombing, Ramzi Yousef, was staying in an Afghan war veterans guesthouse set up by bin Laden when he was apprehended,with bin Laden's name and address in his wallet.²⁴³

234 By late 2001, the State Department curiously still had not designated Al-Shamal as supporting terrorism.

235 Ibid.

236 David S.Hilzenrath and John Mintz,"European Bank Regulators Help Track al Qaida Assets", *Washington Post*, 29 September 2001.

237 *Los Angeles Times*, 7 October 2001.

238 *Washington Post*, 11 October 2001.

239 U.S.State Department, *Patterns of Global Terrorism*, 1997.

240 Judy Aita,"Bin Laden Associate First Witness in Embassy Bombing Trial", U.S.State Department, Washington File,6 February 2001.

241 "Bin Laden,Millionaire with a Dangerous Grudge", *CNN*, 27 September 2001.

242 "Osama bin Laden:from U.S.friend to foe", AP,13 September 2001.

243 "Terror by Degree", *The Times*, 18 October 1997.

Bin Laden used his organisation's influence to support Islamist movements throughout the Horn of Africa and the world. Al-Fadl testified that he personally delivered over U.S.\$100,000 to *Jamaht e Jihal el Eritrea*, a Muslim group fighting the government in Eritrea.²⁴⁴ Nairobi also became a hub of activity for bin Laden's al-Qaida network. Its operatives began surveillance of Western targets in the Kenyan capital as early as 1993.²⁴⁵ This particular terrorist cell was indispensable to the bombing of the U.S. embassies in Tanzania and Kenya in August 1998 that killed more than 200 and injured thousands.

Most damning for the National Islamic Front government was evidence of its complicity in the assassination attempt on Egyptian President Mubarak in Ethiopia in June 1995. According to a UN press release on 31 January 1996, the Ethiopian investigation discovered that:

those involved in the assassination attempt were members of a terrorist organisation called Al-Gama'a-Islamia. The two main leaders were based in Khartoum...The terrorists in custody admit that: their leaders live in Khartoum; the plot was hatched in Khartoum; their mission to assassinate President Mubarak was given to them in Khartoum; and the weapons intended to be used in their mission were flown into Addis Ababa by Sudan Airways from Khartoum. Moreover, the passports they possess, in virtually all cases, were prepared for them in Khartoum.²⁴⁶

The 1996 State Department report on global terrorism revealed that a diplomat at the Sudanese UN Mission was expelled in April of that year for ties to conspirators who planned to destroy the UN building and other targets in New York in 1993. Court testimony from a Sudanese national who pleaded guilty in February 1995 to involvement in the New York bomb plots identified two employees of the Sudanese UN Mission who offered to facilitate access to the UN building to terrorists to carry out the bombing.²⁴⁷ A U.S. representative to the UN reported that the two employees were linked to plots to assassinate Mubarak during a visit to New York.²⁴⁸

244 Judy Aita, "Bin Laden Associate First Witness in Embassy Bombing Trial", U.S. State Department, Washington File, 6 February 2001.

245 "Prosecutors Say Defendant Lied about bin Laden", *CNN*, 27 March 2001.

246 UN Press Release, 31 January 1996.

247 U.S. State Department, *Patterns of Global Terrorism*, 1996.

248 UN Press Release, 26 April 1996.

By 1996, Sudan had become internationally isolated for harbouring terrorists, including bin Laden,²⁴⁹ and his activities had begun to take their toll on his hosts. The imposition of UN sanctions in 1996 marked the nadir of Sudan's isolation. It was at this time that the National Islamic Front government discussed directly with the U.S. apprehending bin Laden and releasing him to the custody of Saudi Arabia. The U.S. sought bin Laden at the time because it viewed him as "one of the most significant financial sponsors of Islamic extremist activities in the world" and because it accused him of the attempt on U.S. troops in Yemen in 1992. The Saudis, however, balked, fearing a backlash from extreme opponents of their regime.²⁵⁰

Bin Laden left Sudan on 18 May 1996 and returned to Afghanistan. In an interview with ICG, Presidential Peace Advisor Ghazi Salahuddin Attabani contended: "We didn't expel bin Laden; we suggested that he leave because of our inability to protect him".²⁵¹

"The germ of conflict between bin Laden and his international Islamist allies and Turabi was in the character of Turabi himself", contended a Sudanese legal expert. "Turabi wanted to guide and control bin Laden and other extremist elements. But bin Laden wanted to guide the Sudanese government, like he did the Taliban. Bin Laden felt Turabi did not respect him. Turabi would have turned over bin Laden or killed him if he no longer served his interest".²⁵²

Despite his departure and the divestment that he quickly began, bin Laden retained a substantial commercial and financial presence in Sudan. The National Islamic Front government recognised his financial importance and did not require that he sever all economic ties. Though some connections were terminated, al-Qaida remained involved in the country. For example, on the eve of the terrorist attacks on 11 September 2001, Mohamed Atta, who piloted one of the commercial jetliners into the World Trade Center, reportedly wired money to bin Laden's former paymaster in Sudan.²⁵³

According to the *National Post* of Canada, Sudanese leaders allowed diplomatic staff in New York, London and Rome to raise funds for Osama bin Laden in 1998, and Sudanese consular officials prepared diplomatic credentials for bin

249 While living in Sudan, besides involvement in the February 1993 World Trade Center bombing, the claimed killing of U.S. Rangers in Somalia and the assassination attempt on Mubarak, bin Laden was also accused of having a role in two car bomb attacks in Saudi Arabia in November 1995 and June 1996 that killed five and nineteen Americans respectively. See "Osama bin Laden: From U.S. Friend to Foe", AP, 13 September 2001.

250 "Sudan's Offer to Arrest Militant Fell Through After Saudis Said No", *Washington Post*, 3 October 2001.

251 ICG interview in Nairobi, 4 October 2001.

252 ICG interview in Khartoum, 16 November 2001.

253 *Ottawa Citizen*, 12 October 2001.

Laden followers to reduce their travel restrictions.²⁵⁴ This agreement is said to have been brokered between Dr. Ayman Al-Zawahri, bin Laden's top aide, and Sudanese leaders, with attendance of militant Islamists from Eritrea, Uganda, Yemen and Egypt. Dr. Al-Zawahri is the commander of the Al-Jihad, a group that was directly responsible for the assassination of Egyptian President Anwar Sadat in 1981.²⁵⁵

However, between 1998 and the 11 September 2001 terrorist attacks, important developments moved the Sudanese government to soften its extreme Islamist rhetoric and adopt a more pragmatic approach. After the August 1998 bombings of its embassies in Nairobi and Dar es Salaam, the U.S. fired cruise missiles into Khartoum, which destroyed the al-Shifa pharmaceutical plant. The U.S. asserted that the plant was a production facility for VX gas for biological weapons and that its owner had links to bin Laden. Evidence was not presented publicly, however, because the U.S. said it wished to protect intelligence sources and methods, and Sudan scored a major diplomatic victory by claiming the plant was making medicine. The Sudanese rallied support from moderate Arab governments and accelerated a gradual normalisation of relations - severely strained since the Gulf War - with Egypt, Saudi Arabia, Kuwait, United Arab Emirates and other Arab states, as well as with much of Europe.

Also at this time, a consortium of foreign oil companies were undertaking projects to develop Sudan's oil industry, including a 1600-kilometre pipeline. In the early and mid-1990s - with bilateral and multilateral aid largely dried up - Sudan had relied on Turabi to muster financing from bin Laden and other radical Islamist sources. When the oil boom gathered momentum, however, the National Islamic Front grew more concerned about the negative side of those connections. Large-scale projects, like oil sector infrastructure, required massive amounts of capital, machinery and labour. Thus, Sudan turned to firms from China, Malaysia and Canada.²⁵⁶ Once the oil and petro-dollars started flowing, the Front had even less reason to risk reliance on private Islamists for financing and support.

This more pragmatic philosophy was reflected in Khartoum's power politics. Turabi was dismissed as Speaker of the National Assembly in December 1999 and imprisoned in February 2001. Even before that latter date, the government cracked down on his supporters. Foreign Minister

²⁵⁴ "Sudan Aiding bin Laden", *National Post*, 28 September 2001.

²⁵⁵ *Ibid.*

²⁵⁶ U.S. capital was unavailable due to the threat, and eventual implementation in 1997, of comprehensive unilateral sanctions.

Ismail signed a decree closing the Popular Arab and Islamic Conference (ironic given that Ismail was an active participant in the organisation in the mid-1990s. That same week President Bashir visited Kuwait and Saudi Arabia for the first time since the Gulf War. "When Turabi was ousted, the international Islamist movement lost its primary link to the Khartoum regime", alleged a Sudanese civil society activist. "But they continue to cooperate with Khartoum because of mutual interests. The Islamist interests continue to use Sudan to launder money".²⁵⁷

In 2000, Sudan set out to convince the world, and particularly the U.S., that it no longer supported and sponsored terrorists. In mid-2000, Sudan and the U.S. commenced a dialogue on terrorism, driven by Washington's desire to test Khartoum's new anti-terrorist stance. According to the 2000 State Department report on terrorism:

The talks, which were ongoing at the end of the year, were constructive and obtained some positive results. By the end of the year Sudan had signed all twelve international conventions for combating terrorism and had taken several other positive counter-terrorism steps, including closing down the Popular Arab and Islamic Conference, which served as a forum for terrorists.²⁵⁸

The State Department also noted, however, that members of the Al-Gama'a-Islamia, Egyptian Islamic Jihad, Lebanon's Hezbollah, and the Palestinian Islamic Resistance Movement (or Hamas), continued to train in and operate out of Sudan.²⁵⁹ Sudan permits Hezbollah and Hamas to continue their activities because it considers they are conducting "legitimate resistance to Israeli occupation".²⁶⁰

B. The Impact of 11 September on the Terrorism Issue

The 11 September 2001 terrorist attacks on New York and Washington generated a dramatic opportunity for Sudan to improve its bilateral ties with the United States and escape international isolation.²⁶¹ These objectives - as well as initial fear that Sudan might be targeted in U.S. reprisals - united hard-line and moderate elements of the National Islamic Front around pragmatic

²⁵⁷ ICG interview in Khartoum, November 2001.

²⁵⁸ U.S. State Department, *Patterns of Global Terrorism*, 2000.

²⁵⁹ Ibid.

²⁶⁰ "Sudan's Offer to Arrest Militant Fell Through After Saudis Said No", *Washington Post*, 3 October 2001.

²⁶¹ "The events of 11 September and their aftermath have given a clear indication to the Sudan government that the time was opportune to iron out problems in the relationship with the U.S.," said Presidential Peace Advisor Ghazi Salahuddin Attabani. (Correspondence with ICG, 23 November 2001.)

anti-terrorist cooperation. Consequently, the difference between the response of the government to U.S. counter-terrorism military actions in 2001 and Khartoum's response to the Gulf War a decade earlier indicates that the government's posture has evolved dramatically.

In understanding whether and how things have changed in the last decade, a distinction must be made between the domestic and foreign components of the government's Islamist agenda. The former is composed of the National Islamic Front's "civilisation project"²⁶² and its *jihad* against armed opponents and the civilians that are perceived to support them and who are painted as enemies of Islam. The latter has included the National Islamic Front's support of international terrorist organisations as well as regional insurgencies. The Front is now moderating elements of its foreign policy agenda, however, in response to growing oil revenues, Turabi's political decline, and the pressures and opportunities resulting from the 11 September events.

The 11 September attacks gave the Khartoum regime a chance to free itself of associations that had been useful during the period of regime consolidation but carried an international stigma. Oil money has rendered dependence on external Islamist financing obsolete. Turabi is a convenient scapegoat for what was once a much more widely shared policy. The government can now afford to throw the old bones of bin Laden's network to U.S. investigators because that network no longer serves Sudan's interests. The government now needs respectability to attract further foreign investment and multilateral support for debt reduction.

Its plundering of state resources (by buying up assets in the context of privatisation) and expropriation of the holdings of the traditional political parties have also helped the National Islamic Front secure a degree of independence so that it can demonstratively put state interests over those of former Islamist allies from abroad. This new manoeuvring room suggests that pragmatism rather than fanaticism will increasingly dictate the tactics for advancing the Islamist revolution, which, nevertheless, remains the Front's core project. That pragmatism fuels efforts at *détente* with not only the U.S., but also Egypt and Ethiopia.

Tactical concessions are also not necessarily against the deeper interests of the Islamist cause that Sudan's leaders still share with many groups outside

²⁶² See Chapter 4.

the country's borders. *Africa Confidential*, for example, has argued: "The National Islamic Front has good reason to fear Tomahawk missiles and the international Islamist movement wants the National Islamic Front to survive, especially if the Taliban fall. Sudan has the government trappings the movement needs - sophisticated structures and personnel, international relations, a vast territory - and a diplomatic bag. To preserve all that, the Islamist movement might sacrifice a few of its own people".²⁶³

Khartoum immediately condemned the 11 September attacks, and in fact was the first state on the U.S. list of state sponsors of terrorism to do so. Foreign Minister Ismail denounced them "as criminal acts of terrorism which caused a great loss of precious human lives". He offered his condolences to the American people and reaffirmed the willingness of Sudan "to cooperate fully with the U.S. Government and the international community to combat all forms of terrorism and bring the perpetrators to justice".²⁶⁴

Nevertheless, in the immediate aftermath of the attacks the United States viewed Sudan warily and temporarily delayed a UN Security Council vote to lift travel sanctions on Sudan relating to the assassination attempt on Mubarak.²⁶⁵

In the meantime, Sudan conducted a strong public relations campaign to convince the U.S. of its innocence. On 14 September, a government spokesman again publicly condemned the attacks and declared solidarity with the international community in the global fight against terrorism.²⁶⁶ On 17 September, as U.S. officials and the media floated the idea that Sudan might somehow be linked to the attacks, Presidential Adviser and former intelligence chief Qutbi el-Mahdi said that Sudan would help the U.S. in its fight against terrorism if asked.²⁶⁷ Sudan also bolstered security around the U.S. embassy in Khartoum and other U.S. facilities and tightened immigration restrictions.

The U.S. State Department took note. In the highest-level bilateral communication in two years, Secretary of State Colin Powell called Ismail on 17 September and expressed the desire to enlist Sudan's help in the fight against terrorism.²⁶⁸

263 *Africa Confidential*, 12 October 2001.

264 "Embassy of the Republic of Sudan Official Statement on Terrorist Attacks", U.S. Newswire, 12 September 2001.

265 The vote, scheduled for 17 September 2001, was briefly postponed while the U.S. gathered intelligence on the 11 September terrorism. However, it subsequently went through. See below.

266 "Sudan Supports 'Any' Means of Confronting Terrorism", Agence France Presse (AFP), 15 September 2001.

267 Andrew England, "Sudan will cooperate with United States in hunt for terrorists", AP, 17 September 2001.

268 George Gedda, "U.S. Contacts Sudan, Cuba for Help", AP, 18 September 2001.

Sudan responded positively. Though the extent of its assistance may have been overstated²⁶⁹, such as offering access to military bases for anti-terrorism strikes, Khartoum reportedly has arrested about 30 individuals suspected of contacts with bin Laden, and offered the United States substantial intelligence on other terrorist organisations.²⁷⁰ Leading officials from Khartoum met with U.S. Assistant Secretary of State for Africa Walter Kansteiner in London in late September and provided further information.²⁷¹ Sudanese cooperation caused one U.S. official to declare: "Sudan is now effectively eliminated as one of the biggest bases of operation for bin Laden. Bin Laden and his allies now have one less place to hide, one less place to operate, one less place to have friends. That's a very important development".²⁷² Another U.S. official said Sudan "responded more aggressively than almost any other nation to the U.S. call for help in a global fight against terrorism".²⁷³

The U.S. publicly acknowledged Sudan's cooperation and quietly moved to postpone implementation of policy initiatives aimed directly against the Khartoum government. On 19 September, congressional leaders postponed action on the Sudan Peace Act, which provides assistance to the National Democratic Alliance and imposes capital market sanctions on companies that invest in Sudan. Ten days later the U.S. did not veto a resolution to lift UN sanctions related to the Mubarak assassination attempt. But the U.S. did maintain its unilateral sanctions, arguing that despite Khartoum's "substantial steps" in helping to fight global terrorism, concerns about human rights abuses remain.²⁷⁴

The U.S. counter-terrorism objective is not to build a criminal case against the National Islamic Front for past support for terrorism. Rather, it is aimed at ending all such state support. There is recognition of the limits of what can be achieved through bilateral cooperation. Some observers worry that counter-terrorism officials from key Western countries, eager to

269 As Sudan became more cooperative and the Western press focused on this shift in Sudanese policy (for example, publishing quotes from unnamed U.S. officials praising the government for offering the use of Sudanese military bases and granting over flight rights for any anti-terrorism strikes, see Eli Lake, "Sudan handing over bin Laden associates", *United Press International (UPI)*, 22 September, 2001), Khartoum increasingly felt obliged to deny the specific instances of its cooperation. The problem for the government became even more acute after the United States initiated its military campaign against the Taliban in Afghanistan. Protests in Khartoum led Bashir to harden his rhetoric against the U.S. and to continue to deny publicly Sudan's support for the war effort.

270 "Coming out of the Cold", *The Economist*, 6 October 2001.

271 Christopher Dickey and Roy Gutman, "Sleeping with the Enemy", *Newsweek*, 4 November 2001.

272 Robin Wright and James Gerstenzang, "Sudan, a Bin Laden Haven, Cracks Down on Extremists", *Los Angeles Times*, 27 September 2001.

273 John Donnelly and Anthony Shadid, "U.S. Welcomes Sudan's Aggressive Response", *Boston Globe*, 5 October 2001.

274 "U.S. Keeps Sudan Sanctions", AFP, 28 September 2001.

develop intelligence agency access, will exaggerate the levels of Sudanese cooperation in order to undermine the efforts of those who advocate isolating the government.

In interviews with ICG in October and November 2001, Western officials were positive, but cautious, about future counter-terrorism cooperation with Khartoum. "There is a new quality of cooperation on terrorism", said one diplomat. "Khartoum is elated and emboldened by the U.S. reaction, and will dig its heels in now that the pressure is off".²⁷⁵ Another official elaborated:

Their cooperation has been excellent. Fear has driven them to cooperate. When they are not denying it, they are portraying the benefits of cooperation to their public as a series of *quid pro quos* that advantage Sudan. They are saying that their position has been validated. But as they grow more confident that they are not in the crosshairs of the international military response, they are convinced they are out of the woods and can relax. But this is not accurate, because of other policy concerns.²⁷⁶

Cautious optimism is evident from the Sudanese side. According to Presidential Peace Advisor Ghazi Salahuddin Attabani:

11 September was a blessing in disguise. It opened up the eyes of the world to terrorism. Everyone now has to define his position. The government of Sudan is thinking hard about this. There is much scope for joint action between Sudan and the international community. Our position is a principled one. We've never been comfortable with these connections.²⁷⁷

This cautious optimism is tinged with fear, according to observers in Khartoum. "The government is highly afraid of the repercussion of their actions", alleged one leading Sudanese civil society activist. "They harboured terrorists and helped conduct acts of terror. They know this will not be forgotten".²⁷⁸

The improved relations between the United States and Sudan, however, have not diminished Khartoum's commitment to a military solution for the civil

²⁷⁵ ICG interview, 2 October 2001.

²⁷⁶ ICG interview, October 2001.

²⁷⁷ Presidential Advisor Ghazi also said that he did not believe there was a link between Osama bin Laden and the 11 September attacks. "This man is a cave dweller", he said by way of explanation. ICG interview in Nairobi, 4 October 2001.

²⁷⁸ ICG interview in Khartoum, November 2001.

war. Instead, Khartoum appears emboldened to intensify its military campaign. A Sudanese analyst charges: "In an attempt to hoodwink Sudanese public opinion about the level of its security cooperation with Washington, the government has become even more belligerent in its administration of the war and its domestic propaganda".²⁷⁹

In early October 2001 Vice President Taha reiterated the government's commitment to *jihad*. He told a brigade of *mujahedeen* fighters heading for the front that "the *jihad* is our way and we will not abandon it and will keep its banner high".²⁸⁰ A few days later the army escalated disruption of UN humanitarian activities with an intense aerial bombardment campaign in the Raga province of the Bahr el-Ghazal region, a key target of the current counter-offensive.²⁸¹ In one raid alone, five bombs struck an airstrip used by the World Food Program, and nine hit civilian sites. The bombing forced the UN to evacuate all personnel from Mangayath and interrupted food relief to 20,000 internally displaced persons.²⁸² On 14 October, government forces mounted a strong assault against Raga and forced the SPLA to abandon the strategic border town.

Smooth cooperation between Sudan and the U.S. was interrupted, however, when the U.S. military campaign began in Afghanistan on 7 October 2001. Khartoum denounced the operation and called on the U.S. to halt its war on "Muslim people".²⁸³ Later that week the Sudanese National Assembly criticised the operation as "unjustified and lacking legitimacy, except the legitimacy of force and hegemony".²⁸⁴ Mass protests were organised in Khartoum as local imams called for solidarity with Osama bin Laden. A few thousand protesters took to the streets on 16 October, burning an effigy of President Bush and chanting anti-American slogans.

President Bashir claimed to take the protests seriously and on 23 October 2001 publicly distanced his government from Washington. He announced at a press conference that Sudan has "not handed in and will not hand in any Arab Afghan"²⁸⁵ to the United States and we have not opened our territories and airspace to America and will not do so if we are requested".²⁸⁶

279 ICG interview, 19 October 2001.

280 "Sudan Sticks to *Jihad* in Civil War", AFP, October 4, 2001.

281 The United States State Department spokesperson, Richard Boucher, criticised Sudan's persistent bombing of UN and civilian targets, but he stated Khartoum's "senseless" bombing campaign against UN food operations would not interfere with U.S. and Sudanese cooperation in the war against terrorism. See Elaine Monaghan, "U.S. Slams Sudan for Bombings, Still Wants its Help", *Reuters*, 10 October 2001.

282 "UN Quits Sudan Village after Government Air Raids", *Reuters*, 10 October 2001.

283 "Sudan Calls for Halting War on Afghanistan", AFP, 8 October 2001.

284 "Sudanese Parliament Calls US Strikes 'Unjustified'", AFP, 11 October 2001.

285 The term "Arab Afghan" refers to Arabs who fought in Afghanistan against the Soviet occupation.

286 "Sudan's Beshir Denies any Islamists Deported", AFP, 23 October 2001.

Meanwhile, officials continue to tell the U.S. privately that they are willing to cooperate but are under severe pressure from hard-line Islamists.²⁸⁷

Many Sudanese analysts doubt the spontaneity of the protests, arguing that they are encouraged by the government, which desires to secure further concessions on the grounds that, like Pakistan, it has maintained cooperation in the face of street pressures. One Sudanese analyst charged: "The Sudan government allowed for demonstrations, religious proclamations and condemnation of raids on Afghanistan to create an impression that it is under pressure for taking a dangerous and unpopular step in cooperating with Washington. In this manner American demands to give more information [and] surrender terrorists are minimised".²⁸⁸

If this is a strategy, it has obvious limitations. Sudan is much less important to the U.S. military campaign in Afghanistan than Pakistan. Therefore, the extent of Khartoum's gains from its cooperation may already have been reached. "Khartoum's cooperation may become slightly more important, however, if Somalia moves on to the U.S. military agenda", pointed out Gayle Smith, former National Security Council Senior Director for Africa.²⁸⁹

Regarding the authenticity of the demonstrations, a Sudanese analyst elaborated from a different angle:

There was a recent staged demonstration at the University of Khartoum by the government-controlled student organisation that was suddenly turned into a real demonstration when it was infiltrated by elements from Turabi's People's National Congress, who shouted and distributed photos of Osama bin Laden. One of the Turabi associates who took part in the demonstration told me they want to embarrass the government. Universities, schools and Turabi followers are the only organisations capable of sending people to the streets, but they are all carefully watched by the government security forces. So there is no way for street demonstrations to change government calculations.²⁹⁰

287 One official said that Khartoum has offered information, intelligence sharing, joint policing and other law enforcement activities, and cooperation in targeting opponents. ICG interviews with U.S. officials, October 2001.

288 ICG interview, 19 October 2001.

289 Correspondence with ICG, 27 November 2001.

290 ICG interview, 25 October 2001.

Nonetheless, the U.S. and its counter-terrorism allies will undoubtedly present dilemmas to Sudan by making further demands. The U.S. needs human intelligence about bin Laden and his organisation's activities. Sudan has a great deal of information and insight to offer.

On the other hand, high-ranking National Islamic Front officials have had links to bin Laden and perhaps some of his operations. They are reluctant to reveal any intelligence that could directly implicate themselves. "Taha, Qutbi, and [National Islamic Front security chief] Nafie all helped build the terrorism infrastructure in Sudan", noted one Western official. "The government cooperated extensively on counter-terrorism in the last month. It is in our interest to get Sudan out of the terrorism business. But we are not confused about what they have done in the past".²⁹¹ A Western diplomat added: "The cooperation is a two-edged sword. The more we dig into their bin Laden connections, the more chance there is that the investigation will implicate high-level people in the current government. This is an interesting point of pressure on them".²⁹²

Additionally, Bashir's government remains committed to its Islamist roots, as the reiteration of *jihad* against the south less than a month after the 11 September attacks demonstrated. Any *rapprochement* with the U.S. that involves a turn against erstwhile financiers and partners risks alienating the National Islamic Front's core constituency and some of its closest international friends. "They have not changed their agenda", concluded one Western diplomat. "They fear their Islamist associates because of their new relationship with the U.S".²⁹³ This concern at least partially balances worries that Sudan will be caught on the wrong side of the international counter-terrorism divide.

The dilemma is particularly acute over what to do with Turabi, the mastermind behind Sudan's Islamist agenda and the government's lone perceived domestic threat. Turabi was imprisoned in February 2001 after signing an agreement with the SPLA. He retains a large following within Sudan, and represents perhaps the only immediate threat to Bashir's rule. Bashir dropped charges against Turabi for plotting to overthrow the government, but he remains in "preventive detention" for security reasons.

291 ICG interview, 5 October 2001. Sudan Alliance Forces official Taisier Ali agreed: "The network remains intact just as it did after the surrender of Carlos the Jackal to the French government". ICG interview, 19 October 2001.

292 ICG interview, October 2001.

293 ICG interview, October 2001.

Some Sudanese analysts believe Turabi has actually lost influence in the wake of 11 September, as there is diminished support for extremism in Khartoum. The only counter-trend is the resentment Sudanese feel about the Palestinian situation, and the widely held view that the U.S. is not doing enough to resolve it. "Without this issue, there would be no support whatsoever for fundamentalism in Sudan", alleged one leading civil society member.²⁹⁴ A Sudanese academic agreed: "Since 11 September, the strict version of Islam has lost appeal. The tone is changing throughout the Middle East. There are attempts to be more tolerant, and a recognition that a strict code is no longer useful".²⁹⁵

More generally, this has sparked new realisations within the Islamic community in Sudan and beyond. Fareed Zakaria, editor of *Newsweek International*, observed that much of the Islamic and Arab world remained largely silent in the face of bombing raids in Afghanistan because the vast majority of people in those countries realise that the extremism of the Taliban is unacceptable, regardless of the level of corruption of their own leaders. Sadiq al-Mahdi elaborated:

11 September is an intellectual attack on Islam. The Umma Party and Ansar²⁹⁶ are mobilising condemnation of extremism. This is an eye opener for Muslims. We must do something about terrorism and despotism. There are certain issues that are breeding grounds for extremism, such as poverty and lack of democracy, and these must be addressed. The crumbling of the Taliban and its exposure as a house of cards as well as the way in which bin Laden gloated over the 11 September attacks has actually increased the criticism of this form of extremism.²⁹⁷

The government may not try Turabi lest he reveal what he knows about National Islamic Front involvement in the Mubarak assassination attempt and connections with bin Laden. However, if Turabi were freed he could mobilise hard-liners against the government, rally support for bin Laden and extreme Islamic causes,²⁹⁸ or push for democracy, depending upon his perception of the direction of political winds. As a temporary solution, the government most likely will keep Turabi in "preventive detention" and continue to attempt to undercut his loyal following.

294 ICG interview in Khartoum, November 2001.

295 ICG interview in Khartoum, November 2001.

296 The sect of Islam with which the Umma Party is aligned.

297 ICG interview, 18 November 2001.

298 "Coming out of the Cold", *The Economist*, 6 October 2001.

One way that the government has pre-emptively dealt with a potential backlash against its cooperation is to highlight a distinction between terrorists and what Iran, Sudan and others call Palestinian "freedom fighters" or "liberation movements," principally Hamas and Hezbollah. "Our perception of terrorism is different", explained Salahuddin Attabani Ghazi. "We need to avoid an onslaught against Islam. We can't lump all of these groups together and call them a threat to the West. Once we agree on what terrorism is, we will provide all necessary support".²⁹⁹ A Western diplomat says that the regime is telling its Arab and Muslim friends that they "are not selling out the terrorist groups".³⁰⁰

The Khartoum government also initiated a full-court press in the media designed to fault the Clinton administration for not taking up Sudanese offers to cooperate on counter-terrorism, which might have helped prevent the U.S. embassy bombing, and by extension, the 11 September attacks. The repeated meetings high-level U.S. officials held with Khartoum officials seeking their cooperation on counter-terrorism issues belie this. The government never handed over, or offered to hand over, the alleged files on key bin Laden operatives.

The terrorist attacks on 11 September marked a critical point in U.S.-Sudan relations, and in Sudan's relationship with international terrorism. The situation in Khartoum remains unpredictable. "The government could enhance its cooperation now", said one Western diplomat. "But what happens if civilian casualties mount in Afghanistan? This could produce a backlash from hard-line elements within the regime itself. Are they willing to risk alienating their base? If the potential return is high enough, would they turn their backs on their Islamic project?"³⁰¹ These questions remain to be answered.

Foreign Minister Ismail believes the questions have already been answered:

The aftermath of 11 September was a strong test for the government and for its relations with the U.S. It has been a test of popularity for the government, and whether the extremists within the Popular National Congress are popular. The answer is clear: yes, there are some extremists, but the government has strong support for its cooperation on counter-terrorism.³⁰²

299 ICG interview in Nairobi, 4 October 2001.

300 ICG interview, October 2001.

301 ICG interview, 2 October 2001.

302 ICG interview, 20 November 2001.

At the end of 2001, the U.S. remained pleased with the level of cooperation being provided by Khartoum. But that a clean bill of health had not yet been issued was indicated by U.S. Under-Secretary of State, John Bolton, who commented that he was "quite concerned" that Sudan and a handful of other countries had biological weapons programs.³⁰³ Furthermore, as Israel and the United States ratchet up pressure on Hamas and Hezbollah, those countries - including Sudan - on the frontlines of defence for these organisations will face major choices. In any event, as further policy options are considered, it should be remembered that changes in the regime's relationships with international terrorist organisations, such as the move to request bin Laden to leave the country, have come primarily as a result of pressure and partial isolation. This has implications for strategies to move the peace process forward.

303 Alexander Higgins, "U.S. Accuses Rogue States of Developing Biological Weapons", AP, 19 November 2001.

PART II.
THE CIVIL WAR

4. CAUSES OF THE WAR

The driving force behind the war continues to be sharp divisions within Sudan over economic control, political power, state and religion and the status of the south. Sudan's deep socio-cultural fissures and geographic diversity have meant that since independence, little progress has been made in addressing these core disputes. Until some breakthrough is made on these matters as a whole - and the government embraces an approach built around genuine power sharing and wealth sharing - the very viability of Sudan as a unified state will remain in question.

The decades of death and destruction in Sudan are obviously too complex to trace to any single source. As the profusion of actors discussed in the previous chapter makes clear, an intricate web of competing interests and factions continue to drive the civil war. Some fight to maintain power or to achieve it. Others fight out of principle and ideology, while yet others are driven by economic gain or revenge. There is no single issue that, if resolved, would bring peace.

That said, several dynamics continue to underpin the war, most principally disputes over religion, resources, governance and self-determination. Each of these factors is complicated. In many cases they have interacted to deepen the country's divisions. Lasting peace will likely not be achieved without significant progress in addressing all.

It is also evident that untangling the knot of violence will mean directly challenging the vested interests of many military and political leaders. Genuine compromise at the negotiating table will threaten those who see continued conflict as being to their advantage.

A. Religion

The relationship between religion and state is perhaps the most controversial of all the forces driving conflict in Sudan. Islamists have dominated the current government since it came to power. This has at times made the divergence between the interests of the government and the secular-minded SPLA appear irreconcilable.

The government continues to be accused by international organisations and religious groups of persecuting Christian churches and believers. Sudan is one of the worst oppressors of religious freedom in the world, according to the U.S. Commission for International Religious Freedom. Apostasy, or conversion of Muslims to another religion, is punishable by death. *Sharia*, or Islamic law, is inconsistently enforced with severe and degrading punishments. The government refuses to allow Roman Catholic churches to be built and permits its security forces to bomb and attack Christian churches, schools, hospitals and missions throughout the Nuba Mountains and the south,³⁰⁴ as well as mosques in opposition areas of eastern Sudan.

The National Islamic Front made promotion of a very conservative brand of Islam a central goal when it assumed power in 1989. The government's "Civilisation Project", whose original architect was Turabi, has a sweeping social agenda. Efforts to impose it have often been brutal. One Sudanese analyst described the government's strategy as "Islamic Stalinism" and argued:

The National Islamic Front wants to mould Sudanese society into a modern Islamic state, whose mission is internationalist. They seek to rebuild a true Islamic society. This entails social engineering, reducing diversity and multiple elements into a single conception of true Islam, which is their own version. It is the regimentation of all society into one vision.

However, this analyst also noted, "With the dismissal of Turabi from the government, the tactics have changed and become less overtly radical".³⁰⁵

The tool for implementation of the Civilisation Project is known as the "comprehensive call", which targets social customs and traditions and religious practices deemed unorthodox. Describing the response to this policy, a Sudanese analyst explained:

Attacked in their very character, the Sudanese mounted creative forms of passive and less passive resistance to the attempts to cast them in one mould. Young women carry headscarves which they name, in English, 'Just in Case', intending of course to throw them over their heads just in case they run into members of the moral police. Sufi sects have opposed with a resounding 'no' to all forms of

304 Report of the United States Commission on International Religious Freedom on Sudan, 21 March 2001, available at www.uscirf.gov.

305 ICG interview, July 2001.

appropriation that the National Islamic Front employed to bring them under its broad wing [sic]. These attempts account for much of the decision of Beja Sheikhs to join the armed rebellion against the National Islamic Front, although they themselves are Muslims.³⁰⁶

ICG interviews with NGOs found that the comprehensive call has not been pushed as aggressively in high profile locations (e.g., Juba and Wau) as where there is less of an international presence. In these latter places, Islamisation efforts are ongoing. For example, an NGO official described the conditions in one government-controlled town in northern Bahr al-Ghazal in these terms:

The government Arabised the economic sector. They encouraged officials and army officers to take local women as second or third wives, so that their children would be Islamic. The government actively frustrated attempts to maintain the Christian schools there. The only way to get money for schools there and elsewhere is to accept the official Islamic curriculum. This indirect approach is not as overt as it was a few years ago, but they are still pushing their agenda. They completely prepared their bureaucratic machinery to do this for years. It rolls on.³⁰⁷

In 1998, President Bashir signed a new constitution into law that the government promised would foster an era of religious, racial and political pluralism. In succeeding months, Turabi described the new Sudan as "a highly federalised model [state] with complete freedom of religion and politics, and also subsidies going to the south as an underdeveloped, disadvantaged area", whose inhabitants "now have the right to secede altogether".³⁰⁸ There is nothing to suggest that the government's actions have matched its rhetoric.

The constitution is riddled with anomalies and qualifiers that make clear little has changed. For example, Article 65 states: "The Islamic *sharia* and the national consent through voting, the Constitution and custom are the source of law and no law shall be enacted contrary to these sources, or without taking into account the nation's public opinion, the efforts of the nation's scientists, intellectuals and leaders".³⁰⁹ Simply stated, *sharia* remains at least part of the supreme law of the land, and legislation must conform to its provisions.

306 ICG interview, 14 September 2001.

307 ICG interview, November 2001.

308 BBC World Service, 18 September 1998.

309 See www.sudan.net/government/constitution/english.

An opposition party member commented, "Government representatives say they don't want an Islamic constitution. But their constitution says '*Hakiamiah Llallah*', which means 'government to god', or 'government is in god's hands'. Turabi slipped this in to mean that the interpretation of what god wants is in the hands of the president. And when they say citizenship should be the basis of rights, they all see the meaning of citizenship differently".³¹⁰

President Bashir's own statements give further evidence that *sharia* law still rules the land. The Sudanese newspaper *Al-Ray al-Amm* quoted him as saying that separating state from religion was a mere "slogan", "We are saying it in a loud voice: 'no' to secularism".³¹¹ The Egyptian news service MENA quoted Vice President Taha in a similar vein: "We do not see that our call to enforce Islam and abide by the Islamic *sharia* would undermine the rights of others or endanger the country's unity".³¹² A high ranking Sudanese government official added: "We need to add other religions and approaches, not remove Islam from the law and the constitution. We simply can't take it out; it's life or death".³¹³

The government continues to pursue its policy of ensuring that only Islam inspires the country's laws, institutions and policies. It has demonstrated unwillingness to suspend *sharia* law - including the system of punishments known as the *huddud*.³¹⁴ In June 1999, 25 students were flogged for violating the Islamic dress code, rioting, and other disturbances.³¹⁵ The government sentenced twelve people to limb amputation during 2000, and at least one such sentence was carried out.³¹⁶ In late January 2001, it implemented *sharia* punishments by cutting off the right hand and left foot of five male robbers in Khartoum's Kober Prison.³¹⁷

It was only the second time that *huddud* justice has been carried out in twelve years of Bashir's rule, and one of a mere handful of such sentences since *sharia* was introduced by Nimeiri in 1983. The event was carried out under a media blackout to minimise local and international protest. Western diplomats leaked news of the doctor-attended amputations two weeks later. The secrecy suggests such punishments are unpopular but their execution indicates the government position on *sharia* remains sporadically extreme.

310 ICG interview in Cairo, 5 July 2001.

311 "Mahdi Calls for Self-Determination", IRIN, 21 August 2001.

312 BBC Monitoring Service, 12 August 2001, quoting MENA news agency web site, 11 August 2001.

313 ICG interview, June 2001.

314 Crimes warranting *huddud* justice include theft, adultery, defamation, highway robbery, the use of alcohol, apostasy, murder and rebellion. The punishments for these offences are often harsh and degrading, such as, amputation of hands and feet of thieves, the stoning of adulterers to death and lashings for public drunkards and defamers.

315 U.S. State Department Annual Report on International Religious Freedom for 1999, Sudan, 9 September 1999.

316 Amnesty International, *Annual Report 2001*, May 2001.

317 *Daily Mail* and *Guardian*, 15 February 2001.

Some government officials advance more pragmatic, less ideological, views and are pressing to reduce the prominence of religion as the guiding force for governance. "I have made it clear that we cannot have an Islamic constitution here in Sudan", Foreign Minister Ismail told ICG, "Although I'm getting criticised in the mosques as a secularist, the position is receiving lots of public support".³¹⁸ Presidential Advisor Qutbi al-Mahdi echoed this sentiment, "We don't believe in a theocratic state. We want a multi-religious, multi-ethnic and multi-cultural state, with citizenship as the basis of rights and freedom of religion guaranteed. But we do not want to use the word secular. Absolute separation is not practical".³¹⁹

Presidential Peace Advisor Ghazi Salahuddin Attabani acknowledged to ICG that the government is exploring the issue of state and religion, "We have admitted that the way in which *sharia* was implemented by Nimeiri was a misrepresentation of Islam. It was not accommodating to the sensitivities of the southerners. Our approach is to exempt non-Muslims from Islamic-based laws".³²⁰ Sudan's Under Secretary for Foreign Affairs Mutrif Siddig elaborated: "We are open to formulas to preserve the rights of non-Muslims. These are questions of tolerance and coexistence. We want to copy the U.S. or Swiss federal models".³²¹ Vice President Taha also said that he is thinking through the issue.³²²

In the course of peace negotiations the SPLA and the National Democratic Alliance have made it clear that they support an explicit division between religion and the state but there are a variety of opinions among northern opposition groups. Some prefer not to use the word secular to describe their constitutional position. Some say that laws should be based on international human rights instruments, while others stress that local values should play some role in regional legal codes. Yet others have argued that modernisation will erode *sharia* with time, and fundamentalist Islamism will die a natural death.³²³

"We want to make citizenship the basis of rights", said one northern opposition official, "but the government is not in a position to say explicitly that there should be such a separation. Even the United States has the phrase 'in God we trust' on its money. When the SPLA takes a

318 ICG interview in Khartoum, 30 June 2001.

319 ICG interview in Khartoum, 1 July 2001.

320 ICG interview in Khartoum, 2 July 2001.

321 ICG interview in Khartoum, 18 November 2001.

322 ICG interview in Khartoum, 3 July 2001.

323 ICG interviews with opposition officials in Khartoum, Cairo, Asmara, Addis Ababa, Nairobi, London, and Washington, June-August 2001.

rigid stance, this makes it tough for northerners".³²⁴ The issue of religion and separation from the state could potentially divide the National Democratic Alliance during peace negotiations.

The ascendancy of more conservative Islam has been a setback for Sudanese women. Women in northern Sudan saw their position deteriorate after the 1989 coup, a development even more striking given the prominent roles women played in the transition to independence, the 1985 coup and other key events. The government has at times placed restrictions on dress, movement, economic activity, assembly and travel.

Women in the north are expected to wear headscarves and long sleeved blouses when outside the home and to be accompanied by an appropriate escort or male family member, especially when travelling abroad. The 1991 Public Order Act's provisions on mixed social gatherings virtually exclude women from the male-dominated public sphere. The government has also curtailed women's economic activity. Such limitations are especially damaging to a society in which so many men are missing, dead or fighting in the civil war.

Young and politically active women are particular targets for harassment by law enforcement officials and religious propaganda. Police and security organisations may stop women for improper dress or the lack of an appropriate public escort. The punishment for these offences, as well as for proven or suspected alcohol production or prostitution, may include flogging and imprisonment in overcrowded facilities.³²⁵

Despite these attempts to curtail political and economic activity and to impose Islamic law, women have protested the civil war and human rights abuses. Middle class women in the north are the vanguard of public demonstrations against the war since they are not punished for such actions as severely as men. The widows of 28 army officers executed in April 1990 on the grounds that they attempted a coup hold the most visible women's protest annually. Women have also participated, and been killed, in student demonstrations. They play important roles in protecting human rights and in providing a safety net for northern families with absent or unemployed men.³²⁶

³²⁴ ICG interview in Khartoum, 1 July 2001.

³²⁵ Peter Varney *et al*, "Sudan: Conflict and Minorities", Minority Rights Group International, London, 1995, pp.1-2.

³²⁶ *Ibid*.

RECENT BATTLES AND KEY INFRASTRUCTURE



Source: Central Intelligence Agency, adapted by ICG.

B. Resources

A prime reason why the north has always resisted southern separatism is the latter's natural resource wealth. Particularly central to the current equation are oil, prime agricultural land and the water of the vast Sudd swamp and the Nile River. Providing for equitable management of these vital resources will need to be central to any effective peace agreement.

The expansion of oil development has greatly complicated the search for peace. Oil has raised the stakes of the war and given both sides an increased commitment to the battlefield. Any equitable peace deal will require some form of oil revenue sharing. Khartoum continues to try to exploit the advantages that result from a rapidly growing defence budget and improving relations with international actors eager to develop lucrative oil contracts (or, most recently, secure Sudan's cooperation on counter-terrorism). The SPLA recognises that it must disrupt the government's control of oil, or at least prove it has the capability to mount a substantial attack on the oilfields, if it is not to face a choice between potential annihilation or negotiation from a much weakened position. This does not bode well for southerners who live in the oil regions. "The South is receiving everything bad from oil", said Abel Alier, a former Vice President of Sudan and former President of an autonomous southern Sudan region. "There is huge displacement of southerners. The government is even changing the identity of villages to create a new history. There must be a credible proposal on sharing this resource".³²⁷

Discovery of oil in Bentiu in 1978 triggered an attempt by the Nimeiri government to redraw the administrative boundaries and make the oil fields part of the north. Nimeiri's Attorney General, who drafted the bill, was none other than Turabi. The effort sparked an outcry in the government-appointed parliament and was soon swept under the carpet. However, the second initiative to ensure that the north gained the main benefit of the oil wealth was eventually more successful. While abrogating the 1972 Addis Ababa peace agreement, Nimeiri weakened the south's unity by dividing it into three regions and depriving it of the right to control its own resources. He then instituted policies (bitterly resented by southerners) to refine the oil in the north and export crude via distant Port Sudan.

The National Islamic Front government has taken a far more aggressive approach to oil exploration in the south than the Nimeiri regime. Despite international scepticism about Sudan's investment potential and the viability of oil development in the south, several foreign investors have funnelled billions of dollars into oil infrastructure,³²⁸ including Talisman

³²⁷ ICG interview in Khartoum, 2 July 2001.

³²⁸ Peter Verney, *Raising the Stakes: Oil and Conflict in Sudan*, Sudan Update, December 1999, p.3.

Energy of Canada, Petronas Carigali of Malaysia and PetroChina, with which the government formed the Greater Nile Petroleum Operating Company in 1997.³²⁹

The development of the oil sector in the late 1990s has created an even bigger prize than that which existed when Chevron was exploring for potential fields at the outset of the war in 1983. The negative economic trend of the past two decades has been at least partially reversed. Oil resources have transformed Sudan from an economic basket case into a promising oil exporter. Governments and multinational companies are lining up to invest, many also willing to run political interference for Sudan's efforts to end its political isolation. However, U.S. sanctions, imposed at the end of 1997, prohibit much hoped-for American investment in the oil sector. "We wanted U.S. investment more than the others", said Information Minister Mahdi Ibrahim.³³⁰

Conventional estimates of oil reserves in Sudan are more than 800 million barrels but some projections are as high as four billion barrels. Production is currently over 200,000 barrels per day, and is expected to double by 2005. Key to that will be whether TotalFinaElf, which has the largest concession (20,000 square kilometres), is able to produce in areas that are currently either too unstable or controlled by insurgents. The El-Jaili refinery processes around 50,000 barrels per day for domestic consumption, which means that Sudan is now self-sufficient and free of import bills that ran to U.S.\$250 million per year as recently as 1999.

Other companies have joined in the oil rush, including Austria's OMV Aktiengesellschaft, Sweden's Lundin Oil, Qatar's Gulf Petroleum and Russia's Slaveneft.³³¹ Oil service companies are also involved from a number of countries, including the Netherlands, Canada, Germany and the UK.

Looking ahead, growth of oil revenues is expected to continue with increased production and further government encouragement of investment.³³² The government accrued U.S.\$500 million in 2000 and expects U.S.\$800 million for 2001. Because it no longer has to purchase

329 Ted Dagne, *Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy*, Congressional Research Service, 8 June 2001, p.12.

330 ICC interview in Khartoum, 2 July 2001.

331 Hailes Janney, "Oil Reserves Transform the Sudanese Civil War", *Jane's Intelligence Review*, 1 June 2001.

332 The Economist Intelligence Unit, *Country Report: Sudan*, July 2001, pp.1,6.

oil from the spot market, the government has even more resources available for buying arms. In addition, Sudan's new observer status in the Organisation of Petroleum Exporting Countries (OPEC) permits expanded access to the world oil market.

Despite these successes, benefits of oil development have yet to improve the standard of living for the average Sudanese. Though the official government line is that oil profits are used only for non-military spending, Khartoum leaders frequently let slip another story. For example in 1999, Turabi said the government would buy tanks with oil profits. In mid-2000, military spokesman Mohamed Osman Yassin told student conscripts that thanks to the oil industry, Sudan had begun "manufacturing ammunition, mortars, tanks and armoured personnel carriers".³³³ On 16 June 2000, Bashir declared that Sudan would celebrate the eleventh anniversary of the coup by manufacturing "tanks and heavy equipment".³³⁴

The government has matched its increase in export earnings with a commensurate increase in military spending.³³⁵ The war effort cost over U.S.\$1 million per day in 2001, a staggering figure for a country where 3.1 million people need emergency food aid according to international agencies.³³⁶ The government doubled its arms purchases and military spending during the year after the Port Sudan pipeline was completed, and increased domestic production of ammunition and small arms.³³⁷

Meanwhile, hardship associated with economic reform contributed to outbreaks of unrest in 2000.³³⁸ The unemployment rate has remained steady at around 30 per cent,³³⁹ investment in human and physical capital is low³⁴⁰ and food security is extremely poor. The growth of the oil sector, moreover, has not been matched by other sectors and has come at the expense of the population in the Upper Nile, where forced displacement and restrictions on aid access by the government have resulted in an ongoing humanitarian crisis.

Corruption has also become a more pressing issue since the oil started to flow two years ago, and Turabi has been using this issue to undermine the

333 *Africa Confidential*, 7 July 2000.

334 *Africa Confidential*, 23 June 2000.

335 Francis Deng and Stephen Morrison, "U.S. Policy to End Sudan's War", CSIS, February 2001, p.4.

336 Ted Dagne, *Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy*, Congressional Research Service, 8 June 2001.

337 ICG interviews with defence and intelligence sources, August 2001.

338 The Economist Intelligence Unit, *Country Report: Sudan*, July 2001.

339 *Ibid.*

government's credibility with the National Islamic Front rank and file. Everyone in Khartoum has an anecdote regarding high-level wheeling and dealing around oil involving offshore companies, money laundering, the sale of concessions, off-budget expenditures and the diversion of state assets. Foreign Minister Ismail acknowledges a problem but says it is manageable: "There are some crooks, yes, but they are controllable. These are the same guys that resisted the return of other political parties to Khartoum. We overcame them on that issue, and we can deal with them on this one".³⁴¹

The development of oil resources comes against a backdrop of broader efforts by the government to overhaul the economy. For most of the latter half of the 20th century, economic stagnation and instability, huge external debt and economic crises only added to the staggering impact of civil war. Since the 1989 coup, the government has focused on certain core economic objectives, including the development of the oil sector but also a reform program. Due largely to agriculture, and more recently oil, annual gross domestic product growth averaged 3.6 per cent in the 1990s,³⁴² and climbed to 5.7 per cent in the first half of 2001.³⁴³

Thanks to oil, Sudan produced a trade surplus of U.S.\$440 million in 2000 - a marked contrast with an average annual deficit during the past decade of U.S.\$640 million.³⁴⁴ However, Sudan still has sizeable foreign debt of some U.S.\$17 billion.³⁴⁵ Nevertheless, by adhering strictly to an International Monetary Fund-approved structural reform program since 1997, Khartoum has disciplined its fiscal and monetary policy.³⁴⁶ Cost-cutting and tax-raising measures have brought the budget closer to balance,³⁴⁷ and inflation has fallen by approximately 90 per cent since 1991.³⁴⁸ As a result, the currency has stabilised relative to the U.S. dollar, and is expected to appreciate between 2001 and 2002.³⁴⁹ It is important to the government that Sudan soon qualify for International Monetary Fund credits, which would lead, it hopes, to expanded debt relief that is critical for continued economic development.

340 International Monetary Fund, *Sudan: Staff Report for the 2000 Article IV Consultation and Fourth Review of the First Annual Program Under the Medium-Term, Staff-Monitored Program*, p.6.

341 ICG interview in Khartoum, 3 July 2001.

342 The Economist Intelligence Unit, *Country Profile: Sudan*, August 2000.

343 The Economist Intelligence Unit, *Country Report: Sudan*, July 2001, p.9.

344 *Ibid.*

345 *Ibid.*, p.9.

346 *Ibid.*

347 *Ibid.*

348 *Ibid.*

349 *Ibid.*

National Islamic Front elites and their business partners have positioned themselves to take advantage of the more favourable economic trends. Leading Front members have formed dozens of companies to dominate the oil industry and other key sectors, such as communications and banking. Sudanese businessmen indicated to ICG that many of these companies have been created outside the country to make their activities more difficult to trace: "They learned from the example of Egypt, where Islamist businesses were clamped down upon and lost everything. They learned that they needed to diversify their activities and their locations".³⁵⁰

The takeover by Islamic businesses of key parts of the economy has been aggressively facilitated by the Islamic banking sector. The National Islamic Front invented a hybrid creature ("charitable companies") which enjoys exemptions from business taxes and custom duties because of their alleged contribution to the "*jihad* effort" in the south. For instance, by making a one-time U.S.\$5,000 donation to the supply department of the Popular Defence Forces, a company would qualify as "charitable" and be eligible to receive government concessions on taxes and duties worth millions of dollars.

In another example, the Ministry of Finance transferred ownership of a privatised textile plant that had valuable agricultural land, irrigation canals, factory equipment and other infrastructure assets to a prominent National Islamic Front leader simply because of a donation he made to the Popular Defence Forces. As a result of this pattern of patronage, it is hard for individual entrepreneurs and business families to resist allowing Front leaders to become significant stakeholders in their enterprises.

Less well known is the role of Islamic NGOs in the process. A new breed of NGOs emerged as the National Islamic Front took power, many of which were also registered offshore. In addition to bankrolling the "*jihad*" and "comprehensive call" enterprises, these NGOs were licensed to conduct business. They formed an alternative to raising money in the Gulf that an otherwise cash-strapped government encouraged.

Many National Islamic Front business leaders have directed their new economic clout to trading activities in consumer commodities and other quick-profit activities instead of investing in longer-term development. So, while National Islamic Front entrepreneurs have managed to acquire a sizeable portion of Sudanese assets, the government has made very limited

³⁵⁰ ICG interview, 4 July 2001.

progress in alleviating the daily economic hardships that most citizens continue to endure. While Sudan may no longer be quite as poor by macroeconomic calculations, its people remain impoverished, primarily because oil profits flow to a limited few and are used to fund the war. Any praise of the government's economic performance should take this into account, as well as the potential for future disputes over economic turf. Ensuring broader economic growth that benefits larger segments of the population would require drastic measures to correct these anomalies and the networks of patronage that make them possible. Meanwhile, the government fiercely resists sharing oil revenue with the SPLA and the National Democratic Alliance in any peace deal.³⁵¹

The government is beginning to implement plans for development of the power sector and other infrastructure projects.³⁵² The re-appointment of veteran finance minister Abdel Rahim Hamdi was a signal that Sudan plans to continue to adhere to the International Monetary Fund-approved plan for economic restructuring and liberalisation.³⁵³ Improving relations with its neighbours will encourage greater regional trade and economic activity. However, high debt and war spending will continue to erode the potential for more dynamic and broad-based growth. Prices for commodities such as food are also likely to increase as a result of severe drought and the government blockade of humanitarian access to some conflict areas.³⁵⁴ The drop in world oil prices reduces the government's ability to pay salaries for the bloated public sector and sustain the upward trend of its military budget. Near the end of 2001, the Sudanese pound continued to lose value, making imports more expensive and laying the groundwork for increased inflation in 2002.

Water is another contentious resource, with the government eager to accommodate Egypt's desire for much greater access to the Nile's flow. Egypt's ambitious expansion of irrigated agriculture means that the Nile is still a central issue in the war.

For many the plan advanced by Nimeiri in the early 1980s to build the Jonglei canal was emblematic of the government's callous disregard for southern interests. That canal would have been the largest of its kind in the world and increased the volume of Nile water flowing to Egypt. The plan

³⁵¹ The National Democratic Alliance has no authority structures capable of receiving and transparently spending the allocations. The SPLA at least controls territory and exercises *de facto* governing authority through a civilian branch that could be held accountable for the allocations.

³⁵² The Economist Intelligence Unit, *Country Report: Sudan*, July 2001.

³⁵³ *Ibid.*

³⁵⁴ *Ibid.*

would have drained the vast Sudd swamp, but it made no provision to accommodate southerners who lived in the area and whose lives would have been severely disrupted. As a result, the plan was unacceptable to the SPLA, which in 1983 attacked a Chevron camp and rig digging the canal - sending a clear signal regarding its objection to the exploration of southern oil and water resources by the central government. There have been no serious plans to revive the project.

Egypt also remains concerned that other neighbours will try to exert greater control over the Nile watershed. While the SPLA has expressed some willingness to be flexible on the water issue, it has made clear that it will not tolerate a return to the approach of the 1980s, where "sharing" implied depriving the inhabitants of the Sudd swamp of their livelihood without compensation.

Oil and water are not the only resources under siege. In the Nuba Mountains, Southern Blue Nile and northern Bahr al-Ghazal regions, successive governments - allied with supporters and opportunists from regions to the north of the targeted areas - have attempted to drive local populations off productive land. Where this succeeds, the government gives concessions to use the newly cleared land to its backers from less productive regions. This has added to Sudan's population of internally displaced persons (already the world's most numerous as a result of other aspects of the war) and radicalised many southerners. "They want our land and not our people", admonished one SPLA commander defending his home area, "but they will only take this land on the backs of our dead bodies".³⁵⁵

C. Governance and Self-Determination

Although there are many causes of continuing war, perhaps the primary one is abusive governance connected with a concentration of power in the hands of a small elite group in the centre of the country. The civil wars that have plagued Sudan since its independence are a direct outgrowth of abuse and failure to grant most citizens - particularly southerners - broader economic and political rights. Continuing human rights violations provide fuel for the insurgency, and abuses by both government forces and the SPLA have made representative government a mere dream for most of the country's people.

³⁵⁵ ICG interview, 11 July 2001.

In dealing with certain sources of opposition the government has returned to the heavy-handed tactics used widely after the 1989 coup. The judiciary, the military and intelligence agencies have all served as instruments of exclusion, repression and discrimination. A western diplomat observed before 11 September 2001, "The last few demonstrations against government policies were representative of the deprivation of the people. These demonstrations were repressed with extreme force, and people are getting the message".³⁵⁶

One civil society activist in Khartoum told ICG: "The human rights situation is worse now than at any time in Sudanese history".³⁵⁷ The current UN Special Rapporteur on Human Rights in Sudan, Gerhard Baum, has also observed that political freedoms are again eroding: "Human rights violations are increasing in Sudan...The situation is worse than one year before".³⁵⁸ Government security forces continue to subject political opponents and human rights defenders to arbitrary arrest without judicial review and support and sponsor Islamic student militias that harass and torture student activists.³⁵⁹

The government justifies these measures by pointing to military threats and the continuing influence of Turabi and his followers. Foreign Minister Ismail claimed:

Yes, liberalisation is being restricted. This is due to the division within the ruling party and the challenge that Turabi's group represents. They know the internal affairs of the government, including the security and the military. All of the actions we have taken have been to counteract Turabi. These laws are not being applied on the Umma Party, only on Turabi's party.³⁶⁰

Presidential Advisor Qutbi al-Mahdi claimed, "After [the government's military setback at] Raga, people wanted to demonstrate against the SPLA. We didn't want to fan these flames, so we temporarily banned public rallies".³⁶¹ Vice President Taha said the restrictions are temporary, and parliament will soon "revise these things positively".³⁶²

³⁵⁶ ICG interview in Khartoum, 30 June 2001.

³⁵⁷ ICG interview in Khartoum, 1 July 2001.

³⁵⁸ "Sudan: Delusions of Peace", *Africa Confidential*, 10 August 2001.

³⁵⁹ Human Rights Watch, *World Report 2001: Sudan*.

³⁶⁰ ICG interview in Khartoum, 3 July 2001.

³⁶¹ ICG interview in Khartoum, 1 July 2001.

³⁶² ICG interview in Khartoum, 3 July 2001.

For northern oppositionists, regardless of whether allied to the SPLA or in the National Democratic Alliance, the issue of restoring democracy and rebuilding democratic institutions is fundamental, particularly in the context of a peace process. As Prime Minister Meles Zenawi of neighbouring Ethiopia told ICG: "There is a verbal recognition on the part of all parties in Sudan that democracy must be part of the solution".³⁶³

Key Khartoum officials say that there is growing acceptance within the government for widening participation. Some advocate a government of national unity. Others want to bring in opponents one at a time. Still others see full-fledged political competition as the ultimate objective. "There were those in government who were worried about losing power", said one key government advisor. "But now they feel the benefits of liberalising outweigh the costs. They feel the government will acquire more legitimacy in this way, and so will entertain concessions and compromises".³⁶⁴

Racial discrimination is another problem many Sudanese want addressed. Those of African descent perceive themselves to be second or third class citizens, and southerners in particular feel that racism has been institutionalised within the government since the colonial period. In conversations with Sudanese from north and south, racial discrimination is cited repeatedly as a major reason why war continues. Race-based domination and exclusion help fuel the conflict on both sides and will require creativity and compromise at the negotiating table.

It is important to note that the government is not alone in its anti-democratic tendencies. Respective southern administrations, whether the regional government established following the 1972 peace agreement or current SPLA institutions, have not been democratic, transparent or broadly based on popular will.

But self-determination will be the most difficult issue to resolve in any peace agreement. The south's separatist campaign began before Sudanese independence and was the main goal of the first rebellion - the *Anyanya* - against central authority from 1955-1972. Khartoum's abrogation of the subsequent Addis Ababa Agreement and revocation of southern regional autonomy triggered renewed civil war in 1983 and deepened sentiment among southerners for independence.

³⁶³ ICG interview, 16 July 2001.

³⁶⁴ ICG interview in Khartoum, November 2001.

SPLA leader John Garang, however, did not advocate self-determination for the south in 1983. Instead he rallied his troops around calls for a New Sudan - democratic, pluralistic and united. The original SPLA manifesto declared: "Although the Movement has started by necessity in the south, it aims eventually at engulfing the whole country in socialist transformation. The SPLA is fighting to establish a United Socialist Sudan, not a separate Southern Sudan".³⁶⁵

Much of Garang's hesitation on independence was tactical and grounded in an understanding that an independent south was not acceptable to regional leaders. Many sub-Saharan African countries worried that an independent southern Sudan would be a dangerous precedent at a time when they faced their own insurgencies and irredentist claims. By maintaining a commitment to national unity, Garang elicited early support from Libya and Ethiopia. His strategy also opened the door to cooperation with southerners fearing a Dinka-dominated separate state. Likewise, this approach made cooperation with northern opposition parties possible. Without regional and local support, the SPLA would likely not have survived through its early years.

With the continuation of the war, and Eritrea's 1993 secession from Ethiopia, however, southern Sudanese have increasingly begun to demand an independence referendum. During the past year, key southern Sudanese constituencies have radicalised around such a demand. Non-SPLA southern political organisations and key members of the diaspora have more aggressively maintained that this referendum is the *sine qua non* for peace. Former Vice President Abel Alier told ICG: "The SPLA does fully acknowledge the popular support for self-determination. The will of people must be expressed".³⁶⁶

The key constituency within the SPLA, Bahr al-Ghazal Dinka commanders and soldiers, also appear to have hardened on this issue, making the SPLA's traditional straddle on independence increasingly untenable before southern audiences. One former SPLA commander confided: "Garang would be overthrown by the Bahr al-Ghazal Dinka if he cut a deal for less than voluntary unity",³⁶⁷ the euphemistic phrase describing an independence referendum. A veteran development worker in southern Sudan noted: "Support for independence may be strongest in Bahr al-Ghazal because that

³⁶⁵ Sudan People's Liberation Movement (SPLM) Manifesto, 31 July 1983. The SPLA has since recanted its socialist ideology.

³⁶⁶ ICG interview in Khartoum, 2 July 2001.

³⁶⁷ ICG interview in southern Sudan, 13 July 2001.

area and its inhabitants have borne the brunt of the war since the mid-1980s. Having weathered the kinds of assaults that they did, and emerging (in their view) victorious, they are not in a mood to compromise".³⁶⁸

If the Dinka heartland continues to press for self-determination, it will certainly significantly reduce the room for compromise for any SPLA or National Democratic Alliance negotiating team. A top SPLA civil administrator claimed: "We will not accept a deal with less than a referendum for independence. The basic condition is that we have to vote".³⁶⁹ But one key SPLA leader also contended: "We will put our weight behind unity if there is a just state. Being with the north can be a good thing, given the importance of trade, investment, and historical linkages".³⁷⁰

Further complicating SPLA calculations are the attitudes of key neighbouring states and other SPLA supporters who remain opposed - with one or two exceptions - to an independent south, mostly out of self-interest and fears of unleashing a Balkanisation process. Some are hard line on the issue, such as Egypt and Libya. Others are more nuanced. "The issue of self-determination needs to be postponed, and incentives for unity need to be provided", counselled Prime Minister Zenawi of Ethiopia.³⁷¹ Given such competing pressures and with no serious peace process in sight, it is understandable why the SPLA maintains careful ambiguity.

Southern self-determination is equally vexing for the government. "The government has a great dilemma on unity", Foreign Minister Ismail told ICG.³⁷² While some of the fundamentalists who masterminded the 1989 coup once argued that separation of the south might be a necessary sacrifice to pay for creating the ideal northern Islamic state, this view has all but disappeared within top government circles. There are a variety of views on whether and how self-determination should be exercised, indicating a rich area for negotiation. This is true also of the SPLA, the Umma Party and the National Democratic Alliance.

In 1997 Khartoum accepted as a basis for negotiation the IGAD Declaration of Principles for the Sudanese peace process - which includes a referendum for self-determination. However, the government appears to be backtracking amid some internal divisions. Similarly, it never moved to implement the

368 ICG interview in southern Sudan, 11 July 2001.

369 ICG interview in southern Sudan, 12 July 2001.

370 ICG interview in Cairo, 4 July 2001.

371 ICG interview in Addis Ababa, 16 July 2001.

372 ICG interview in Khartoum, 30 June 2001.

self-determination referendum provisions of a 1997 agreement it reached with splinter factions of the SPLA. This backsliding on self-determination corresponds with the reduction in the government's radical Islamist tendencies connected with oil wealth. Ethiopia's Zenawi elaborated: "Before, if the southerners didn't want to live in an Islamic state, some in the government were willing to let the south go. But as they evolve away from fundamentalism, unity becomes more important. The government may become more accommodative of the southern interests in order to keep access to the oil".³⁷³

Presidential Peace Advisor Ghazi Salahuddin Attabani provided one government interpretation: "Self-determination is viewed as synonymous with federalism. We have studied federalist models in the U.S., Canada, Switzerland, Nigeria and India. We must remember that the south accepted unity on the basis of a federal status at the 1947 Juba Conference. Not a single government since then lived up to that promise; all were over-centralised. We are the first government to employ federalism".³⁷⁴ Presidential Advisor Qutbi al-Mahdi added: "The Declaration of Principles gave unity priority, but there is a need for some sort of referendum".³⁷⁵

Vice President Taha, in contrast, has been clear that he feels an independence referendum is not on the table: "What is self-determination? It does not mean breaking the country. We need to consider other forms of self-determination short of a referendum [on independence]. We need to construct serious guarantees and assurances on agreed governing formulas. A referendum can be much more than just a make or break exercise". Taha further criticised an independence referendum as undermining the peace process: "Having the question of separation or unity makes negotiations unequal. It allows the SPLA to not negotiate since they rely on the referendum as their veto".³⁷⁶

Foreign Minister Ismail suggested another obstacle the government perceives to accepting self-determination in a peace agreement: "Self-determination is very complicated, almost impossible. The government has no problem with full autonomy for the south. But if there is self-determination, the government won't be able to move forward with efforts to rebuild the south in a transitional period".³⁷⁷ Dr. Mutrif Siddig, the Under

373 ICG interview in Addis Ababa, 16 July 2001.

374 ICG interview in Khartoum, 2 July 2001.

375 ICG interview in Khartoum, 1 July 2001.

376 ICG interview in Khartoum, 3 July 2001.

377 ICG interview in Khartoum, 20 November 2001.

Secretary of Foreign Affairs, sees the way forward for the government in terms of developing a serious alternative to a make-or-break referendum. "The preservation of the unity of the country is the priority. The challenge is how to defuse sentiments that lead to separation, to address the diversities that exist. The model could be the United States".³⁷⁸

Presidential Peace Advisor Ghazi Salahuddin Attabani provided some insight into the government's latest thinking on how to accommodate self-determination through a process that potentially involves multiple votes:

Self-determination is in the constitution and we abide by it. There are different legal concepts to it. The preferred one to us is one that gives the southerners a fair and workable system within a united Sudan, but that must be chosen by them through a referendum and not be forced upon them. It could also be revised after some trial time and be amended, again through a referendum.³⁷⁹

Opposition groups in the north generally give rhetorical support to self-determination for the south via an independence referendum, but opinions as to how to implement this are diverse. For example, Mirghani, the chairman of the National Democratic Alliance and leader of the Democratic Unionist Party, told ICG: "The issue of self-determination is a problem. If there is a serious dialogue within a unified peace forum, and if a transitional government works for unity, they may not choose to exercise this right".³⁸⁰

The term self-determination itself increasingly means different things to different constituencies. Although not overtly discussed or yet subject to negotiation, four competing views are vying for legitimacy:

- an independence vote is not required if a federal system is put in place that guarantees equal rights for all;
- an independence referendum should be held at the end of some interim peace period to ensure that promises made are promises kept;
- an independence referendum would be a means to resolve the conflict if no broader agreement can be reached on certain core issues such as religion and the state; and,

³⁷⁸ ICG interview in Khartoum, 18 November 2001.

³⁷⁹ Correspondence with ICG, 23 November 2001.

³⁸⁰ ICG interview in Cairo, 4 July 2001.

- an independence referendum would be held only if there is not full compliance - assessed through an agreed method - with the terms of a peace agreement.

Egypt's position on this issue is crucial. For reasons discussed in Chapter 2, Egypt will not countenance any process that might lead to the creation of a new state in southern Sudan and, therefore, strongly opposes any use of the self-determination concept as a slippery slope to independence. Egypt's influence makes it difficult for the government in Khartoum to hold a different position on this issue. "If Egypt accepts self-determination in any form, that will be the Sudanese government's position," alleged one European diplomat. "The position on this issue will be set by Cairo".³⁸¹

The issue is further complicated by the views of constituencies in the north, east and west that perceive themselves as marginalised and believe an independent south would do little to resolve their own problems. War rages in the Nuba Mountains, the southern Kordofan district of Abyei, Southern Blue Nile and the Beja areas of eastern Sudan.³⁸² All these areas demand some form of self-determination, albeit not an independence referendum such as in the south, except for Abyei.³⁸³

In separate interviews, SPLA commanders, civil administrators and supporters all said that they expected the SPLA to keep fighting until each of these areas achieved some measure of control over its future, even if the south had already fully secured that right. What measure of control remains subject to negotiation. "We need our own options", said an SPLA commander from Southern Blue Nile. "We are unionist. We support southern aspirations, but our case is different".³⁸⁴

"The west is terribly neglected, and the east is out of history", added one opposition party leader.³⁸⁵ A *sheikh* from eastern Sudan commented:

381 ICG interview in Nairobi, 14 November 2001.

382 The logic for SPLA activity in these regions dates back to the original SPLA plan to fight for a united, socialist Sudan. The rebel message fell on fertile ground in these marginalised areas, both on the traditional frontline between 'Arabised' pastoralists and 'black' non-Arab or non-Muslim farmers or pastoralists.

383 Abyei is currently part of southern Kordofan but the African Dinka people, who form the backbone of the SPLA rebel force, have traditionally inhabited it. Geographically, it is north of the Bahr al-Arab River that otherwise defines the south. The government has claimed at the IGAD talks that: "[Abyei] identified itself differently, as early as 1947, when the area tribal chiefs declined to be annexed to Bahr al-Ghazal". The government articulated this view in response to a draft IGAD proposal on the issues of Abyei, South Kordofan and South Blue Nile, by the head of the government delegation Ahmed Ibrahim al-Tahir. On the other hand, the SPLA advocates that the inhabitants of Abyei hold their own referendum on whether they wish to join the South, so the vote presumably would occur before the main southern referendum to allow the Abyei natives to take part in the wider vote if there had been a majority for the 'yes' position.

384 ICG interview, 17 July 2001.

385 ICG interview in Khartoum, 2 July 2001.

"Communities in the south are better off than those of the east. The war in Sudan is not a north-south issue. We are all together".³⁸⁶ A genuine democratic federalism would satisfy some of these marginalised groups. For southerners, unity might be acceptable if equal rights, the full panoply of freedoms, autonomy and equitable sharing of resources underpinned a peace agreement. The challenge of finding a peace formula that accommodates these many divergent perspectives remains daunting.

The government's current position at the IGAD peace talks is that any north-south division should correspond to the administrative border at independence in 1956. In contrast, the SPLA argues that Abyei should be part of the south, while the Nuba Mountains and Southern Blue Nile should hold their own referendum. This will continue to be a thorny issue. It is not inconceivable that two or three years hence, if the war continues and the government has consolidated its grip on the northern and central segments of the oil fields, the regime may offer a self-determination deal that would propose a new border significantly further south than the current administrative line of control. The SPLA's tactical capabilities and strategic calculations at such time would determine whether it was willing to accept the deal.

³⁸⁶ ICG interview in Asmara, 7 July 2001.

5. CONSEQUENCES OF THE WAR

The war continues to be prosecuted with brutal tactics, including slave raiding, pitting local ethnically based militias against one another, indiscriminate aerial bombing, forcible displacement of civilian populations and widespread human rights abuses, all of which are disproportionately committed by the government. Consequently, divisions within Sudan have only become more pronounced as the long war has ground on. Efforts at local reconciliation between neighbouring ethnic groups are fundamental to providing an atmosphere more conducive to a lasting peace.

A. Conduct of the War

Although the precise scale of death and destruction resulting from the civil war will never be known, it has been one of the deadliest conflicts since World War II. Much of the human devastation can be traced back to the criminal tactics with which the war is fought. Atrocities are routine events.

International human rights advocates and lawyers actively debate whether certain practices in Sudan should be characterised as genocide and enslavement - crimes against humanity - or as more conventional human rights abuses not subject to special sanction under international law. Disagreement is rooted in careful legal phrasing and debates over intent, tactics, culture and the implications of an "official" finding of genocide. However, given the broad body of evidence, at the very least tactics such as slavery, forced displacement and the use of food as a weapon are sufficiently brutal and persistent to qualify as gross violations of international law and of nearly every rule of war applicable to an internal armed conflict.

While this chapter illustrates many of the tactics being used in Sudan's civil war, it is not intended as an exhaustive catalogue. For example, indiscriminate bombing of civilian targets occurs extensively in Equatoria,³⁸⁷

³⁸⁷ Khartoum's "indiscriminate" bombing campaign against civilian targets in the south "has resumed its previous intensity", and much of this activity is in Equatoria. See IRIN, 4 August 2001.

eastern Sudan, southern Blue Nile, northern Uganda³⁸⁸ and dozens of little known communities like those of the Burun people from the Maban area near the Ethiopian border.³⁸⁹ Though government forces and their associates have conducted the great majority of these abuses, the SPLA has also been guilty of broad human rights abuses.

The military strategies embraced by both the government and the SPLA have often placed civilians directly in the firing line. The war has few pitched battles in which the two sides employ conventional tactics over specific real estate. More often, government forces or their allied militias attack civilian targets as part of an effort to weaken SPLA support, and the SPLA in turn largely relies on guerrilla tactics against government supply lines or the oilfields. The government concentrates its defences on the oil fields and a few major towns, while using bombing to terrorise civilian populations in SPLA-controlled areas. The government has also heavily relied on its allied militias to engage the SPLA, weaken communities that support the SPLA and deepen ethnic tensions in the south.

Jane's Intelligence Review comments on the war's dynamic:

The conflict in the Sudan does not resemble a conventional war or insurgency. The vastness of the country and the primitiveness of communications impede the forces of all sides, robbing commanders of much of their control over the fighting. Battles are rarely fought, and those attacked are more often innocent civilians who have fallen victim to tribal cattle or slave raiders rather than formal combatants.³⁹⁰

Geography has been central to the conduct of the war. Huge distances separate the combatants, making re-supply hazardous and logistically

388 While it is beyond the scope of this report, the Sudanese government's history of support for the Ugandan Lord's Resistance Army (LRA) should not go unmentioned. The LRA commits similarly heinous acts in neighbouring Uganda from bases in Sudan government garrisons. The LRA is most infamous for its continuing policy of child abductions. Amnesty International estimates that upwards of 90 per cent of LRA soldiers are abducted children and contends that the group could not survive militarily without Sudanese government support. See Amnesty International, *Uganda: Stolen Children, Stolen Lives*, New York, 1997. An estimated 6,000 Ugandan children have been held captive in Sudanese government garrisons. See Human Rights Watch, *World Report 2001: Human Rights Developments*. The children have been abducted, tortured, enslaved or forced to become child soldiers and child slaves. Children abducted by the LRA are subject to a regime of extreme and arbitrary violence. Those caught trying to escape are killed or tortured and both boys and girls are brutalised by being made to kill other children in order to break down their resistance. Khartoum finally severed its ties to the LRA in mid-2001.

389 The Burun, an agricultural people, depend on the land for survival. Between 1998 and 1999 however, tens of thousands of Burun were pushed from their land by the government and forced into settlement camps or the surrounding bush and swamps. "I wouldn't be surprised if a significant percentage of their population has been wiped out", one relief official told ICC, 17 August 2001.

390 Hailes Jannay, "Oil Reserves Transform the Sudanese Civil War", *Jane's Intelligence Review*, 1 June 2001.

challenging. The government's supply chain flows out of Khartoum, and the SPLA's begins in neighbouring countries. The distances to front line combat can be daunting.³⁹¹ Sudan's infrastructure is worse than when the British left in 1956, with the exception of the roads and airstrips built to service the oil sector.

The SPLA can occasionally muster the thousands of men necessary to dislodge the government from certain garrison towns, but it has serious trouble maintaining its supply lines for an extended period. Similarly, the government has been unable to expand the number of its garrisons and is incapable of controlling any in the vast southern countryside. In the short term, this continues to be a recipe for a stalemate, with a handful of towns and villages changing hands, but the government has the potential for significant long term tactical advantage if it continues to build up its oil revenues and arsenal.

Oil income has enabled the government to rapidly improve its heavy weaponry, expand its air superiority and purchase attack helicopters, which are extremely damaging to civilian targets and help pin down SPLA military units. Captured videotape from the southern Blue Nile front shows that Khartoum is now using short-range tactical ballistic missiles, which a British defence analyst identified as most likely an Iranian Nazeat 10.³⁹² However, despite the increasingly impressive hardware, there are growing questions about the commitment, competence and loyalty of government forces.

In May-June 2001, the SPLA overran two important government garrison towns in western Bahr al-Ghazal: Raga and Dem Zubeir. One western diplomat in Khartoum remarked: "Until Raga, the government was able to hoodwink the Sudanese public. Raga has provided the Sudanese a glimpse into some unsavoury facts: that the war rages on, that northerners are dying, and that war tactics are brutal, in this case the aerial bombardment of fleeing refugees". Raga was a staging area for re-supply to the government's two largest southern garrisons, Wau and Aweil. Officers and soldiers did not fight well, and some defected, leaving the towns virtually undefended. This incident eroded government confidence at a time when the government has also encountered increasing difficulties recruiting and mobilising Popular Defence Force militia despite repeated *jihad* appeals.

³⁹¹ A U.S. diplomat once pointed out that it is roughly analogous to warring parties based in New York and Miami fighting in North Carolina.

³⁹² Julie Flint, "Oil Industry-Funded Missiles Present New Threat to Aid Workers and Civilians", *Guardian*, 31 August 2001.

The attacks on Raga and Dem Zubeir also came when conventional opinion had declared the SPLA largely a spent force, unable to muster offensive action against an increasingly well-armed government. But the SPLA demonstrated impressive resilience. It simultaneously expanded its territory in Bahr al-Ghazal, held off the largest government offensive in the Nuba Mountains in a decade (in which helicopter gunships largely levelled at least nine villages),³⁹³ and counter-attacked in southern Blue Nile after withstanding a government offensive directed at Kurmuk.

Raga's strategic location as a trading point with both the Central African Republic and Chad temporarily created SPLA options for commercial opportunities while the victory cut a government supply line. The SPLA offensive had important psychological, as well as military, impact, since many Sudanese view Raga as a "northern town". "The loss of Raga was traumatic for the government", observed one analyst from northern Sudan. *Africa Confidential* reported that after the defeat top military officials told President Bashir they were in danger of losing the south, and unsuccessfully proposed a palace coup to allow the army to assume total control.³⁹⁴

The government began preparing its counter-offensive. It built up the required three-to-one manpower advantage, moved heavy artillery to the area, and unleashed weeks of aerial bombing. In October 2001, Raga fell to government forces, demonstrating the effectiveness of the bombing strategy and making it unlikely the practice would end soon, despite U.S. and EU protests. This relieved pressure on the government's main garrison town, Wau in Bahr al-Ghazal. Dem Zubeir was recaptured the next month.

If the insurgents cannot consistently penetrate government defences around the oilfields in Upper Nile or the pipeline and road leading to Port Sudan, their ability to influence events will diminish dramatically. The central question is whether the SPLA will be able to build on its recent successes and consolidate its position in Bahr al-Ghazal as a springboard for attacks on oilfield areas.

The government has prepared by concentrating its military assets around the oilfields, as one SPLA commander acknowledged:

The government has huge defences around Bentiu [a key oilfield area in Upper Nile]. We have to approach indirectly. The entire SPLA

393 Justice Africa, "Prospects for Peace in Sudan", May-June 2001, p.3.

394 "Sudan: Delusions of Peace", *Africa Confidential*, 10 August 2001. ICG could not independently corroborate this.

force probably couldn't take Bentiu directly. We have begun hitting targets around Bentiu with small units. We have developed crack units to undertake these operations. We will keep hitting there and in the Adar oilfields [in Southern Blue Nile]. We will impede their production and raise their cost of doing business. We hit 25 trucks of one of the oil companies recently. This affects the calculations of these companies. Our only constraint is our material capacity, which limits our ability to hit the pipeline. It boils down to finances.³⁹⁵

In August 2001 the SPLA penetrated deeper north into the oilfields than previously to attack the Heglig production facility in Southern Kordofan, an area outside of the traditional administrative borders of the south. According to the NGO Justice Africa, an SPLA unit under the command of Peter Gadeat penetrated government defences and was able to halt production for several days. Gadeat also attacked other locations in Western Upper Nile, such as Wankai and Ruup, outside of Bentiu.³⁹⁶ While the details of these events remain sharply disputed, it is clear that the rebels are stepping up military pressure on the oilfields.

Only three attacks on the oil infrastructure were recorded in 2000. Regardless of the physical damage, the primary repercussions of the Heglig attack were psychological.³⁹⁷ By mid-2001, however, SPLA pressure intensified. A July 2001 offensive south of Bentiu caused a Swedish oil company to suspend its Sudan operations, and other SPLA attacks on oil installations followed.

It appears that the SPLA is in the best position it has been since oil began flowing to disrupt operations, especially if efforts to promote southern political cohesion continue to bear fruit. As long as Nuer commanders are not hitting the SPLA from the rear, moves against the oilfields become more realistic. Furthermore, the insurgents have recently acquired new heavy weaponry that will enhance their potential for success around the oilfields. The government, however, is preparing a major dry season offensive to consolidate areas of exploration south of present locations before mid-2002, when rains will again make movement of heavy weapons prohibitive.

The National Democratic Alliance also controls areas in the east along the Eritrean border. Although the SPLA provides the bulk of the soldiers, there

395 ICG interview, 17 July 2001.

396 Justice Africa, "Prospects for Peace in Sudan", August 2001, p.4.

397 Karl Vick, "Rebels Hit Once-Invincible Sudan Oil Fields", *Washington Post*, 16 August 2001.

are armed elements from the Beja and Rashaida communities, which are Islamic and Arab. These communities have been subjected to some of the same government tactics used in the south and the Nuba Mountains, including aerial bombardment and forced displacement.

This front stretches the government's defences, relieves pressure on the SPLA elsewhere, and threatens government towns and infrastructure in the north, such as the pipeline and road to Port Sudan, which have been hit occasionally during the last three years. SPLA leader Garang argues: "The eastern front is key in changing the government's calculations on the peace process. Any negotiation must combine military pressure".³⁹⁸

The eastern border area has been relatively quiet during 2001. The government accused the Beja Congress, one of the groups operating there, of trying to bomb the pipeline in August 2001. Eritrean policy will likely determine how active the eastern front is over the coming year. "The eastern front is almost forgotten now", observed an opposition figure in Khartoum. "In the mid-1990s, people had high expectations that change would come from outside through this window. But now people are resigned that change will have to come from within". Nevertheless, John Garang insisted: "People were wrong to dismiss the eastern front. It survived despite the war between Ethiopia and Eritrea, even when western Eritrea was occupied by Ethiopia".³⁹⁹

Insurgent forces may also be hoping to step up fighting in the west. A western Sudanese opposition representative commented: "The government in Chad fears that the Khartoum government is opening up a front for Chadian opposition. The government's bombing is mobilising populations in the west".⁴⁰⁰ It remains to be seen whether significant military activity will occur on the eastern and western margins of Sudan, but fighting in these areas would certainly spread the government military thinner at a time when it is increasingly feeling the pressure of SPLA attacks.

B. Forced Displacement and Slave Raiding in Bahr al-Ghazal

Since the mid-1980s, successive governments have employed the classic counter-insurgency tactic of attempting to "drain the water to catch the fish" by putting military pressure on the SPLA base of support in northern Bahr

398 ICG interview, July 2001.

399 Ibid.

400 ICG interview in Asmara, July 2001.

al-Ghazal. Unfortunately, instead of a "hearts and minds" strategy, repeated government-sponsored raids have burned villages, stolen cattle and enslaved Dinka civilians. The objective is three-fold: capturing valuable farm and grazing land for Arab communities expanding south; destroying the popular base of the SPLA and creating a larger buffer zone between north and south; and decimating the socio-economic fabric of Dinka communities. By condoning and underwriting such conduct, the government has created rich financial incentives for raiders, militias and slave traders to plunder southern communities, from looting livestock to exploiting slave labour on commercial farms.

The strategy predates the Bashir government. In the 1980s, senior army officers at the Khartoum Military College developed plans that focused on destabilisation of the Dinka as a people as a key strategy to win the war. The Dinka, more than any other southern group, are inclined to migrate north in search of work, trade and educational opportunities. The military felt that hitting them would deprive the south of its natural leadership. Thus, Dinka civilians, cattle, harvests and all forms of assets were considered appropriate targets for indiscriminate attacks as part of a broader effort to break the backbone of the SPLA.

These military strategists also advocated using tribal militias against the SPLA. Horse-mounted militiamen, they argued, would enhance the army's capacity by allowing it to fight the SPLA with lightly armed and extremely mobile units in hit-and-run operations. After experimenting with the concept of "friendly forces" in 1983, Sudanese Military Intelligence recruited tribal militias in Bahr al-Ghazal and Equatoria. In justifying such militias, the government often pointed to SPLA abuses in non-Dinka areas.

After several years of Military Intelligence manipulation of allied southern militia groups and after 1986, the al-Mahdi government began to arm Baggara⁴⁰¹ Arab militias, offering them impunity to attack Dinka villages, strip valuable assets (particularly cattle), kill as many people as possible and enslave women and children. This strategy was a direct cause of the 1987 famine in Bahr al-Ghazal.

The Rezeigat Baggara joined the foray soon afterward, with Military Intelligence delivering AK-47s and ammunition clips by helicopter to the

⁴⁰¹ The Baggara ("cattle-herding") populate the southern-most areas of western Sudan in South Kordofan and South Darfur regions. The principal Baggara groups, the Rezeigat and Misseriya, have been the primary elements of Baggara raiding in Dinka areas and also comprise the bulk of the Popular Defence Forces militia.

first groups of fighters in the bush. In November 1992, the Bashir government incorporated these same groups into the paramilitary Popular Defence Forces. Because the regular army considered the Popular Defence Forces a potential rival, separate command, training, funding and supply structures were set up that made it a parallel army before it had celebrated its first anniversary. The army now utilises the Popular Defence Forces in joint operations against SPLA and civilian targets and to protect the trains that re-supply the Bahr al-Ghazal garrison towns. Again, the Popular Defence Forces are largely self-financed through looting and the slave trade.

Scorched earth raiding tactics by Popular Defence Forces and other government-backed militias were partly responsible for another Bahr al-Ghazal famine, this in 1998, which left thousands dead. This famine was compounded by a two-year drought caused by El Nino, a government ban on access for relief organisations and the activities of a militia commander, Kerobino Kuanyin Bol, who twice switched sides, causing havoc throughout the region. SPLA diversions of relief supplies also exacerbated the humanitarian situation.⁴⁰² The enormity of civilian devastation further stimulated Dinka communities to oppose the government and led the SPLA to develop more intensive programs for village protection.

The government's systematic strategy to depopulate northern Bahr al-Ghazal, including resumption of institutionalised slavery, to dislodge the SPLA appears to have backfired. The SPLA has held its ground and is recapturing territory. Popular sentiment in Bahr al-Ghazal is radicalising in favour of a war for independence, thus redoubling SPLA military resolve. The government's strategy has taken a devastating toll on the Dinka, thousands of whom have died or been enslaved, and hundreds of thousands more of whom have been displaced throughout Sudan.

The exact number of Sudanese held in slavery is unknown, and estimates range broadly. The Sudanese government claims that as few as 5,000 people have suffered from inter-tribal abductions,⁴⁰³ while some NGOs suggest that up to 200,000 have been enslaved.⁴⁰⁴ What is certain is that slave-raiding and the practice of slavery do exist in Sudan - corroborated and documented by numerous sources, including the United Nations Rapporteurs for Human Rights in Sudan, Amnesty International, Human

402 Jemera Rone, *Famine in Sudan, 1998: The Human Rights Causes*, Human Rights Watch, New York, 1998, pp.2-5.

403 As cited in Amnesty International, *Annual Report 2001*.

404 "Christian Solidarity Highlights 'Slavery and Manifestations of Racism'", IRIN, 8 September 2001.

Rights Watch and the United Nations Research Institute for Social Development. A UN paper presented at the September 2001 UN Conference on Racism called slavery in Sudan "deeply rooted in Arab and Muslim supremacism".⁴⁰⁵

As noted above, slave raiding cannot be separated from the government strategy to depopulate and destroy swathes of southern Sudan and is perpetrated by armed militias directly under government control.⁴⁰⁶ Not surprisingly, the government denies both its involvement in, and the existence of, an organised campaign to perpetrate slavery. It depicts the raiding as short-term abductions rooted in historical tribal animosities. A typical government response was offered in 1994:

...situations that are completely different from slavery have been wrongly depicted as enslavement. In reality, however, they involve tribal disputes and arguments over pasture and water resources in some areas where there is an overlap between tribes. As a result, each tribe involved in a dispute captures members of the other tribe or tribes while waiting for the conflict to be settled according to tribal conditions and customs.⁴⁰⁷

While the government is correct in claiming that historically tribal disputes in the region have led to abductions, the current crisis of slavery and slave raiding is not an instance of this phenomenon. The majority of slaves are taken from the Bahr al-Ghazal area⁴⁰⁸ within a certain radius of the rail line from Babanusa to Wau,⁴⁰⁹ and the Popular Defence Forces militias that largely perpetrate the raids have been used by the government to escort the military supply train - also known in Sudan as the "slave train"⁴¹⁰ - that runs along the line. The militia units fan out on horseback from the rail line and, according to UN Special Rapporteur Leonardo Franco, "systematically raid villages" within a 50-mile radius.⁴¹¹ There have also been documented incidents of civilians approaching the supply train after mistaking it for a UN relief train and being captured by the militias,⁴¹² further casting doubt on the notion that the abductions are driven by tribes settling scores.

405 Ibid.

406 Leonardo Franco, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, May 1999.

407 See Gaspar Biro, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, February 1994.

408 Gaspar Biro, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, February 1996.

409 Leonardo Franco, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, May 1999.

410 Ibid.

411 Ibid.

412 Gaspar Biro, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, February 1996.

The UN Special Rapporteur for Human Rights in Sudan from 1993 to 1998, Gaspar Biro, had this reaction to government claims of "tribal" abductions:

First, in most of the cases brought to the attention of the Government of the Sudan, the reported perpetrators belong to the Sudanese Army and the Popular Defence Forces, which are under the control on the Government of the Sudan. Even in the cases involving members of different tribal militias, the slavery occurred within the context of the war and there are the same perpetrators (Arabs) and victims (Nubans and southerners). This indicates a deliberate policy on the part of the Government to ignore or even condone this practice of slavery as a way of fighting the civil war by other means.⁴¹³

Biro's assertion was echoed by Human Rights Watch in its 1999 Background Report on Slavery and Slavery Redemption in Sudan: "The government of Sudan, until recently, has stonewalled on the issue of slavery, claiming it was a matter of rival tribes engaging in hostage taking, over which [it] had little control. That is simply untrue".⁴¹⁴ NGOs and UN Human Rights Rapporteurs for Sudan have received numerous accounts from escaped and redeemed slaves as well as from eye-witnesses throughout the country about the fate of victims of the slave raids. Abductees are primarily African women and children who are held at camps or other interim locations before proceeding to their final destinations, the homes of their captors or of other individuals who purchase or trade for the captives.

In his 1994 report, Gaspar Biro noted receiving consistent reports of "...the names of locations where children and women are said to be kept in special camps, and where people from northern Sudan, or even from abroad, reportedly come to buy some of these people in exchange for money or goods, such as camels".⁴¹⁵ Boys and girls are kept for domestic slavery and made to work in the fields or tend livestock,⁴¹⁶ while girls and women are also used as "wives" or concubines, often subject to rape and "other sexual abuses amounting, in certain cases, to sexual slavery", according to Leonardo Franco.⁴¹⁷

413 Ibid.

414 Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 1999.

415 Gaspar Biro, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, February 1994.

416 Amnesty International, *In Search of Safety: The Forcibly Displaced and Human Rights in Africa*, 1997, and Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 1999.

417 Leonardo Franco, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, May 1999.

Those enslaved often live in sub-human conditions: cut off from families, religion and culture, denied access to education⁴¹⁸ and forced to adopt Islam.⁴¹⁹ Those caught attempting to escape are beaten or killed. One child interviewed by Amnesty International reported being captured at twelve by Popular Defence Forces raiders and sold to a farmer in South Kordofan. When he tried to escape with two brothers, militiamen hunted down all three and killed his brothers.⁴²⁰ Children interviewed in reports of the UN Human Rights Rapporteurs told similar stories.⁴²¹

The issue of slavery in Sudan has also become linked to a broader advocacy campaign in the U.S., focused on promoting religious freedom as a fundamental aim of American foreign policy. A wide and deep network resulted in creation of an independent U.S. Commission on International Religious Freedom that designated Sudan the world's most violent abuser of the right to freedom of religion and belief. A number of conservative and evangelical Christian organisations, with numerous friends in Washington, have established operations in southern Sudan, mostly providing health care.

It is not just conservative religious groups that are part of this coalition, as commonly portrayed in the media, but rather "religious" organisations more broadly. Some have ties to missionary organisations, others are middle-of-the-road churches like the Catholics, who are focusing a great deal on Sudan, and still others are part of a growing network of African-American churches. A number of grass-roots groups have made Sudan a target of letter-writing campaigns that bombard certain members of Congress with demands for action.

The coalition also goes beyond religious-based organisations. African-American groups - led increasingly by the U.S. Congressional Black Caucus - are the other principal constituency backing more robust action on Sudan. They have been brought to the table by the resurgence of slavery and other major human rights violations. This leads to strange alliances, with leading liberal Congressman Charlie Rangel and conservative Republican House Majority Leader Dick Armey working together, or the lawyers Johnnie Cochran and Kenneth Starr joining to represent protestors arrested in front of the Sudan embassy.

418 Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 1999.

419 Leonardo Franco, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, May 1999.

420 Amnesty International, Sudan: *Progress or Public Relations?*, 1996, p. 23.

421 Gaspar Biro, Report of the Special Rapporteur on the Situation of Human Rights in Sudan, February 1994.

Another non-governmental response has been to sponsor efforts to buy the freedom of enslaved Sudanese. Groups have undertaken "redemption" missions, purchasing the freedom of Sudanese through Arab merchants. The NGO Christian Solidarity International claims that it has purchased the freedom of 45,000 southern Sudanese since 1995, paying the equivalent of U.S.\$33 for every person, while 100,000 remain enslaved in northern Sudan.⁴²²

Such redemption campaigns have raised the profile of the issue and helped bring home numerous formerly enslaved persons. There has been controversy, however, concerning whether all those individuals whose freedom has been purchased were in fact enslaved, or whether local interests were exploiting the ignorance and naivety of those financing the buy-backs.

Until the mid-1990s, Dinka activists and community elders generally pooled their resources to free enslaved family members through payment of "compensations" to those who held them. The rationale was that the slaveholder had incurred expenses to provide adequate clothing, housing and healthcare for the slave. The money was split between the slaveholder and Baggara tribal chiefs or militia commanders who mediated the deal. However, redemption campaigns by international NGOs appear to have created a financial incentive that encourages further raiding, disrupts the traditional redemption mechanism and even precipitates its subversion by local SPLA commanders through the supply of fake slaves. The campaigns also appear to have encouraged the emergence of middlemen in the form of Arab merchants, who pay slave owners up front, with the hope of realising a profit on their investment when the international organisations come.

The organisations that have undertaken redemptions should consider establishing a full-time presence on the ground in Bahr al-Ghazal to reduce the potential for abuse of the program. Ideally, an independent monitoring mechanism should be constructed. On-the-ground monitors would enhance the integrity and readiness of the redemption efforts. Those participating in redemptions should also do more to support the reintegration of former slaves into their community, a critical requirement often overlooked.

Whether or not redemptions of slaves by international NGOs and religious organisations may in fact encourage the taking of additional slaves, it is

⁴²² John Eibner, "Two Goats Can Free a Slave in Sudan", *International Herald Tribune*, 29 June 2001.

obvious that redemptions do nothing to resolve the underlying causes of slavery's resurgence. Their goal is much more limited. For better or worse, most of the proceeds from any abuse of the intentions of outsiders largely go into the infrastructure that supports the military efforts to protect villages from raiding, but they also fuel local corruption.⁴²³

Less internationally noticed than slave-raiding by militias is the practice among senior army officers returning from tours of duty in the south of bringing back southern children as "domestic helpers". There is nothing secret about the practice, and the children are transported on military vehicles. Many end up in the north, cut off from their roots and culture. Some are exposed to sexual abuse. The problem further points to the direct culpability of the Sudanese government in encouraging the enslavement of southerners.⁴²⁴

Parents who reported going into northern Sudan in search of their youngsters often encountered apathy and antipathy by local authorities.⁴²⁵ One Dinka man who managed to locate his daughter in northern Sudan reported requesting her return and being beaten and tied to a tree for three days by the child's "owner", who subsequently disappeared with the girl.⁴²⁶ Unfortunately, semantic disputes have marred the international community's response to these horrors. Instead of taking effective action, it has often spent more time debating whether these acts constitute "slavery" or "forced labour". The UN Human Rights Commission, which for years had expressed concern about reports of the resumption of the slave trade, softened its stance in 1999 in response to European and Sudanese government pressure.⁴²⁷ As a result, the Commission began to refer to "abduction" and "forced labour". The Sudanese government has trumpeted the fact that the UN has softened its language and argued that it has been exonerated from the charge of slavery.

The term slavery does indeed carry highly charged political connotations, especially for constituencies in countries such as the U.S. that have their own history with the practice. In this sense, the shift in language is even more meaningful because it narrows the scope of reaction and response by the international community. In the view of ICG, the accounts given by Sudanese men, women and children establish relationships of ownership and the sale of human beings that lead to an inescapable conclusion of the

423 ICG interviews in southern Sudan, July 2001.

424 ICG interview, September 2001.

425 Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 1999.

426 Amnesty International, *In Search of Safety: The Forcibly Displaced and Human Rights in Africa*, 1997.

427 A number of EU governments, led by Germany, have sought to build consensus around resolutions on Sudan. To gain Sudanese government agreement to those resolutions, the terminology shifted, despite contrary evidence presented by the UN Rapporteur.

existence of slavery.⁴²⁸ However, the violence and lawlessness of these government-sponsored actions, no matter how they are labelled, should make them intolerable to the international community. In November 2001, Minister of Justice and Attorney General Osman Yasin told a European Union human rights delegation that the government is establishing courts in western Sudan to eradicate what he termed alleged slavery. However, members of Khartoum's independent press immediately reported that Dinka communities impacted most by the practice had not been consulted in the formation of these courts.⁴²⁹

After more than a decade of repeated assaults on southern communities by government-armed militias, local Dinka and SPLA leaders finally began to construct a viable strategy of self-defence. This has resulted in much greater security for Dinka civilians and their cattle, a major decrease in slave-raiding and forcible displacement and deterred raids. There are three primary elements in the SPLA strategy: expanding the deployment of SPLA forces along the northern perimeter of Bahr al-Ghazal; creating a civil defence capability within villages; and negotiating agreements between Dinka and Baggara communities led by Dinka chiefs and SPLA commanders.

Over the last year and a half, particularly in response to stinging criticism regarding its inability to protect civilian populations, the SPLA has rotated Bahr al-Ghazal Dinka troops back to their home areas to strengthen the defence of communities along the frontier with the north and along the rail line that runs from Khartoum into Bahr al-Ghazal. The SPLA has successfully expanded its reach in the region, and improved its organisation and discipline. It is also dramatically raising the costs of raiding. "Previously the Popular Defence Forces could raid, loot and abduct at will," said one security analyst, but the SPLA deployment has stopped this".⁴³⁰

A turning point appeared to occur at the beginning of 2001 as President Bashir announced the government's intention to regain all of northern Bahr al-Ghazal.⁴³¹ Large Popular Defence Forces and army units began moving south, aiming to recapture areas east of Aweil. In a major battle on 21 January 2001, the SPLA repulsed them with heavy casualties and the loss of many horses. The stiffer military resistance has fundamentally changed the calculations of the Baggara communities that have comprised the backbone

⁴²⁸ The 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (of which Sudan is a signatory) define slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".

⁴²⁹ *Khartoum Monitor*, 20 November 2001.

⁴³⁰ ICG interview in southern Sudan, October 2001.

⁴³¹ ICG interviews with NGO officials in southern Sudan, July 2001.

of the Popular Defence Forces for fifteen years. Facing military confrontation and, at times, SPLA retaliation in their own areas, the Popular Defence Forces have had to re-think the wisdom of slave raids.

Further, the government has had serious problems with the Popular Defence Forces inside their garrison towns in Bahr al-Ghazal, which has made those troops less of an asset during 2001. Many of the Popular Defence Forces are angry that the government has not delivered on promises of horses and cash. Khartoum provides only rifles and ammunition, along with impunity. As a result, Baggara communities increasingly see the costs of raids outweighing their benefits.

When the SPLA controlled a stretch of the rail line in mid-2000, the train could not move, so no raiding occurred. Critics of the SPLA have asked why they have not again cut the rail line, stopping the train from moving south while simultaneously preventing raiding. SPLA commanders counter that if they cannot defend the area of the line they cut, they should not sabotage it at all. They note that when the SPLA cut the Lol River bridge in August 2000, government forces repaired the damage and then went after the civilian population with a vengeance. Civilian populations rightly fear government reprisals from any cut in the rail line.⁴³² Having been internally excoriated for not doing enough to protect civilians in Bahr al-Ghazal in the past, SPLA leaders argue that they are not about to repeat that mistake by further exposing people to government abuses. Despite this, the SPLA began digging up the rail line in certain locations in the latter half of 2001.⁴³³

There is also some speculation that SPLA commanders have engaged in barter arrangements with government commanders that depend on the rail link. Government officers allegedly traded goods, including munitions, to the SPLA in return, primarily, for teak wood.⁴³⁴

The increasingly effective efforts to defend civilian populations in the south have improved the internal image of the SPLA and John Garang. As the SPLA has moved to rectify its earlier deficiencies, popular support in Bahr al-Ghazal has increased, as an ICG field mission in July 2001 found, and the will to pursue the war has increased within the Dinka elite. After years of discussion, the SPLA has finally created a civil defence capability, referred to locally as *gelweng*, to supplement its deployments. The SPLA now arms local

432 ICG interview in southern Sudan, July 2001.

433 ICG interview in southern Sudan, October 2001.

434 ICG interview with Western official, 1 September 2001. The same source noted reports, however, that after capturing Raga in June 2001, the SPLA tore up significant lengths of track between Aweil and Wau.

youth and ex-soldiers to defend the villages and cattle camps in which they live. SPLA County Commissioners supervise the *gelweng*, while the local chiefs act as "field commanders" and largely control how the irregulars are deployed. Some SPLA officials in Bahr al-Ghazal now make no distinction between SPLA forces and *gelweng* and generally view the latter as a branch of the SPLA.

The *gelweng* carry guns but ammunition is scarce. In addition to protecting their villages and cattle camps, they supplement SPLA efforts by carrying out reconnaissance. According to members, if an attack is imminent, the *gelweng* beat war drums to notify neighbouring communities, gather for defensive action and hide the children and women.

Another important step in reducing slave raids has been the growing effort to establish local peace initiatives between Baggara and Dinka. Indeed, these communities are inextricably linked both economically and culturally, with the Baggara dependent on access to Dinka grazing areas for their cattle, and the Dinka dependent on Baggara merchants to bring goods into their markets. These mutual economic ties have endured despite the use of the Baggara by the government to decimate the asset base of the Dinka and depopulate northern Bahr al-Ghazal.

The improvements in the SPLA's ability to deter raiding have also prevented the Baggara from cattle grazing and trading in Dinka areas, a challenge exacerbated by the onset of a drought in southern Kordofan that has claimed numerous Baggara cattle that cannot follow traditional migratory routes into Dinka grazing areas. Dinka chiefs, backed by the SPLA, have prevented such grazing as a punishment for raiding.

"The Baggara would deceive us by making deals for grazing and then attack after their cattle had moved back north", said one Dinka chief in the area.⁴³⁵ This combination of deterrence against raiding and denial of access to grazing areas has had a devastating impact on Baggara communities. "We need northern Bahr al-Ghazal for water, grazing and trade", a Baggara chief told ICG, "Cooperation with the south is an issue of survival for us".⁴³⁶

Based on a clear economic calculus, peace with the Dinka has become an imperative for the Baggara. Small-scale deals had been struck between Baggara and Dinka communities over the last decade aimed at reducing

435 ICG interview in southern Sudan, 13 July 2001.

436 ICG interview in southern Sudan, 12 July 2001.

tensions resulting from raiding. A major agreement in 1989 temporarily ended raiding in the aftermath of the 1986-88 famine.⁴³⁷ In the last year, however, local peacemaking between chiefs of both communities has intensified dramatically. In mid-2000, Baggara chiefs sent representatives to the Dinka chiefs to begin negotiations that culminated in a large, three-day peace meeting in June 2000 in Wunjok, Aweil East, in which 52 senior chiefs participated. Many senior Baggara chiefs were prevented by the government from attending, but sent representatives.

Resolutions from the Wunjok peace conference included a Baggara pledge to prevent further attacks, a cooperative effort to keep the roads open between major market areas, a commitment to counter cattle raiding and acceptance of free movement for cattle along traditional grazing routes. The chiefs are responsible for implementing the pledges, including the collection of fines.⁴³⁸ Baggara cattle herders also pledged not to bring "threatening" weapons into Dinka areas. A similar agreement was forged much further west in Marial Bai between the Dinka and Baggara Reizegat Arab chiefs. That agreement involved payment of *diya* (blood money), return of stolen cattle, and resumption of trade, leading one Sudanese analyst to observe: "The government is very opposed to this peace process".⁴³⁹

Some Baggara chiefs have also taken up residence in Dinka communities to guarantee the peace. The chiefs respond to disputes, act as a channel for communication, and help warn Dinka communities of potential Popular Defence Forces and other militia raids. Plans for January 2001 raids were shared in advance with targeted communities, which helped the SPLA prepare defences. Since then, Reizegat chiefs have toured some of their home areas and said that they will no longer support the practice of abductions or anyone against whom a court case might be brought to that effect.⁴⁴⁰

Other smaller negotiations have followed. The essence of each deal has been to allow access to Dinka grazing areas for the Baggara cattle herders in exchange for active efforts to stop raiding. Freedom of movement and trade, also part of most agreements, benefits both communities greatly. "The process has raised the consciousness of the Baggara that the Dinka are not their enemy", noted a southern Sudanese leader who has travelled extensively throughout the affected region.⁴⁴¹

437 Francois Jean (ed.) *Life, Death, and Aid: The Medecins sans Frontieres Report on World Crisis Intervention* (New York, 1994), p. 18.

438 The penalty for stealing cattle is twice the crime. If you steal one cow, you are fined two, a steep price to pay and a meaningful deterrent.

439 ICG interview in Nairobi, 14 July 2001.

440 ICG interview in Nairobi, October 2001.

441 ICG interview in southern Sudan, 13 July 2001.

A Baggara chief elaborated: "The government used us to fight southerners. We lost many of our young boys. The government's policy was that the Dinka were fighting against our religion (Islam). We analysed this and found that there was no reason for civilians to continue fighting the war. The Dinka chiefs understood that the government was using us. Both of our communities gain from peace".⁴⁴²

Because of the endemic poverty and marginalisation of the Baggara communities and Khartoum's broken promises, SPLA officials believe that the Baggara may eventually turn on the government and join the national rebellion. "It is our policy not to fight the Baggara", said one SPLA commander on the front lines, "They have been used and manipulated by the government. Now they are seeing things differently".⁴⁴³ One Baggara chief concurred: "We are very backward. We have no one to lead us politically or militarily. Otherwise, we might fight the government".⁴⁴⁴

Khartoum has tried to undermine these local agreements by increasing Popular Defence Forces recruiting drives, and Popular Defence Forces troops have focused attacks against larger market places used by both Dinka and Baggara. The Government is still able to muster Popular Defence Forces to travel with the military re-supply train. However, Baggara chiefs say they are trying to counter these recruitment drives. "We tell the Popular Defence Forces that the market places are for citizens, and they benefit us", a group of Baggara chiefs told ICG, "Earlier this year the Government ordered the Popular Defence Forces to attack [again a large market in northern Bahr al-Ghazal that had already been burned three times] but they refused. The Popular Defence Forces are beginning to understand. They even come to the market to trade. If we are going to fight, we will get no benefits".⁴⁴⁵

C. Scorched Earth in the Upper Nile Oilfields

Sudan's oilfields straddle the boundary between north and south, with the largest deposits in the southern region of the Upper Nile. Since the 1989 coup, the government has aggressively developed these reserves, persisting even though the major oil companies abandoned exploration out of security concerns when the civil war erupted. Indeed, the

442 ICG interview in southern Sudan, 14 July 2001.

443 ICG interview in southern Sudan, 11 July 2001.

444 ICG interview in southern Sudan, 14 July 2001.

445 ICG interview in southern Sudan, 14 July 2001.

government has taken an approach to defending the oilfields never considered by foreign companies in the early 1980s: depopulating the surrounding territory.

As Robert Collins, a historian of southern Sudan, observed, an international security firm hired by Chevron concluded in 1984 that oil company assets simply could not be protected: "The Vietnam veterans of this firm never considered driving [the people] from the land for the security of the wells".⁴⁴⁶ Today, as the government has ruthlessly implemented its strategic plans, companies from China, Canada and Malaysia provide the investment capital and technical assistance to create infrastructure for oil development.

Also central to the government's strategy has been an effort to sow divisions within the ethnic Nuer members of the SPLA. Nuer comprise the largest ethnic group in the south after the Dinka and are mainly located in the Upper Nile oilfields, a region also populated around the periphery by Dinka. Both groups traditionally moved through the other's territory to get cattle to water. Although sporadic cattle raiding took place, the Nuer and Dinka avoided full-scale conflict in the border area until the civil war.

In essence, these communities were historically forced to establish lasting relationships because of an erratic climate and other natural hardships. Dinka and Nuer have often needed to use each other's resources to survive. They have raided livestock; traded cattle, grain, and ivory; and intermarried and expanded kinship networks. While cattle raiding involved routine conflicts, it was quite distinct from organised, full-scale war.⁴⁴⁷

This dynamic changed profoundly when the government decided that the most effective way to weaken the SPLA would be to divide it from within, primarily through stoking Nuer-Dinka tensions. These were more easily exploited because of the SPLA's autocratic leadership and history of human rights abuses in Nuer areas. Thus, cattle raids became a vehicle for government-sponsored militias to gain territory, destroy the livelihoods of their opponents and strip the region's assets.

⁴⁴⁶ Robert Collins, "Oil, Water, and War in the Sudan", manuscript, June 2001, p.4.

⁴⁴⁷ M.A.Mohamed Salih, "The Ideology of the Dinka and the SPLA", in Jon Markakis (ed.) *Ethnicity and Conflict in the Horn of Africa*, pp.187-192. (London, 1994).

A number of key, mostly Nuer, commanders broke away from the SPLA in 1991, with Khartoum's encouragement.⁴⁴⁸ Riak Machar and two other commanders announced a coup against John Garang, and led a series of violent Nuer incursions into Dinka areas in late 1991 that left thousands of Dinka civilians dead and made off with thousands of cattle. Nuer civilian militias from the Upper Nile, known as the "White Army", entered the fray, with the primary goal of looting and taking revenge on the SPLA. Since 1983, Nuer civilians in these areas had been heavily taxed by the SPLA and were the victims of SPLA atrocities, including kidnappings and forced conscription.

The toll of the Nuer attacks was catastrophic. In addition to the deaths, villages were burned, crops destroyed and cattle killed. The UN reported in December 1991 that "more than 200,000 residents of [Dinka areas of Upper Nile], in an exodus unlike anything seen before in Sudan, fled south in search of food, shelter and security".⁴⁴⁹ Dinka civilians were shot or "speared or garrotted, and in a particularly creative act of cruelty, thousands of cattle were blinded".⁴⁵⁰

These incidents also demonstrate why the social fabric of Sudan continues to be pulled apart. The networks of family and social norms that have helped guide the Dinka through past crises are breaking down under the strain of the war. The subsistence economy is perilously weak because of raids by the government and its associated militias, and the death, disappearance and conscription of large numbers of Dinka men has made women more vulnerable and disrupted a culture that places emphasis on family name and lineage. Dinka communities have increasingly become dependent on outside aid, and women have been forced to resort to desperate measures to care for themselves and their children.⁴⁵¹

The SPLA counter-attack led to a war within a war between the SPLA and the splinter faction backed by the government (originally called SPLA-United). This in turn helped trigger a major famine in 1992-1993 and furthered the divide between Dinka and Nuer communities. Soon the same social disruption felt in Dinka communities was replicated in the Nuer territory with an added twist: the Nuer were not only fighting the Dinka and being hired by the government as militia, but also fighting among themselves.⁴⁵²

448 There is debate over when the government began providing arms and other material support to the coup makers. Some eyewitnesses claim the support preceded the split, while others say military supplies did not arrive until early 1992. For the split within the SPLA, see also Chapter 1.

449 Millard Burr, "Food Aid, Famine, and Failure", U.S. Committee for Refugees, Washington, D.C., 1993, p. 23.

450 Gwynne Dyer, "The Worst Place in the World", *The Washington Times*, 1 April 1992.

451 Jok Madut Jok, "Dinka Women and the Future of Dinka Society", *Refugee Participation Network*, Issue 20, November 1995.

452 The UN concluded that "excess mortality" due to this conflict in 1993 alone was 220,000. The effects of the conflict were exacerbated by government bans on relief flights to large parts of the region, such as the area known as the Hunger Triangle, bounded by Waat, Ayod and Kongor.

The government's strategy of divide and conquer was effective in achieving its cynical aims. War and famine weakened southern resistance, divided the SPLA, led to the emergence of local warlords, split the south along ethnic lines and destroyed much of the region's assets. This strategy paid immediate dividends in the government's dry season offensive in 1992 and established the foundation for the eventual resumption of oilfield exploration and development. With the south's deep divisions, there was little impetus for the government to engage in a serious peace process.

The government did secure a peace agreement in 1997 with SPLA-United (later renamed the South Sudan Independence Movement), which allowed its consortium to move into oilfield areas with Nuer militia protection. Although this helped prepare the oilfields for development, it was a setback for the peace process as one high ranking Sudanese government official acknowledged: "It was the right agreement but the wrong party as far as peace in Sudan was concerned".⁴⁵³ By 1999, the consortium of Chinese, Malaysian and Canadian companies had completed a 1,600-kilometre pipeline from the Upper Nile to Port Sudan and commenced pumping oil. "There are tendencies within our government which aim to keep dividing the southerners", admitted Ghazi Salahaddin Attabani, the coordinator for peace efforts.⁴⁵⁴

But the sham peace agreement between the government and the South Sudan Independence Movement collapsed in 1999, largely because the Nuer received none of the benefits promised, including autonomous regional government, major development initiatives and a referendum on independence. This unleashed further confusion and conflict in the Upper Nile, as some Nuer commanders remained allied with the government, some allied themselves with the SPLA and others hedged their bets. Unfulfilled expectations some Nuer had for assistance from the United States and the SPLA added to the confusion and fragmentation.

Facing resistance both from the SPLA and a growing number of Nuer commanders, the government was forced to change tactics and become more directly involved in defending oilfields. Ironically, the very strategy of using Nuer militias to protect oil installations was also inherently destabilising. Much of the fighting in the Upper Nile region after the 1997 peace accord resulted from clashes between militias over who would defend oil areas.

⁴⁵³ ICG interview, September 2001.

⁴⁵⁴ Interview with ICG in Khartoum, 2 July 2001.

With its efforts to pit the Dinka and Nuer communities against each other faltering, the government increasingly has tried to remove the populations from around the oilfields. According to a recent authoritative study funded by Canadian and British NGOs and undertaken by two respected human rights researchers, the government launched a strategy of "coordinated attacks on civilian settlements in which aerial bombardment and raids by helicopter gunships are followed by ground attacks from government-backed militias and government troops. These ground forces burn villages and crops, loot livestock and kill and abduct men, women and children".⁴⁵⁵

These attacks have intensified in the Western Upper Nile in the past year, and at times troops and militia have been reported to use oil company facilities as launching areas. As this and many other reports concluded, and evidence collected during an October 2001 ICG field trip supports, the government strategy is designed to drive away the local non-Arab rural populations to make the oil fields easier to defend. Numerous human rights sources have documented the scale of the destruction in the oilfields of the Upper Nile, including three successive UN Human Rights Rapporteurs for Sudan.⁴⁵⁶ Amnesty International's conclusions are typical, "Tens of thousands of people were terrorized into leaving their homes in oil-rich Upper Nile by aerial bombardments, mass executions and torture".⁴⁵⁷

The government has also utilized proxy militias in its military strategy in Upper Nile, including both Baggara Arab militias from Kordofan and breakaway Nuer factions. Again, impunity for crimes committed during these operations is standard government policy, as is encouragement of looting.

The government has also manipulated humanitarian relief to achieve its aims. It has restricted access for aid flights to rebel-held areas and bombed airstrips crucial to dispersing relief supplies. The most damage has been inflicted on areas where Nuer militias have shifted to the SPLA. Predictably, the humanitarian situation continues to be quite difficult.⁴⁵⁸ Because some relief supplies continue to flow to the areas directly around oilfields, the international community is providing a perverse subsidy for oil company operations.⁴⁵⁹

455 John Ryle and Georgette Gagnon, "Report of an Investigation in Oil Development, Conflict, and Displacement in Western Upper Nile, Sudan", Ottawa, October 2001.

456 The UN Rapporteurs have been Gaspar Biro, Leonardo Franco, and Gerhard Baum. The report by Franco in October 1999 was particularly comprehensive in its treatment of this issue. Other reports corroborating these findings are those of the Canadian Assessment Mission commissioned by the former foreign minister, Lloyd Axworthy, of October 2000 (the Harker Report); Amnesty International, "Sudan - The Human Price of Oil, 3 May 2000; Christian Aid, "The Scorched Earth: Oil and War in Sudan", March 2001; and Human Rights Watch's annual reports.

457 Amnesty International, *2001 Annual Report, Sudan*.

458 ICG interviews with relief officials, July 2001.

459 Peter Verney, *Raising the Stakes: Oil and Conflict in Sudan*, Sudan Update, December 1999, p.46.

Although it did not approach the scale of the inter-factional fighting of the early 1990s, the "War of the Peters" among the Nuer in 2000 was extremely destructive and destabilising. This internal southern war exceeded the government's wildest expectations and facilitated its desire to remove local populations around the oilfields. It also sparked further local clan conflict between Bul and Dok Nuer.

Two Nuer commanders, Peter Gadeat (a former government-allied fighter who had switched to the SPLA) and Peter Paar (a commander backed by the government), repeatedly attacked each other's strongholds in Western Upper Nile, burning villages and making the area too dangerous for humanitarian assistance to be delivered.⁴⁶⁰ An uneasy calm was established during 2001, and a great deal of wheeling and dealing is now in train regarding loyalties and re-supply sources. The government and the SPLA continue to court Nuer factions. Their efforts are complicated greatly by the deep mistrust Nuer communities feel toward both.

Areas of Eastern Upper Nile have seen an intensification of attacks by government-backed Nuer militias against nearly every location with an NGO presence. These appear to be aimed at preventing the international community from witnessing government efforts to pacify and depopulate areas around oilfields, as well as to prevent defections to the SPLA.

While a number of Nuer commanders remain nominally allied with the government, they have little affinity for Khartoum and are motivated largely by deep animosity against the SPLA leadership, the Dinka in general, and rival Nuer factions. The SPLA's unwillingness or inability to provide an adequate alternative source of ammunition and food to these Nuer commanders has also kept many within the government's orbit.

However, there have been increasingly active efforts to promote reconciliation among communities in the south. Local communities, recognising that unity is a precondition for resolution of the war, have undertaken a bottom-up effort at peacemaking through their chiefs and churches. Nowhere has this need been more pressing than in the Upper Nile, where divisions between Dinka and Nuer communities - and intra-Nuer conflicts - have been debilitating. This bottom-up process, collectively known as the People-to-People Peace Initiative, is the most likely vehicle for promoting southern unity and ending the bitter legacy of division and

⁴⁶⁰ There is disagreement among participants and observers over the degree of culpability for the "War of the Peters", including who initiated the fighting and for what objective.

warlordism. Initial grassroots efforts focused on Dinka-Nuer divisions. Later initiatives have moved to address other inter-ethnic, as well as intra-Nuer, conflicts.

The support of the New Sudan Council of Churches for this grassroots effort has been indispensable. It provides an important impetus to the work of local churches and chiefs, an overall structure to the peace initiatives, a channel for outside support and solidarity, a symbol of opposition to local fragmentation and logistical help. New Sudan Council of Churches commitment has helped revive the traditional consultative mechanisms that for centuries helped regulate inter-communal conflict.

A series of meetings, sometimes involving commanders of the SPLA and breakaway Nuer factions, culminated in a major peace meeting in the town of Wunlit in March 1999. This became the first in a series of regional peace gatherings and a successful model for two additional conferences (Waat/East Bank Lou Nuer, in November 1999, and Liliir, in May 2000). Wunlit established a procedure for addressing grievances and amalgamating recommendations into a peace covenant signed by all parties.⁴⁶¹ The Wunlit Covenant created a ceasefire between Dinka and Nuer communities and pledged cessation of all hostilities, leading to additional commitments to return abductees, share grazing areas and provide amnesty for prior offences.⁴⁶²

The Waat conference was designed to apply the framework of the Wunlit peace process to intra-Nuer disputes. It reached agreement on a Peace and Governance Council charged with restructuring civil administration, establishing a police system and re-establishing the traditional court system.⁴⁶³ Agreements were also reached on coordination of military forces, unhindered access for NGOs, return of displaced persons⁴⁶⁴ and demobilisation of child soldiers.⁴⁶⁵ Nevertheless, shortly after the conference, two Nuer faction leaders, Riak Machar and Michael Wal Duany, split and further fragmented control of the Eastern Upper Nile area.

461 Dinka-Nuer West Bank Peace and Reconciliation Conference, available at <http://southsudanfriends.org/wunlit/wuncovnt.html>.

462 Dinka-Nuer West Bank Peace and Reconciliation Conference Wunlit Dinka-Nuer Covenant, available at <http://southsudanfriends.org/wunlit/wuncovnt.html>.

463 Waat Press Release, available at http://sudaninfonet.tripod.com/NSI/dinka-nuer/waat_press_release.htm.

464 New Sudan Council of Churches Press Release, "People-to-People Peace Process Makes Breakthrough Among Nuer", available at http://members.tripod.com/~SudanInfonet/Lou_Press_Release.htm.

465 Waat Lou Nuer Covenant, Waat, Sudan, 6 November 1999, available at: http://members.tripod.com/~SudanInfonet/Waat/waat_covenant.

The Liliir conference, six months later, brokered a similar inter-ethnic agreement between the clashing Anyuak, Dinka, Jie, Kachipo, Murle and Nuer groups of the Upper Nile region.⁴⁶⁶ It, too, ended hostilities and established a regional peace committee to monitor and implement its terms.⁴⁶⁷ Agreements were also reached on other issues including the return of abductees and free movement and commerce.⁴⁶⁸

Both the Waat and Liliir conferences produced additional agreements on amnesty arrangements and sharing of grazing and water resources. By this, and by establishing a mechanism for the return of abductees and displaced people, the conferences both promoted local reconciliation and provided a broader foundation for preventing abuses. Again, it is important to note that economic incentives played a major role in creating a rationale for inter-communal cooperation.

The survival and prosperity of both the Nuer and Dinka communities is dependent to a large extent on access to grazing areas for cattle as well as trade and migration. Agreements regarding cattle raiding are essential, and the ability to strike deals allowing movements of Dinka and Nuer herders into each other's areas along traditional migratory patterns is fundamental to economic activity in Upper Nile. "Having access to grazing areas is a major incentive not to escalate fighting after unsanctioned raids occur", observed a veteran relief official in Upper Nile.⁴⁶⁹

Although successful in promoting a spirit of unity, the local peace initiatives remain fragile. For example, the resource-sharing agreements of the Waat conference, which allowed the Lou Nuer section access to dry season grazing areas, faltered toward the end of the 2000-2001 dry season as a result of conflicts between different Nuer communities, particularly the Jinkay and Gawaar. Other groups faced obstacles before reaching the negotiating table, as in the case of those that wished to attend the Liliir conference but were obstructed by military leaders.⁴⁷⁰

Local initiatives have also suffered from a lack of assistance to implement and consolidate the agreements. This was especially evident with the Liliir conference, which though successful, might have been able to produce a

466 Liliir Peace Conference, available at: <http://sudaninfonet.tripod.com/NSI/dinka-nuer/LiliirPeace.htm>.

467 Liliir, available at: <http://southsudanfriends.org/Liliir/LiliirResolutions.html>.

468 Liliir Peace Conference, available at: <http://sudaninfonet.tripod.com/NSI/dinka-nuer/LiliirPeace.htm>.

469 ICG interview, 10 July 2001.

470 Liliir, available at: <http://southsudanfriends.org/Liliir/LiliirResolutions.html>.

more comprehensive, region-wide settlement, if not for the paucity of resources and the imminent onset of the May rainy season, which prevented reconciliation from taking root more broadly.⁴⁷¹

In an evaluation of the People-to-People Peace Initiative conducted at a November 2000 conference in Wulu, delegates produced recommendations emphasising the implementation of resolutions concerning the return of displaced populations and the collective responsibility of the southern leadership to promote good governance, unity and the rule of law. Delegates stressed the necessity of international efforts to halt the destructive extraction of natural resources and expressed general satisfaction with the optimism the peace initiative had promoted among the southern Sudanese.⁴⁷²

In June 2001, the New Sudan Council of Churches took a new direction in its People-to-People Peace strategy when it held a meeting - Strategic Linkages II - of key southern Sudanese leaders in Kisumu, Kenya. Instead of just grassroots participants, this conference involved a broad spectrum of civil society, politicians, intellectuals and traditional leaders. The SPLA boycotted the meeting because it was unhappy with losing control over a local peace process that it had effectively used to expand its control. Rather than be intimidated, the New Sudan Council of Churches asserted its independence from the SPLA, and participants called for its continued role as they forged an agreement around a political agenda for the south largely focused on self-determination.⁴⁷³ Subsequently, the Sudanese Bishops Conference and the New Sudan Council of Churches Secretariat urged that the process be moved to a higher political level.⁴⁷⁴

The SPLA's overall posture towards civil society has evolved in the last decade from total opposition to minimal toleration but it remains reluctant to participate in large civil society events that it does not control. While the SPLA has accused the New Sudan Council of Churches of bias, it seems clear that it would prefer to use the Council and the grassroots process for its political and military ends rather than as a mechanism to foster genuine peace between communities.

This SPLA attitude puts the New Sudan Council of Churches in a difficult position and threatens to distort its overall mission. In 2000, a New Sudan

471 Liliir, available at: <http://southsudanfriends.org/Liliir/LiliirResolutions.html>.

472 People-to-People Peace Process Wulu Evaluation, available at <http://sudanfriends.org/News/wulu.html>.

473 Justice Africa, "Prospects for Peace in Sudan", June-July 2001.

474 ICG interviews, August 2001.

Council of Churches peace meeting in Upper Nile was reportedly turned into a political organising conference for Sudan People's Democratic Front leader Riak Machar, in which Council resources were used to fly commanders still loyal to him to a location near the Ethiopian border.⁴⁷⁵

The SPLA's posture towards the Nuer is the key to accelerating the reconciliation process. If the SPLA is flexible in allowing multiple forms of cooperation and is forthcoming with material support for some of the factions, there is a better chance of southern unity. One southern church leader commented: "If the commanders are able to persuade Garang to sit with the Nuer, we will see an improvement in the south immediately".⁴⁷⁶

Such a *rapprochement* would both increase southern unity and help counter the government's efforts to clear populations from around the oilfields. "If the Nuer get armed support, they would fight the government", claimed one southern leader, "There could be a loose collaboration with the SPLA. Most of them don't want to be absorbed into the SPLA. Some don't care about being called SPLA, as long as they are autonomous".⁴⁷⁷

If, however, the SPLA demands total reintegration of Nuer elements, local resentment of past abuses in parts of the Upper Nile region will prevent a more unified southern political opposition from emerging. John Garang remarked: "We are working to win back the government-supported Nuer militia. A number of key commanders have come back to a partnership with the SPLA. New areas of oil development have been closed down as a result".⁴⁷⁸ The SPLA's humanitarian arm, the Sudan Relief and Rehabilitation Association, has created a structure to respond to needs in the areas that are returning to a partnership with the SPLA and, on the political side, the SPLA is considering how to support civil administration in these areas as well.

At the beginning of 2001, the SPLA initiated a dialogue with the Sudan People's Democratic Front, one of the largest Nuer political-military factions, aimed at reconciling the two groups. Taban Deng, a former governor of the Upper Nile region, led the Sudan People's Democratic Front delegation. After agreement was reached between the negotiators but before Riak the Front's leader was fully on board, the SPLA announced the success and provided ammunition to some of the Front's commanders.

475 ICG interview with donor country official, September 2001.

476 ICG interview, August 2001.

477 ICG interview, September 2001.

478 ICG interview, 9 July 2001.

This threw the Front into turmoil. Some of its commanders have allied with the SPLA,⁴⁷⁹ while others have remained separate. The government has intensified its high altitude bombing and helicopter gunship attacks on areas in which commanders have switched.⁴⁸⁰ "Garang is chipping away at Riak's base", observed one Western diplomat.⁴⁸¹ Salva Kiir, Garang's deputy, claimed: "If the Sudan People's Democratic Front comes back to the SPLA, we can reverse the situation back to 1991 before the split, and stop oil development".⁴⁸²

An October 2001 ICG field mission to the Upper Nile region found the process of reconciliation between SPLA and Sudan People's Democratic Front to be gaining some momentum, albeit slowly. The latter's commanders were conferencing and hearing from their communities dissatisfaction over the alliance with Khartoum.⁴⁸³ There were on-going negotiations with SPLA representatives. As of the end of November 2001, Sudan People's Democratic Front commanders had stopped all offensive activity against the SPLA. This is important because the Sudan People's Democratic Front previously had often launched attacks immediately after the SPLA initiated military activity against the oilfields. If the new situation holds, it will have implications for the government's defence of its most precious resource.

Some Sudan People's Democratic Front commanders argue for a change in the SPLA's name to denote a new start, while others want concessions on leadership structure; still others want further guarantees on ammunition supplies. Many commanders and communities in Nuer areas have the very real fear that if they do rejoin the SPLA they will be subjected to brutal government assaults, as has every area that has "turned" in the last couple years in Upper Nile. There remain within both camps individual elements opposed to unity and reconciliation, whether due to past abuses or fears about loss of present authority.

Nevertheless, many Nuer commanders and communities feel a need to react as they see their land slowly being taken over by the government's oil policy, with no local benefits, only displacement and relocation camps. The

479 Particularly significant is the return from the Sudan People's Democratic Front to the SPLA of commanders in the Upper Nile area of Zeraf Island. The commanders there immediately launched attacks on military barges on the Nile River that were trying to resupply government garisons further south. According to one Nuer eyewitness, this interdiction of military re-supply "shows the Nuer they can rejoin the SPLA and something can happen militarily. This is a more important signal than any negotiation". ICG interviews in southern Sudan, October 2001.

480 ICG interviews with relief officials, July 2001.

481 ICG interview in Nairobi, 14 July 2001.

482 ICG interview, 3 October 2001.

483 In many communities, Nuer commanders are finding support even for a policy of neutrality, as long as the overt association with the government is ended. (ICG interviews, October and November 2001.)

sentiment repeated over and over to ICG was: "The government needs the land but not the people".⁴⁸⁴ This has spurred intensified efforts for some form of reconciliation with the SPLA, despite the historical baggage of SPLA depredations and the certainty of violent reprisals from the government.

"If we remain silent and [do] not fight the government, we will have no future", said one Sudan People's Democratic Front civil administrator.⁴⁸⁵ "We need peace first between the Sudan People's Democratic Front and SPLA. We want to liberate the south, not cause war among southerners. We have to realise the past is the past, and that the enemy wants to destroy us by dividing us".⁴⁸⁶ Another Nuer leader echoed this sentiment in a different area of Upper Nile: "The government promoted tribal divisions. Southerners are finally seeing this fully. Everyone is now hoping for unity".⁴⁸⁷

Many analysts of southern Sudan are very critical of the SPLA's approach to the Nuer, however. Particular criticism is heaped on the strategy of negotiating with individual commanders to bring them back to the SPLA one-by-one, rather than as a united group with, of course, increased leverage. "Dinka-Nuer suspicions are still very great", said one Nuer community leader. "The Dinka believe they are still marginalised in the south. They feel the Nuer threaten the Dinka interests. The history of the past two centuries is still fresh, when Nuer took their areas and captured many Dinka. They do not forget".⁴⁸⁸

Furthermore, one observer asserted:

SPLA allegiances among the Nuer commanders are not won by political or social or ideological agreement but by deliveries of guns. Riak's demise, if it happens, will not be a moral victory for south-south peace but rather a military/political victory of one power player over another. The Nuer commanders who are now nominally SPLA have yet to show themselves as responsive to SPLA authority. I am still sceptical that SPLA consolidation of control is the appropriate long-term mechanism for addressing internecine violence in the Upper Nile region. The People-to-People conferences, which have groundswell support - even when the SPLA are inactive or counteractive - are much more likely to prove fruitful in this regard.⁴⁸⁹

484 ICG interview in southern Sudan, October 2001.

485 *Ibid.*

486 *Ibid.*

487 *Ibid.*

488 *Ibid.*

489 ICG interview, 10 August 2001.

An October 2001 ICG mission to the oilfields found widespread sentiment for unity in Upper Nile. The degree to which this unity can be restored will be key in determining whether the SPLA can enhance its ability to attack the oilfields and concurrently help southern communities withstand planned government offensives, beginning with the dry season in the first half of 2002. Those assaults are becoming more powerful as the government improves and expands its military hardware, particularly its fleet of helicopter gunships.

D. Population Clearing in the Nuba Mountains

In order to counter SPLA inroads into areas just north of southern Sudan's traditional boundary, the government has pursued a scorched-earth policy in the predominantly Muslim Nuba Mountains of southern Kordofan similar to that in northern Bahr al-Ghazal and the Upper Nile oilfields. By clearing civilian populations out of large areas of the Nuba Mountains, the government has freed the land for agribusiness development by National Islamic Front supporters and created a valuable pool of surplus labour.

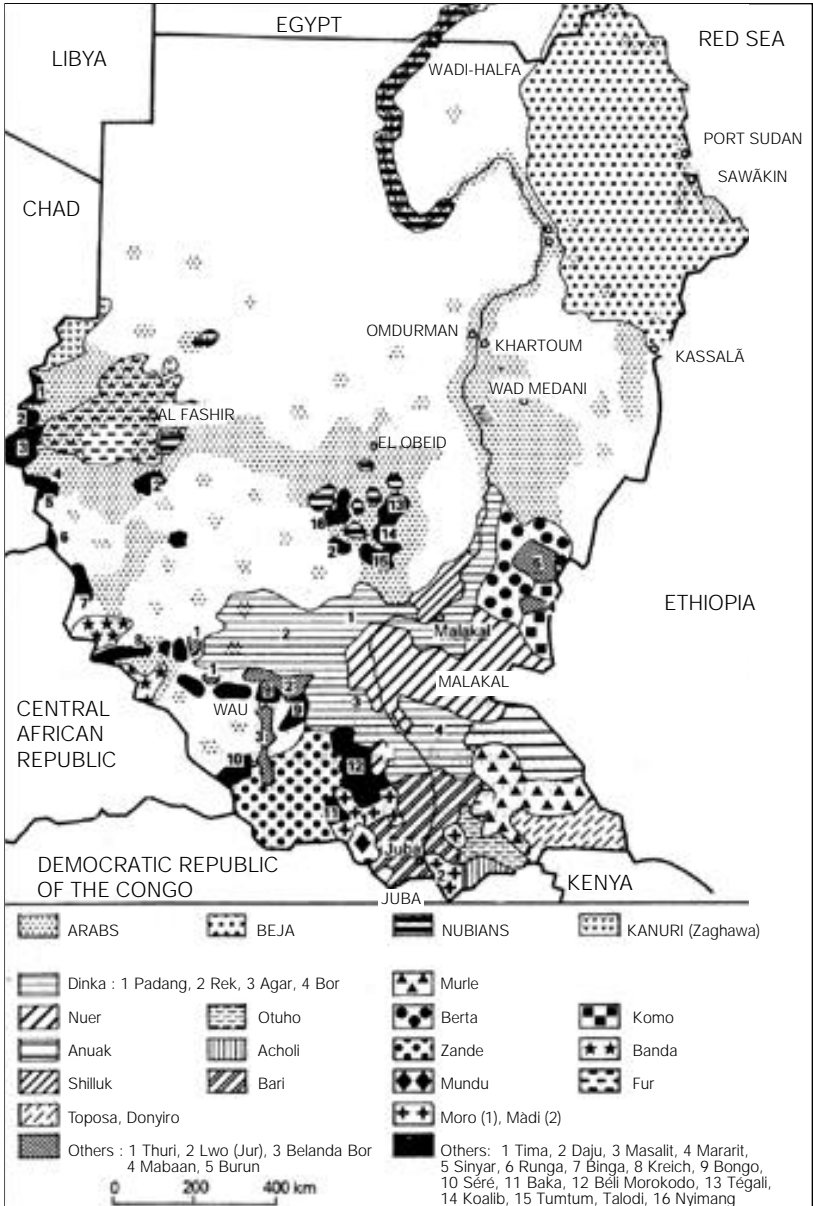
The central focus of government policy in the Nuba Mountains continues to be the dispersion and mass relocation of the Nuba people from their villages to other parts of Sudan. Beginning in 1991, the government and its Popular Defence Forces militias intensified the frequency and duration of their attacks on Nuba villages, and these raids have continued, marked by indiscriminate killing, theft of livestock and the burning of churches, schools, homes and crops. After such attacks, displaced persons are relocated to transit camps around major towns in the Nuba Mountains, such as Kadugli, or are moved out of the area into camps in northern Kordofan.

By insisting that relief aid be channelled through Khartoum and El Obeid, the government ensures that the Nuba in SPLA-held areas must choose between staying in their villages without assistance or moving to government transit and relocation camps. These provide a captive audience for heavy-handed proselytising and militia recruitment, as well as cheap labour for farming projects run by government cronies.

In October 1991, the government closed access to the Nuba Mountains for humanitarian aid organisations, and in January 1992, the Governor of Kordofan, General Hussein Abdel Karim, declared a *jihad* in the Nuba Mountains.⁴⁹⁰ Further evidence of this *jihad* emerged with the publication

⁴⁹⁰ National Unity Radio, Omdurman, monitored by FBIS, 7 January 1992.

SUDAN'S ETHNIC GEOGRAPHY



Source: *Le Soudan Contemporain*, 1989.

of the Islamic legal decree issued by a religious conference in Kordofan on April 24, 1992, which announced: "Thus he who is a Muslim among the rebels is an apostate, and non-Muslims, the heathen... both [are] standing in the face of the Islamic Call.... It is the duty of Islam to fight and kill both categories".⁴⁹¹ President Bashir has publicly referred to the *jihad* in Kordofan on numerous occasions.

In April 2001, shortly after the death of Yousif Kuwa, the effective and popular political and military leader of the SPLA in the Nuba Mountains, Khartoum launched its largest offensive in the region since announcing the *jihad* nearly ten years earlier. All airstrips used by relief organisations defying a government ban on delivering assistance to the Nuba Mountains were closed down by artillery fire. Systematic burning of villages and food stores has displaced thousands of Nuba, and civilians have been terrorised by intensified high altitude bombing. "The way [the government is] targeting villages and food is an indication they want to create a famine so that the Nuba run to the government [relocation] villages", charged Yoanes Ajawin of Justice Africa, an NGO active in the Nuba Mountains.⁴⁹²

A consortium of six international NGOs and the local Nuba Relief, Rehabilitation and Development Organisation issued an appeal in mid-2001, noting that government attacks on civilian targets have left nearly 85,000 Nuba in life-threatening situations in SPLA-controlled areas of the Nuba Mountains: "Already an unregistered number of civilians have been killed and abducted. Villages have been razed to the ground. Displaced survivors of attacks have lost everything".⁴⁹³

The ban on relief flights and the closing of airstrips make it extremely difficult for donor organisations to respond to humanitarian emergencies. The government has "bombed and shelled relief planes and attacked the main airstrip from the ground", the agencies charge. The ban on access enables the regime to "continue their use of hunger as a weapon of war".⁴⁹⁴

In November 2001, after years of UN humanitarian diplomacy aimed at accessing the Nuba Mountains, including vigorous efforts by UN Special Envoy Tom Eric Vraalsen of Norway, USAID Administrator Andrew Natsios

491 Sudan Catholic Bishop's Conference news bulletin, October 1993.

492 Julie Flint, "Government Offensive is Aimed at Starving Out Sudan's Nuba Rebels", *Guardian*, 4 June 2001.

493 Joint NGO Declaration, "Last Chance to Avoid a Humanitarian Tragedy in the Nuba Mountains", June 2001.

494 *Ibid.*

brokered an agreement allowing a four-week period of tranquillity to deliver food aid. The U.S. Special Envoy, Danforth, made the success of the agreement one of his four confidence-building proposals (discussed in Chapter 6), saying it could help bring the warring parties closer together and improve the relationship between Khartoum and Washington.⁴⁹⁵

The Nuba Mountains region is not the only area outside of the south that has been subjected to widespread abuses. Many of these same tactics have been employed in eastern Sudan in Beja areas, and in southern Blue Nile, where eyewitnesses frequently report aerial bombardments and ground attacks against civilian targets.

E. Use of Food as a Weapon

Manipulation of humanitarian agency access and assistance such as that described above in the Nuba Mountains has been a regular feature of both sides' war strategies (though especially the government's) throughout the history of the conflict. During the first years, no emergency aid was delivered to rebel-controlled war zones. In 1986, Norwegian People's Aid began transporting relief supplies into SPLA-held areas without Khartoum's consent. It was not until 1989 (and then primarily as a result of the 1987-88 famine in Bahr al-Ghazal) that a tripartite agreement was reached between the government, the SPL, and the UN. Operation Lifeline Sudan became the UN's first negotiated access program and the world's largest humanitarian effort of its kind.⁴⁹⁶

Operation Lifeline Sudan has always recognised the government's authority, a fact that Khartoum often abuses to limit humanitarian response to parts of the country it does not control by vetoing food aid drops to specific towns and territories and introducing strict flight clearance rules. But Operation Lifeline Sudan also works closely with the rebels in the south, in effect giving them some UN legitimacy. In 1995, the SPLA and a splinter rebel faction signed ground rules brokered by Operation Lifeline Sudan meant to ensure protection of civilians, accurate delivery of food aid and respect for children's rights.

495 IRIN, "Sudan: Nuba Access Holds Promise of Broader Progress", 16 November 2001.

496 Operation Lifeline Sudan has an annual budget of roughly U.S.\$180 million and an expansive mandate, from emergency food aid and medical relief to development assistance. It operates as a consortium of UN agencies and more than 40 international and indigenous NGOs under the umbrella of UNICEF.

Despite its permanent presence and stringent attempts at neutrality and proportionality, Operation Lifeline Sudan has many critics. Some argue that by providing relief supplies it allows the warring sides to buy time, re-supply their forces and even maintain legitimacy in territories they control.⁴⁹⁷ Others note that even with its massive presence, there is still widespread human suffering such as the 1998 famine that claimed 60,000 lives. From this perspective, the aid is a drop in an ocean of need and has little effect on the calculations of warring parties.

The government accuses Operation Lifeline Sudan of backing the SPLA. For example, the journal *Al-Khartoum* on 26 July 2000 quoted then Presidential Advisor Mutrif Siddiq as saying the government had "strong evidence" that Operation Lifeline Sudan was transporting military supplies to the SPLA. The government cites such alleged bias as justification when it vetoes, with devastating humanitarian impact, delivery of food aid to SPLA areas. For example, a government ban of all relief flights to Bahr al Ghazal for two months greatly exacerbated the 1998 famine.⁴⁹⁸

In sum, Operation Lifeline Sudan has been charged not merely with failing to fulfil its mandate, but also with inadvertently prolonging the conflict. These harsh criticisms have prompted many reviews. Though internal reforms may go far in helping Operation Lifeline Sudan address management and coordination issues, they cannot remove the largest obstacle (short of peace) that prevents the UN from effectively responding to humanitarian crises in Sudan: the warring parties' veto power over aid distribution.

USAID reported in August 2001 that the Khartoum government has significantly increased its clearance denials of UN flights, particularly restricting Operation Lifeline Sudan access to parts of Western Upper Nile where population displacement around the oil fields is rising.⁴⁹⁹ Additionally, the government continues to target Operation Lifeline Sudan aircraft in its aerial bombardment campaign.⁵⁰⁰

As a result of the government's misuse of its veto power, a number of NGOs operating outside the Operation Lifeline Sudan framework have been responding to needs in the south, the Nuba Mountains and the east, in some

497 Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan*, Red Sea Press (Trenton, 1990), p. 140.

498 Human Rights Watch, "Background Paper on the 1998 Famine in Bahr al Ghazal".

499 USAID Sudan-Complex Emergency Situation Report #1 (FY) 2001, 3 August 2001, p. 4.

500 *Ibid.* During a number of attacks in 2001, bombs were dropped directly on areas in which World Food Program planes and personnel were undertaking relief operations.

instances for over a decade. Such humanitarian assistance from these "non-Operation Lifeline Sudan NGOs" is inadequate but does partially fill a gap created by Khartoum's use of food as a weapon of war.

The SPLA has also obstructed aid and attempted to use the delivery of food in the south for its political advantage. A case in point is the standoff in the late 1990s between the SPLA and several Operation Lifeline Sudan and other NGOs regarding the terms of a proposed memorandum of understanding with the SPLA's humanitarian wing, the Sudan Relief and Rehabilitation Association. The SPLA has also regularly diverted food aid for military use.

PART III.

CONSTRUCTING PEACE

6. THE TRAFFIC JAM OF PEACE INITIATIVES

While there have been a number of peace talks aimed at ending the conflict in Sudan, none of these efforts have gained traction to date, and all have been lightly regarded by the warring parties. The majority of these peace efforts have been brokered by regional actors who have unfortunately not been able to put aside their more parochial interests in an effort to establish a credible process. There appears little likelihood that either the government or the SPLA will approach the negotiating table in good faith given the flawed design of these current structures. Recent U.S. efforts represent a level of seriousness not seen before, but it is too early to ascertain the potential results.

Given the competing regional and international agendas regarding Sudan, and the complex divisions within the country itself, it comes as no surprise that there are also a host of competing priorities with respect to making peace. A number of distinct peace efforts deserve discussion: the Inter-Governmental Authority on Development (IGAD)⁵⁰¹ peace process; the Egyptian-Libyan Joint Initiative; a bilateral effort by Eritrea; a Nigerian initiative; and supplementary efforts by the U.S. and European nations.

Unfortunately, the major peace efforts have not been coordinated and have succeeded only in undermining one another. None are peace *processes* in the sense of continuous negotiations; in fact, there is no real negotiation in any of them, only a trading of well-worn positions and the obligatory release of duelling press releases. None are backed by consistent pressure from the international community, and no one - particularly the warring parties - believes that they have any chance of producing peace. Divisions between Egypt and Libya and between IGAD countries further cripple these two initiatives.

At least in part as a result of this cacophony of competing efforts, the government and SPLA have refused to engage in serious talks, simply offering sweeping rhetoric backed by little in the way of actual commitments. Negotiators have little accountability or responsibility, and the warring parties have been content to continue "forum shopping" while

⁵⁰¹ The Inter-Governmental Authority on Development was formed in the 1980s to deal with common problems facing governments in the region stemming from drought, maldevelopment and other socio-economic challenges.

manipulating talks to their own ends. The government, for example, has refused to deal with the issue of potential self-determination for the south in the context of the Libyan-Egyptian initiative, and it has refused to deal with issues relating to the National Democratic Alliance within the IGAD process.

The current dynamic remains ideal for those on both sides of the war who, feeling threatened by peace, obstruct legitimate efforts. This has been manifested most recently by Khartoum's heightened efforts at forum shopping and manipulation since the 11 September 2001 attacks, particularly its effort to rid itself of an earlier commitment to negotiate on the basis of the IGAD Declaration of Principles.

But gridlock may not be the worst-case scenario. There is a real risk that if the Egyptian-Libyan Joint Initiative serves predominantly as a mechanism for northern reconciliation, while the IGAD process serves primarily to crystallise southern desires for self-determination, traditional north-south cleavages will only deepen. This would reduce the chance that a comprehensive agreement might preserve Sudan as a united state. In other words, Egypt and Libya, in their quest to prevent southern independence, may actually enhance its potential.

This traffic jam of peace initiatives, however, is not the principal culprit for continued war. Instead, responsibility falls on the intransigence of the parties. For example, Vice President Taha's bellicose remarks make clear that Khartoum remains unwilling to engage in a serious dialogue:

Whether through the Egyptian-Libyan Initiative or IGAD, anyone who believes that the government will accept peace that dilutes Islam is deluded.... Anyone who understands that the Egyptian-Libyan Joint Initiative will give the National Democratic Alliance what they failed to get through the gun is deluded, and anyone who thinks that the [government] will dismantle itself and write its death certificate is deluded.⁵⁰²

From the other side, the SPLA's Garang has made similarly uncompromising statements.

Efforts to create a unified peace process are complicated by often competing regional and international political and strategic considerations.

⁵⁰² "Sudan: Delusions of Peace", *Africa Confidential*, 10 August 2001.

A Sudanese opposition leader commented: "Since nearly all countries neighbouring Sudan are not truly democratic, it would seem unrealistic to expect them to be particularly keen on the democratisation process or propagating the kind of peace that deepens democratic practices".⁵⁰³ Indeed, few nations have placed a desire for a comprehensive peace as central to their agenda.

Egypt continues to seek to maximise gains from Khartoum's political weaknesses. Kenya wants to ensure that it can continue to skim off profits from the humanitarian assistance that flows through Operation Lifeline Sudan and maintain its appearance as the peace broker for Sudan.⁵⁰⁴ China and Malaysia are driven by the desire to expand oil development, while some European countries have used the European Union's "Critical Dialogue" as a means to exploit trade and investment advantages. The U.S., which before 11 September was inclined to view Sudan increasingly as a human rights issue, is likely to focus most heavily for some time to come on counter-terrorism objectives, unless Senator Danforth proposes a more activist agenda for promoting peace.

A. The Inter-Governmental Authority on Development (IGAD) Peace Process

IGAD is Sudan's longest running peace initiative. It was launched in 1993, and is chaired by Kenya, with the involvement of Uganda, Ethiopia and Eritrea. In 1994, the IGAD process produced the Declaration of Principles, a set of seven brief propositions that have formed the basis of subsequent negotiations. The Declaration of Principles envisions a peace agreement structured around a democratic and secular Sudan and calls for the sharing of national wealth and resources. Failing that, it calls for negotiations over the modalities of an interim period followed by a self-determination referendum for the south.

The Declaration of Principles acknowledges that southerners are entitled to self-determination but stresses that Sudan's unity should be given priority and that agreements and policies ensuring that unity should be put in place. If unity efforts fail during an interim period, however, the south would be given the option of voting for independence.

⁵⁰³ ICG interview, August 2001.

⁵⁰⁴ Kenya and Egypt have not made serious bilateral efforts to coordinate or harmonise their initiatives, and their relationship is further strained by bilateral trade disputes.

The IGAD peace process reached its high water mark in 1997. With Eritrea, Ethiopia and Uganda supporting the SPLA politically and militarily - and diplomatic and economic pressure being applied by the broader international community - the government of Sudan was compelled to engage in serious talks. Having walked out three years earlier, Khartoum returned to the IGAD process in 1997 and accepted the Declaration of Principles as the basis for negotiation. But the government's acceptance was less a function of the desire to strike a comprehensive peaceful settlement than a product of military pressure and international isolation.

The government only accepted the Declaration of Principles after a massive multi-front rebel assault. Not surprisingly, as international relations warmed and the military situation improved, it back peddled from its verbal commitment. "The government now believes the circumstances of 1997 have changed", John Garang pointed out. "They say they accepted the Declaration of Principles under duress, the situation has changed dramatically and therefore new principles are needed".⁵⁰⁵ In retrospect, it is clear that the National Islamic Front accepted the Declaration of Principles as a short-term tactic, while viewing its substance as a fundamental threat to its hold on power.

In mid-1998, as the Ethiopia-Eritrea war broke out and Uganda became increasingly involved in the Congo war, military pressure on the government sharply declined, and IGAD again became a toothless process with no leverage to bring the parties together. Khartoum even considered withdrawing from it during the first half of 2001, when momentum was behind the Egyptian-Libyan Joint Initiative, but maintained minimal participation to avoid a diplomatic backlash.

In the aftermath of the 11 September 2001 attacks, however, and the consequent lessening of U.S. pressure, Khartoum decided to push for IGAD's demise. President Bashir dispatched an envoy to tell President Moi that without quick progress, his government could no longer participate. The envoy, Presidential Peace Adviser Ghazi Salahuddin Attabani, told the Kenyan press: "We do not want to spend another eight years going around in circles. The next round of talks is crucial to satisfy us that the effort is worthwhile. Otherwise there would be no reason for us to continue".⁵⁰⁶ Afterwards, one participant in the IGAD talks noted: "The Sudanese

505 ICG interview in Nairobi, July 2001.

506 *Nation*, 5 October 2001.

government is very confident after 11 September. The National Islamic Front clique is more ready than ever to screw the south".⁵⁰⁷ A western ambassador added:"Ghazi came to Nairobi to kill IGAD".⁵⁰⁸

It is crucial to understand that within IGAD, as within the other main initiatives, there is no real negotiation between the combatants to shape compromises through face-to-face discussions. In general, the parties come to meetings with prepared positions they present at short, semi-public sessions and then depart, positions intact, to issue a blizzard of press releases. Understandably, neither the government nor the SPLA has been willing to make concessions in such a diplomatic environment, leaving outside parties frustrated by their lack of flexibility. Both government and SPLA are convinced that any compromise would have almost no chance of leading to a breakthrough.

Presidential Advisor Qutbi al-Mahdi has done his best to put a good face on a process that has produced little:"We have made concessions in IGAD, but have gotten no response from the SPLA. The only remaining stumbling block is religion and the state. The remaining differences are negligible".⁵⁰⁹ On the other hand, Presidential Peace Advisor Ghazi Salahuddin Attabani bluntly acknowledged:"IGAD is moribund, it is not useful. There are problems with the mediators, a lack of experience. The Declaration of Principles is flawed. It gives us two choices: zero-sum unity or the status quo. We're not interested in semantics; we need to focus on substance. IGAD is impotent, paralytic".⁵¹⁰

These comments can be interpreted in diametrically opposite ways: either as self-serving and designed to obviate the Declaration of Principles' crucial self-determination clause, or genuine frustration with a deeply flawed process incapable of producing peace.

Vice President Taha's critique of IGAD offers an equally gloomy prognosis:

The Declaration of Principles' formulation is academic, not pragmatic. Also, the IGAD states have pursued national agendas. There is no serious regional agenda to pursue peace. Posing the

507 ICG interview in Nairobi, 3 October 2001.

508 ICG interview, 3 October 2001.

509 ICG interview in Khartoum, 1 July 2001.

510 ICG interview in Khartoum, 2 July 2001.

objective as a choice between separation and unity makes the negotiations unequal. It allows the SPLA not to negotiate since they rely on this choice as their veto within the negotiations.⁵¹¹

To add to IGAD's woes, Eritrea effectively abandoned the process and launched its own effort at bringing the parties together, leaving one high-ranking Eritrean official to contend: "IGAD cannot work because of the Eritrea-Ethiopia conflict".⁵¹²

There is no mechanism within IGAD to compel the parties to negotiate seriously, so the lack of any meaningful, coordinated leverage is lethal. The IGAD Partners Forum, discussed below, has done nothing to create such leverage. IGAD's failure to include Sudan's broader opposition is also deeply counter-productive. The SPLA continues to be the sole representative of opposition sentiment in the IGAD process, while National Democratic Alliance delegations have had trouble even making appointments with IGAD mediators. This short-sighted exclusion has pushed the National Democratic Alliance toward the Egyptian-Libyan Joint Initiative. It has also caused strains within the National Democratic Alliance between the SPLA and other parties.

The United States has pressed the IGAD countries to include the National Democratic Alliance but with no success. Kenyan officials would not even meet with Alliance representatives when they visited during 2000 to make their case. Moreover, when the U.S. attempted to gain agreement of all parties and mediators for hosting an IGAD session in Washington to jump-start the process and include the Alliance, Kenya blocked the initiative with little explanation.⁵¹³

Kenya is committed to maintaining IGAD as the leading peace process and hosted a summit in early June 2001 in an effort to move it forward. Although nothing tangible resulted, President Moi claimed to UN Secretary General Kofi Annan that it was a successful springboard for further action.⁵¹⁴ "We made progress there", insisted one high-ranking Kenyan official. "We decided that instead of occasional subcommittee meetings, we need a permanent negotiating team. But funding is a problem that the IGAD Partners Forum must address. These envisioned committees couldn't meet

511 ICG interview in Khartoum, 3 July 2001.

512 ICG interview in Asmara, 7 July 2001.

513 There are indications that Kenya's new Foreign Minister, Chris Obure, will be more flexible on all these issues than his predecessor.

514 ICG interview with a European diplomat, July 2001.

without funding".⁵¹⁵ The Secretariat has arranged longer negotiating sessions in the past, but they broke up early, suggesting that permanent negotiating teams alone may not be the answer.

According to one Western diplomat:

The Kenyan government may have misread the reaction to the summit. [Former IGAD Special Envoy Daniel] Mboya⁵¹⁶ wasn't even in the summit meetings, and the peace secretariat wasn't in the loop. The heads of state didn't pick up on the secretariat's own working proposals floated at the last negotiations. President Moi had his own view that was different from the IGAD secretariat's proposals. Besides this, Kenya is totally focused on its internal political situation.⁵¹⁷

At the summit, President Moi proposed developing autonomy for the south in a federal, secular state as the best path forward. However, this quickly led to a deadlock. The SPLA remains eager to "agree to disagree" on the issue of state and religion, which according to the Declaration of Principles would trigger negotiations concerning details for a referendum on self-determination. The government has countered that it cannot "agree to disagree", and the process should reach some settlement on religion and the state. There is no indication yet what IGAD will do about this impasse.

Kenya is increasingly agitated at Egypt's and Libya's efforts to undermine IGAD.⁵¹⁸ In July 2001, President Moi wrote to Presidents Mubarak and Qadhafi that they should have consulted him on their joint initiative, given the role of the IGAD process. Kenya began exploring whether to hold a wider summit with a number of regional heads of state, including Egypt, as a means to garner a regional mandate for IGAD as the lead process. A high-ranking Kenyan official said, "We want to get everyone around the table to get a regional consensus on the way forward, rather than a negotiation between Libya, Egypt and IGAD".⁵¹⁹

In August, the IGAD Technical Committee formed five permanent committees that were to arrange negotiations as well as organise seminars, workshops and other necessary training. But by the end of 2001, IGAD still

515 ICG interview in Nairobi, 14 July 2001.

516 Ambassador Mboya was relieved of his duties in October 2001 and replaced by General Lazarus Sumbeiywo.

517 ICG interview in Nairobi, 15 July 2001.

518 ICG interview with Kenyan Foreign Minister Chris Obure in Nairobi, 25 September 2001.

519 ICG interview in Nairobi, 14 July 2001.

had not held any further meetings. Its new Special Envoy, Lazarus Sumbeiywo, travelled to Khartoum in November 2001 for initial consultations. Sumbeiywo, a veteran of Sudan negotiations with direct access to President Moi, is handicapped by the decision to make his position only part-time. Nevertheless, his appointment demonstrates President Moi's effort to resurrect IGAD as a viable process, but it may be too late.

IGAD continues to appear to be on a slow roll to oblivion, absent a major shake-up, higher-level leadership, and more meaningful external partnership. Nevertheless, IGAD remains important as the only process that ties the government to addressing the issue of self-determination.

B. The Egyptian-Libyan Joint Initiative

The Egyptian-Libyan Joint Initiative, launched in 1999, also has serious and systematic flaws. It was designed largely to undercut support for the IGAD Declaration of Principles and its emphasis on self-determination. Discussion of self-determination has largely been omitted from the Joint Initiative, as has the equally pivotal issue of the relationship between religion and state.

The minimum objective of the Joint Initiative is to reconcile northern parties and draw some of them back into government as a moderating influence on the National Islamic Front. This is a goal shared by Egypt and Libya but viewed as a direct political and military challenge by southern groups opposing the government. The Secretary General of the National Congress Party, Ibrahim Ahmad Umar, has publicly stated that Sudanese political organisations might agree on peace without the SPLA if the SPLA boycotts a national peace conference envisioned by the Egyptian-Libyan effort. This window into National Islamic Front thinking demonstrates that the government feels it can move the reconciliation process forward without the SPLA.⁵²⁰

Given the extreme unpopularity of the Joint Initiative in the south, the SPLA could not fully support it without major changes such as inclusion of the self-determination and religion issues or a linkage to the IGAD process. Southern Sudanese uniformly were critical of the SPLA for accepting the Joint Initiative in July 2001, even on the condition that it add self-determination. Even southern members of the government have weighed in against the initiative, helping to organise a rally in Khartoum in July 2001 demanding inclusion of the self-determination issue.⁵²¹

⁵²⁰ "Sudan: Congress Says Agreement Possible without SPLM/A", IRIN, 29 August 2001.

⁵²¹ Justice Africa, "Prospects for Peace in Sudan", August 2001.

Once again, Egypt's continued hard line against self-determination appears to be counter-productive to southern opinion. By attempting to force national unity on the opposition - without pressuring the government for concessions that would make a unified state appealing - it is unintentionally encouraging southerners to coalesce around separatism.

The Egyptian-Libyan Joint Initiative currently consists of nine rather vague points, including: preserving Sudan's unity; making citizenship the basis of rights; recognising Sudan's diversity; safeguarding democratic pluralism; guaranteeing basic freedoms; establishing a decentralised government; forming an interim government; and implementing immediate cessation of hostilities. After receiving feedback from Khartoum, the National Democratic Alliance and the Umma Party, the Libyans and Egyptians indicated in July 2001 that they will present an amended proposal, but no real negotiation has occurred or appears to be planned in the near future.

As currently structured, the peace proposal is heavily tilted towards Khartoum. One of the few bones the Joint Initiative throws to the opposition is in its language concerning an interim government. One opposition leader argued, "Egypt sacrificed its friendship with Khartoum by talking about a transitional government, but it needed to give the opposition something".⁵²² However, the shape of any transitional government remains very much a matter of debate. The government advocates broadening the base of the present regime, with President Bashir remaining as head of state.

The Egyptians have made clear their preference for a transition government with National Democratic Alliance involvement. "The Egyptians have had enough with Khartoum's promises", claimed a Sudanese academic, "They are risking their credibility with this proposal, and they want to be able to deal with any future government".⁵²³ In contrast, the SPLA has argued for an "all-party" interim government, which, John Garang insisted, "would mean the dismantling of the National Islamic Front institutions".⁵²⁴ The government has protested, claiming this proves the SPLA is not interested in negotiations. For both the SPLA and the broader National Democratic Alliance, any discussions of a transition government would need to follow a larger peace agreement.

522 ICG interview in Khartoum, 1 July 2001.

523 ICG interview, July 2001.

524 ICG interview in Nairobi, 9 July 2001.

The government of Sudan is itself opposed to a transition government, but it agreed to the inclusion of the proposal because it did not want to be seen as opposing a peace process tilted in its favour. If the Joint Initiative were implemented, key high-ranking government officials would potentially lose their posts. In a speech to student supporters in late July 2001, President Bashir said that opposition groups who accepted the government's agenda could participate in the interim government. However, he also stressed that the constitution would not be amended by any peace process, but only by parliament:

"Our first concern is the [National Islamic Front] program. If the program is maintained, then we do not care about portfolios... If they agree with us, they are welcome, and after that let them call [the government] transitional or national or otherwise; this is not important".⁵²⁵

Earlier the same month, Bashir was even more dismissive, telling army recruits that accepting the Joint Initiative would mean separating religion from the state. He argued: "They have illusions, those who think that peace means dismantling of the Salvation [government]... This constitution will exist and the establishments formed according to it will also stay".⁵²⁶ Foreign Minister Ismail also weighed in: "The government has accepted the Joint Initiative because it did not touch on the constants, particularly Islamic *sharia*".⁵²⁷ An advisor to the government added: "Egypt is using the Joint Initiative to try to control the government in Khartoum. The Sudanese government accepted the points in the Initiative just to call Egypt's bluff. Everyone knows it's a non-starter".⁵²⁸

Unless amended, the Joint Initiative's failure to address the key factors driving the war - religion, self-determination and resource sharing - means that it will likely remain stillborn. The National Democratic Alliance and the SPLA, together and separately, have made it clear that the SPLA cannot negotiate in a framework that does not include self-determination. "Southerners totally reject this proposal", observed one prominent southern civil society activist. "As long as the initiative only talks of unity, it will go nowhere. Southerners want and require self-determination. This initiative rules it out".⁵²⁹

⁵²⁵ *Al-Bayan*, 31 July 2001.

⁵²⁶ Mohamed Osman, "El-Bashir: Peace Initiative Does Not Mean Separating Religion from the State", AP, 22 July 2001.

⁵²⁷ "Bashir Unwilling to Dismantle Government for Peace", AFP, 21 July 2000.

⁵²⁸ ICG interview in Khartoum, November 2001.

⁵²⁹ ICG interview, July 2001.

A high-ranking Egyptian official countered:

The south should get autonomy and self-rule. The notion of a new state is coming from outside Sudan. There is a very thin line between self-determination and autonomy, very delicate. We cannot talk about marriage and divorce at the same time. We know what internal issues led southerners to demand self-determination and these issues must be addressed, but we don't go as far as saying an independence referendum is the way to go.

This official also argued that securing peace will be a long-term effort: "To build a 'New Sudan', we will need a transition period of much more than four years. You need more than ten years to change the vote away from independence. And we are considering whether a vote should include all of the Sudanese, not just the southerners".⁵³⁰

The National Democratic Alliance has accepted the general legitimacy of the Joint Initiative despite grave reservations. It responded formally to Egypt and Libya that any plan needed to include self-determination, separation of religion and state, the issue of impunity for war crimes, the length of the transition period and merger with the IGAD process, as well as to acknowledge the need for a fully new constitution.

In late August 2001, the SPLA clarified its position on the Joint Initiative, saying it would "not be a party" to any initiative that did not incorporate separation of state and religion, the right of self-determination, an interim constitution with an interim government based on that constitution, and unification of the different peace talks.⁵³¹

The government's response to the SPLA demands was far from temperate. "Garang is a lunatic", complained Information Minister Mahdi Ibrahim. "The SPLA has imposed four conditions of the kind that make it impossible to sit down at the negotiating table with them".⁵³² The vehement objections again suggest that the government is backtracking substantially from its commitment to negotiate on the basis of the IGAD Declaration of Principles and seeks to replace that formula with the less comprehensive Joint Initiative approach.

⁵³⁰ ICG interview in Cairo, 5 July 2001.

⁵³¹ SPLA Press Release, 24 August 2001.

⁵³² "Government Says Negotiations with SPLM/A Impossible", IRIN, 12 September 2001.

It is no surprise that an opposition official argued that the Joint Initiative represents the interests of Egypt and Libya more than it is a sincere effort to achieve peace. "The initiative is an attempt to contain the Sudanese situation in a manner which serves the interest of the sponsoring countries. They want central control maintained, the Islamist agenda diluted and self-determination undermined. The National Islamic Front could accept a government of all parties as long as it retained their constitution, their civil service, and their institutions".⁵³³

The Joint Initiative is an obvious complement to Khartoum's efforts to attract northern political parties without making any fundamental compromises. Prime Minister Meles of Ethiopia explained it this way: "The government and the Arab world want a reconciled north which would present the south with a *fait accompli*. The West wouldn't stand against that agenda. Western countries might try to improve the agenda, but won't stop it".⁵³⁴ The return of Umma Party leader Sadiq al-Mahdi to Khartoum, without government promises or guarantees, shows the strategy's potential. However, Umma has now lost most of its leverage, and other groups such as the Democratic Unionist Party may be reluctant to fall into line without receiving more concrete concessions.

A Sudanese civil society activist charged: "Egypt wants to break the National Democratic Alliance and push reconciliation in Khartoum".⁵³⁵ But an opposition official countered that it would not be in Egypt's interest to split the northern opposition from the SPLA: "Are the Egyptians short-sighted enough to push [National Democratic Alliance chief] Mohamed Osman al-Mirghani into a premature deal and lose all their leverage? I don't think so".⁵³⁶

The Joint Initiative's lack of confidentiality also disturbs key interlocutors. "The Initiative is all public", complained Vice President Taha, "It needs to be done in confidence".⁵³⁷ Indeed, it remains doubtful that serious talks could move forward if conducted in such a public fashion.

By mid-August 2001, there were signs that Bashir's public waffling toward the Joint Initiative had angered Egypt. Since the September 2001 appointment of John Danforth as U.S. Special Envoy, Egypt has pressed

533 ICG interview, July 2001.

534 ICG interview in Addis Ababa, 16 July 2001.

535 ICG interview, July 2001.

536 ICG interview in Asmara, July 2001.

537 ICG interview in Khartoum, 3 July 2001.

National Democratic Alliance members to remain committed to the Joint Initiative and not jump on board any new American initiative. Both Egypt and Libya are stepping up pressure on Mirghani to meet with Bashir and continue close cooperation with the Joint Initiative.⁵³⁸

The glacial pace at which the Joint Initiative has unfolded means it is unlikely to make significant progress soon. It began with five verbal points in Tripoli in September 1999 and it took until July 2000 before the National Democratic Alliance was asked for a response. The sponsors tabled their first written proposal only in July 2001.

Egypt and Libya now say they want to bring the major actors together at a conference but this continues to be delayed by the impasse over the self-determination issue, of which Cairo, Tripoli and Khartoum have opposed any mention while the SPLA considers it essential. Signs of a split on this issue between Egypt and Libya appeared after SPLA leader Garang and President Yoweri Museveni of Uganda travelled to Tripoli in mid-2001. The Libyans were reportedly impressed with the pair's argument for the need to include self-determination, and asked the SPLA to provide it with further ideas as to how the concept could be operationalised. This has angered Egypt and caused further tensions within the Joint Initiative.⁵³⁹

C. The Eritrean Gambit

Beginning in mid-2000, Eritrea left the IGAD talks and launched a unilateral effort to bridge the gap between Khartoum and the National Democratic Alliance. Since their own war, both Eritrea and Ethiopia have been keen to secure pledges of neutrality from Sudan. Eritrea's peace efforts fit within that broader goal. Its plan embraces a peace deal along the general contours of the Declaration of Principles with distribution of posts between the government and National Democratic Alliance.

The official National Islamic Front response has been somewhat positive. "We admire the ambition of [President] Issaias", noted Presidential Peace Advisor Ghazi Salahuddin Attabani. "He has some leverage with the National Democratic Alliance troops in the east, and our National Congress party is sympathetic to his efforts".⁵⁴⁰ According to ICG sources in Asmara, however, the diplomatic reaction of the Sudan government has been far harsher.

⁵³⁸ ICG interview with opposition representatives, September 2001.

⁵³⁹ ICG interviews in Nairobi and Khartoum, November 2001.

⁵⁴⁰ ICG interview in Khartoum, 2 July 2001.

Nafie ali Nafie, a key National Islamic Front figure, was reported to have travelled to Asmara in mid-2001 to tell the Eritreans that the initiative would be a death warrant for the Bashir government, the proposal was an insult, and the issues in Sudan were beyond Eritrea's scope and understanding. In what appeared to be an effort at damage control, Vice President Taha quickly followed Nafie to Asmara to indicate that the government indeed accepted the initiative, and was ready to talk with the National Democratic Alliance under its auspices. But the damage was done. The Eritreans had already decided to pull back and focus on their relationship with the Alliance.⁵⁴¹

The National Democratic Alliance appreciates the Eritrean effort because it would give them a seat at the negotiating table - unlike IGAD. However, it was critical that it would not be allocated more positions in the coalition government initially envisaged by Asmara. In any event, Eritrea lacks sufficient leverage to achieve a breakthrough since most of the international community continues to support IGAD. As of the end of 2001, it appeared to have run its course.

D. Nigeria's Effort

President Olusegun Obasanjo has an opportunity to pursue his long time interest in conflict resolution in Sudan through the auspices of the Millennium Action Plan, a cooperative effort among African leaders to promote Africa's development in the global economy. Obasanjo, in charge of regional conflict issues for the Millennium Plan, attempted but failed to convene in 2001 a Southern Political Forces Conference in Abuja aimed at helping southern Sudanese leaders, including representatives of the SPLA, reach a local consensus on future peace negotiations. A possible national conference was envisioned as the immediate next step after this southern-focused effort. The conference was indefinitely postponed, however, as key actors, including the government and SPLA, had serious reservations about the initiative. The government most feared that southerners would coalesce around a self-determination agenda while northerners would press for more democracy. The SPLA did not want to be placed on a par with other southern political forces, and it wished to keep its options open on the self-determination issue.

Obasanjo says that his efforts are complementary to those of IGAD and the Joint Initiative, and he has kept in contact with all the relevant heads of

⁵⁴¹ ICG interviews in Asmara, July 2001.

state. Sudan analyst Alex de Waal called the Nigerian effort "the most promising peace initiative for some years" because of its potential to bring together the competing initiatives and ideas.⁵⁴²

Other observers are not as sanguine. "Khartoum loves the Nigerian initiative because it offers a new African process that could allow an escape from the Declaration of Principles", charged a Sudanese analyst.⁵⁴³ This of course would provide Khartoum with a way out of its commitment to negotiate on self-determination. Given Nigeria's past ambiguity on that issue, southern Sudanese should be wary of embracing the Nigerian initiative even though it is the only one that has widened southern participation beyond the SPLA. This would be a worthwhile objective if carried out so as not to undercut the SPLA's negotiating position at the peace table. But the most important efforts that must be undertaken now in pursuit of southern unity are in southern Sudan itself, particularly in the Upper Nile region, where Nuer communities and their commanders are making critical decisions about whether to rejoin the SPLA. Nigerian efforts would be better spent encouraging such on-the-ground reconciliation rather than an unpredictable effort at harmonising the diaspora with the SPLA.

Another major drawback of the Nigerian initiative is that it again approaches Sudan's war as a strictly north-south matter, rather than as a national struggle also involving democracy and fundamental rights. This plays to Khartoum's agenda of consolidating its position with some of the northern opposition before facing the south. But even Khartoum saw the danger in an event that would likely further solidify southern Sudanese behind a self-determination referendum, so it sent an envoy to Obasanjo to urge that the Abuja effort be redirected.

In a development that should interest Tripoli and Cairo, Khartoum government representatives reportedly told Nigeria that they would gladly "dump" the Egyptian-Libyan Joint Initiative for Nigeria's, except that they cannot say "no" to Egypt.⁵⁴⁴

Nigeria remains committed to holding some kind of a meeting involving all significant Sudanese actors in 2002. The Khartoum government, the SPLA, the Umma Party and southern Sudanese in the diaspora are all attempting to

542 Justice Africa, "Prospects for Peace in Sudan", September 2001.

543 ICG interview, 2 October 2001.

544 ICG interview, September 2001.

influence Obasanjo's approach. Given apparent internal divisions within the Nigerian government over the initiative, its limitations of capacity and its other preoccupations, there is ample room for manoeuvring and manipulation by all parties.

E. The European Role

The main multilateral forum involving European states in support of peace in Sudan has been the IGAD Partners Forum, formerly known as the Friends of IGAD. (The U.S. and other non-European countries are also part of the IGAD Partners Forum, but it is chaired by Norway and Italy with additional Europeans playing significant roles.) The Forum, a consortium of western countries interested in supporting IGAD and its peace efforts,⁵⁴⁵ is divided about how best to exert pressure on the government and the SPLA.

European participants have sought to move forward with an extensive planning exercise involving the World Bank and United Nations Development Program that would map out a major reconstruction effort for southern Sudan as a means to encourage more serious negotiations. The U.S. has argued "sticks" must accompany such "carrots", and incentives should be national in scope, not regional.

IGAD itself has not worked seriously with the Partners Forum to resolve these fundamental differences. Instead, IGAD and Kenya continue to issue vague appeals for international support and for pressure on the parties to negotiate seriously. An October 2000 Partners Forum assessment of IGAD and its secretariat concluded that the mechanism as currently structured is incapable of achieving significant results. IGAD has not responded formally.

The Partners Forum has weaknesses of its own. The agenda is largely peripheral, centred around funding and support activities instead of the contribution its almost exclusively western membership is uniquely positioned to extend - placing political pressure on the warring parties. In addition, the disparate interest base and varying degrees of familiarity with Sudanese affairs of the many members often result in a lack of cohesion, direction and initiative.

Members are conflicted about continuing to support IGAD though most consider the Declaration of Principles needs to be preserved. Egypt's

⁵⁴⁵ As explained in Chapter 2, the European Union also conducts a "Critical Dialogue" with the government of Sudan and with the National Democratic Alliance.

involvement adds further division, given its strong resistance to self-determination and its sponsorship of a competing peace initiative. Partners Forum countries are well represented in Khartoum and Cairo, yet have shown little interest in engaging the SPLA or the National Democratic Alliance. There has also been little pressure from Forum countries on either the government or the SPLA to embrace democratic principles more broadly, giving the impression they believe it possible to end the war without restoring democracy. In short, it is time to disband the IGAD Partners Forum or refashion its leadership and mandate.

The one success the Partners Forum has had was its push in 1998-2000 for IGAD to create a secretariat focused on the peace process, with technical experts to help craft compromise positions. The effort took a year longer than envisioned, but a secretariat does exist, and it has produced substantial papers for the parties' consideration, whether within IGAD or in other forums. But again, absent leverage, these papers will only collect dust.

F. U.S. Activity

The United States has undertaken certain unilateral efforts to support peace. The Clinton administration's appointment of Harry Johnston as its Special Envoy and its unsuccessful attempt to host an IGAD session in Washington were followed by the Bush administration's designation, in September 2001, of Special Envoy John Danforth for a six-month mission to assess whether there is a role for the U.S. in the peace process.

Danforth's first trip to Sudan was in November 2001. During the visit, he proclaimed his "neutrality", a term with differing meanings for his various Sudanese interlocutors. The Americans see it as a simple declaration that they will listen with open minds to proposals on ways forward in the peace process. The SPLA and those constituency groups in the U.S. who are driven by human rights concerns fear it signals that the Bush administration has abandoned the U.S. policy of attempting to maximise leverage on the regime through isolation and pressure. The government sees hope that the U.S. will indeed pursue a "neutral" course,⁵⁴⁶ and it anticipates repeal of U.S. sanctions, an end to U.S. opposition to Sudan's participation in international financial institutions and a cessation of political or other support for the opposition. With so many meanings and nuances that vary from listener to listener, "neutral" is a term that either should either not be used or must be better explained.

⁵⁴⁶ One government advisor said, "His attitude was very good". (ICG interview, November 2001.)

Another source of ambiguity during Danforth's first mission was his insistence that he would quickly ascertain the seriousness of the parties and report to President Bush after his next visit (in early 2002) whether the U.S. should engage in a serious peacemaking effort. Danforth stated that in the absence of progress by January 2002, there would be no further role for the U.S. "If they don't want peace, they will tell us by inaction, or by sabotage of these ideas, or by saying one thing and doing another, which is as bad", he warned. "And if that is what happens, and it's clear to me by mid-January that this is what has happened, I'm simply going to report to the president that we tried, we did our best, and there's no further useful role that the U.S. can play".⁵⁴⁷

Some interlocutors believed that this was too short a deadline, that more time was needed to understand the intricacies of the civil war. "We can't have a Holbrooke-in-the-Balkans approach here in Sudan", admonished one government adviser.⁵⁴⁸ Others saw it as a sign of frustration on the part of Danforth and his team in the aftermath of an initial trip during which seemingly intractable positions were put forward by Sudanese and regional actors, the complexity of the task began to sink in, and the divide between the rhetoric of the parties and the realities on the ground became apparent. Yet others, however, felt that Danforth was injecting a needed sense of urgency to parties that had become accustomed to a situation in which little accountability exists within competing and unserious peace processes.

Both the government and SPLA expressed hope mixed with disappointment in the wake of Danforth's first visit. On the one hand, there was universal respect for his mission and its White House backing. On the other hand, there was a belief that he had aimed too low, dealing with symptomatic issues and trying to build confidence in a month among parties that had been at war for nearly two decades. Danforth had, in fact, laid out a series of confidence-building measures that he said he expected the two parties to commit to as a sign of their seriousness. These included cessation of hostilities in the Nuba Mountains in order to provide humanitarian aid, an end to aerial bombardment against civilian targets, an end to support for slave-raiding and localised days of tranquillity for the provision of relief supplies.

Both sides were surprised that the U.S. came with such a minimalist agenda. With serious leverage and willing interlocutors, and after eighteen years of

547 IRIN, "Sudan: Focus on U.S. Efforts to be a Catalyst for Peace", 21 November 2001.

548 ICG interview in Khartoum, November 2001.

assessments and failed confidence-building measures, they believed the U.S. should have moved directly to dealing with the fundamental issues fuelling the war.⁵⁴⁹ One top Khartoum official urged, "Let's not wait for confidence-building measures for the next six months. We are ready now".⁵⁵⁰ In short, rather than expending the significant new leverage on fundamental issues and bringing the parties to serious negotiations to end the war, this process is being used to address only symptomatic, albeit serious, issues.

It is also worrying that the parties' compliance with these confidence-building measures/tests will apparently dictate what Danforth recommends to President Bush about the U.S. role in the peace process. Parts of both the government and the SPLA do not want the U.S. involved or a serious peace process. Those elements can be managed in the context of a long and serious negotiation, but it is far more difficult to keep them in check in a do-or-die, one-shot affair in which one unauthorised (or unopposed by senior levels) attack can undermine the entire exercise. This is not the best way to ascertain the willingness of the parties to make peace since it gives hardliners in both camps an ability to veto, in effect, U.S. involvement. The only way to determine how serious the parties are is to undertake a serious peace process with serious proposals, backed by serious international leverage.

Furthermore, the concept of building any confidence among parties in a month or two against the historical backdrop of this conflict is far-fetched. Every promise made to southern Sudanese has been dishonoured by northern governments, for example. Confidence will not be built through humanitarian gestures that are peripheral at best to the warring factions.

Perhaps most problematic, the confidence-building measures as tests for the parties' seriousness about peace are tests that have almost no chance of being passed. Asking the government to stop aerial bombardment and arming militias who conduct slave raids is asking it to forego its perceived comparative advantages on the battlefield before the war is over, and in the absence of a ceasefire. (Within a week of Danforth's departure from the region, a number of independently confirmed⁵⁵¹ bombings of civilian targets had occurred.) No matter how heinous the impacts of these tactics are,

549 ICG interviews in Khartoum and Nairobi, November 2001. An official of one embassy in Khartoum said: "The government was ready to accept an American initiative, especially after effectively breaking from IGAD. Danforth still has a great chance to settle this conflict". (ICG interview in Khartoum, November 2001).

550 ICG interview in Khartoum, 20 November 2001.

551 Reported by UN Operation Lifeline Sudan and NGOs operating in the areas of Malualkon in Bahr al-Ghazal, Pariang in Western Upper Nile, and Magwe in Eastern Equatoria. (AFP, 23 November 2001, AP, 24 November 2001, and correspondence with ICG.)

they cannot easily or quickly be given up. It is like asking the U.S. to have stopped bombing - give up its strategic advantage - in Afghanistan before Kabul fell. Similarly, the SPLA will not agree to a general ceasefire, although the EU has pushed for this for the last two years, since it considers that would amount to unilateral disarmament.⁵⁵² In a war that has gone on for four of the last five decades, it is naïve to press for such measures.

This might still be feasible, however, if the measures were tied to a limited-time cessation of hostilities in turn linked to serious negotiations in a unified peace process. But in the absence of such a peace process, of new ideas on how to break the logjam on the fundamental issues, and of a cessation of hostilities, it seems unrealistic that one or both parties will stop fighting before the war is over.

There is a way out, however. One of the four conditions is indeed achievable, and that is the temporary ceasefire in the Nuba Mountains to permit the delivery of humanitarian relief. Respect by the parties for this measure could be seen as a sign of seriousness of purpose sufficient to encourage the U.S. to engage in constructing a unified way ahead on the peace process. Nevertheless, even this easiest of the four tests is not without peril. The SPLA fears that a series of humanitarian ceasefires, accompanied by their own monitoring mechanisms, may constitute a backdoor to a more general ceasefire, which it rejects unless part of a comprehensive peace, or at least a serious peace process. It also fears that the humanitarian ceasefire will freeze the government advantage in the Nuba Mountains.

The rationale for such confidence-building measures is understandable. They are used in many other conflicts, and the U.S. team may feel that it needs to show President Bush and the constituencies active on Sudan some progress. It may believe that if the Sudanese cannot deal with any of the symptoms, they cannot possibly deal with the causes. But in this instance, and with these protagonists, this confidence-building measure is the wrong one to use. In Sudan, so many previous humanitarian cease-fires have been abused and violated that this form of confidence-building measure has little credibility. Such a failed history of humanitarian diplomacy should not be ignored.

Sudanese government officials reported that some members of the U.S. team had expressed reservations about the scope of the U.S. role, saying that they did not believe Washington could negotiate a peace agreement. "This is not good", concluded one senior Sudanese government official. "There is a golden

⁵⁵² For more on SPLA and government attitudes toward a ceasefire, see Chapter 7.

opportunity now. But the U.S. team is hesitant".⁵⁵³ Other government officials complained that the Danforth proposals were one-sided. "They equate the position of the government and the rebels", said Minister of Information Mahdi Ibrahim. "The U.S. must focus its pressure on the rebels".⁵⁵⁴

The issue of perceived fairness is central to the analysis Presidential Peace Advisor Ghazi Salahuddin Attabani provided ICG:

The previous U.S. administration (and some of its associates in the U.S. public) had, in different ways, been the mainstay of the SPLA. This, by causing the latter to believe in the certainty of its ultimate victory over the central government, has encouraged and emboldened it, thus blocking any progress towards peace.

The new U.S. administration, for its own reasons, has broken with that policy. This is a very significant development that must be seized. The U.S. has, over the past few years, grown into becoming one of the most important determinants in the peace process in Sudan. It is hoped that the Danforth mission is the operational expression of a new more constructive approach by the U.S.

The approach of the mission to the problem appears to be only exploratory at this stage, notwithstanding its obvious tendency to answer to the concerns of the Christian Right by proposing to start with an area outside southern Sudan, i.e., the Nuba Mountains. The success of the mission will depend on its ability to appear fair and equitable and to manage breaking loose from the tethers of the Christian Right in order to address the real question facing the peace process in the Sudan and not the domestic issues in the States - not an easy challenge. This is further complicated by the need to put up with and adapt to the interests of some of the important regional actors. Their best bet would be the cooperation of the Sudan government to navigate safely and successfully, which brings in the question of the bilaterals - again the perennial question of the hen and the egg.⁵⁵⁵

On the SPLA side, there was concern that the U.S. was looking for a solution that would not necessarily include self-determination. Based on some questions asked by the Danforth team, SPLA officials worried that the desire

553 ICG interview in Khartoum, 18 November 2001.

554 ICG interview in Khartoum, 20 November 2001.

555 Correspondence with ICG, 23 November 2001.

to accommodate the Egyptian position on this issue might unduly affect U.S. calculations, and that the team believed northern fears of self-determination as a recipe for separation were "justified". Taking away what southerners feel is a right to self-determination before negotiations even begin is the surest way to drive the SPLA out of a peace process. The SPLA also was concerned that the U.S. team was sympathetic to a construct on state and religion that would exempt the south from *sharia* law, a position that the SPLA has rejected out of hand, arguing that there must be a non-religious central constitution.

Furthering the uncertainty around the U.S. position is Danforth's embrace of the Egyptian-Libyan Joint Initiative, which he placed on a par with IGAD, a radical shift from the policy of the past administration, which believed that the Joint Initiative was created to undermine IGAD's promotion of self-determination. Such public praise is likely aimed at building some leverage with the Egyptians for later use. Nevertheless, the parties and the region are both now confused, as Danforth expressed support for both the Joint Initiative and IGAD while saying that the U.S. will bring no new peace initiative. If the confidence-building measures are expected to have any staying power, however, they will have to be connected to a serious peace process, which is not possible as long as competing initiatives are encouraged to continue.

Another drawback to the current U.S. effort is that the Danforth appointment is part-time and short-term. Both Sudanese parties expressed concern that six months is simply not long enough to demonstrate seriousness of purpose and build the foundation for eventual compromises. Although Danforth has full-time help and a strong deputy in Ambassador Robert Oakley, previously successful U.S. efforts in resolving conflict in Africa have been more than full-time jobs. While both Danforth and the Bush administration have repeatedly said that his role will not be that of mediator, to stake out even a significant supporting role is a major challenge. If Danforth chooses not to play the role himself, it will at some point require a full-time, senior diplomat at the helm. Furthermore, much greater support will have to be forthcoming for a ramped up diplomatic effort - additional personnel and logistical support from the State Department and a willingness to weigh in at crucial junctures from administration principals.

Some interlocutors on both sides felt it was very positive that Danforth met with President Mubarak, given Egypt's strident position on self-determination. Government and SPLA sources felt that Washington could constructively widen Cairo's perspectives.

Several actions occurred while Danforth was in Khartoum that appeared to demonstrate a lack of U.S. policy coordination but may have provided him with more leverage should he choose to exercise it. First, the U.S. Congress broke its own six-month moratorium by resuming work on the draft legislation that would impose capital market sanctions against oil companies doing business in Sudan. Second, Under Secretary of State John Bolton said he was quite concerned that Sudan possessed biological weapons capabilities. At the same time, a coalition of over 100 American religious and civil liberties activists sent a letter to President Bush requesting a harder line against Sudan.⁵⁵⁶

Recommendations as to what the U.S. can now most usefully do in pursuit of peace are contained in Chapter 7.

⁵⁵⁶ By rewarding and praising Khartoum at the very moment it is stepping up its bombing, starvation and literal enslavement of religious minorities", the letter says, "the U.S. appears to be willing to tolerate religiously based internal terrorism".

7. CONSTRUCTING A COMPREHENSIVE PEACE

The time has come for the international community to forge a unified peace process that exerts effective leverage on the warring parties in a concerted effort to end the war in Sudan. U.S. and European leadership will be essential in any such effort. Such a peace process should be coupled with more active international efforts to support democracy and the development of civil society in Sudan, practical measures to combat continuing human rights abuses on the ground and specific measures to make counter-terrorism cooperation more meaningful.

A. Shaping a Viable Peace Process

Sudanese government officials, journalists, academics, opposition figures and representatives from civil society are nearly unanimous in arguing that the most valuable immediate contribution the international community could make would be to address the schism between the major competing peace initiatives, IGAD and the Egyptian-Libyan Joint Initiative. The rationale is that without a credible peace process, there is no alternative to war. The most intense opposition to such an approach springs not from within Sudan, but from the Kenyan and Egyptian governments, the primary sponsors of the two initiatives, although U.S. envoy Danforth has managed to elicit pledges of cooperation from both heads of state.

Confronting a peace process as fragmented as the war itself must be the first priority for the international community, including the IGAD Partners Forum. With the recent appointment of John Danforth as its Special Envoy for Sudan and its strong relationships with Cairo and Nairobi, the United States is best positioned to galvanise action, but its chances of success will increase proportionately to the degree that it can involve others actively, in both Europe and Africa.

It will remain nearly impossible to create peace in Sudan unless neighbouring countries support a common process. Regional states have sufficient influence with the warring parties to undermine any agreement about which they have not been consulted or that they feel runs contrary

to their fundamental interests. Consider the comments of a high-level Egyptian official, "Egypt can disrupt anything anyone else tries to do. We would view it very negatively if the U.S. tries to sponsor its own initiative".⁵⁵⁷

As a result of this dynamic, the international community will have to work aggressively to create one forum which accommodates regional interests, has a more effective structure and mediation component and is backed with much more serious leverage. "We need more comprehensive engagement by all parties with interests", said one Western diplomat.⁵⁵⁸ Even with a unified, strongly supported forum, the fundamental issues will remain difficult. Numerous previous efforts, however, have shed light on the general framework of the substantive compromises that will be necessary,⁵⁵⁹ including:

□ a federal constitution not based on religion, but also not called secular, which enshrines basic rights and freedoms consistent with international law, with each of the federal entities able to craft many of its own laws;⁵⁶⁰

□ asymmetrical federalism⁵⁶¹ (with a higher degree of autonomy for the south) during a sufficiently long interim period,⁵⁶² backed by serious international guarantees and support, with agreed benchmarks - the ultimate guarantee for fulfilling agreements - that if not met would trigger a self-determination referendum for at least the south;⁵⁶³ and,

□ an internationally monitored mechanism for wealth sharing that would ensure that all relevant stakeholders benefit from implementation of the peace agreement.

⁵⁵⁷ ICG interview in Cairo, 5 July 2001.

⁵⁵⁸ ICG interview, 5 October 2001.

⁵⁵⁹ European Commission staff in Nairobi and the Swiss government have been particularly focused on identifying possible ways forward on the substance of future negotiations.

⁵⁶⁰ The opposite construct appears to be a compromise position the government is preparing to present: a more secular dispensation at the state level would be balanced by *sharia* as the basis of national law. "The war has mixed up the demography to the extent that this construct is completely unfair", decried one Western diplomat in an ICG interview, 5 October 2001.

⁵⁶¹ The federal system itself, if constructed carefully, would be an element of the conflict resolution equation, in that such a system could provide a plethora of important posts to be divided between competing actors. Governors and ministers at the state level would be important positions, particularly if the wealth sharing mechanism allowed some level of autonomy for states to spend shared revenues from oil.

⁵⁶² A government of national unity would ideally oversee this interim period. "We can't just go into direct elections", said Under Secretary for Foreign Affairs Mutrif Siddig. "We need a transition to revitalize consensus and to create a common platform for all forces". ICG interview in Khartoum, 20 November 2001.

⁵⁶³ "A self-determination referendum should be postponed but not lost", said one Sudanese analyst. "There is a fundamental right, but it must be pursued down the line". ICG interview, October 2001. In other words, there cannot be a negotiated peace without self-determination at its core. This proposal would have a vote on independence exercised only if the agreements on a unified state were not respected. A neutral body based on agreed criteria would carry out the assessment of whether the agreements were respected.

What this implies is that the sequencing and semantics of IGAD's Declaration of Principles can be amended, but the right of self-determination and to basic freedoms must be preserved as the prerequisites to peace and a unified state.

The government has already committed itself to the concept of self-determination in the context of its own constitution, the peace agreement it signed in 1997 with splinter southern factions, and in the Declaration of Principles itself, which it accepted as the basis of negotiations in 1997. As long as this right to self-determination is not revoked, other key ingredients of a solution can be negotiated, such as the length of a transitional period, which should be long enough for the central government and its regional and international supporters to demonstrate the benefits of unity to southerners. The eventual compromise will undoubtedly be facilitated by significant economic incentives for the power brokers on all sides.⁵⁶⁴

International Catalysts

Changing the diplomatic framework, whether by uniting the two main existing initiatives or creating a new one, will require a substantial push from outside the region, but by whom? The U.S. clearly is an indispensable part of any wider international community effort, as is Europe in some form. The European element, however, presents variations and difficulties.

The strongest European participant normally would be the full European Union, which could maximise both material resources (especially economic) and political prestige. The EU would first need, however, to reconcile different levels and types of interests among its member states. Some, such as France, have serious oil interests in Sudan. Others, like the Scandinavians, are concerned primarily with human rights issues. The risk with the European Union would be of lowest common denominator policy, neither focused nor quick enough to take advantage of the present opportunity.

The individual EU member state with the greatest leverage in the region is probably Britain, the former colonial power. While a British leadership role would provide some connection to the EU, London's foreign policy initiatives, especially when taken in conjunction with Washington, are often viewed sceptically by its EU partners, who suspect the British of harbouring more interest in cultivating a special transatlantic relationship than in

⁵⁶⁴ ICG interview with Sudanese businessmen, 17 November 2001.

developing a common EU foreign and security policy. Regardless of EU participation, any international effort would benefit from the close association of Norway, a well-respected independent European nation with long standing ties, primarily humanitarian, to Sudan.

In the case of the diplomatic effort to achieve peace in Sudan, it would likely be some combination of the U.S., the UK representing the EU, and Norway working together with the existing regional actors that would have the best chance of moving the process forward. Working out the optimal feasible European role should be a priority for getting an international effort right. It would justify intense and sensitive exploration by Danforth as one of his early orders of business if he launches a serious diplomatic effort to move peace forward.

If and when a unified peace forum is created, an executive committee of influential states from outside the region could work on its margins to vet negotiating strategies and coordinate international leverage. Such a mechanism could replace the bloated and ineffectual IGAD Partners Forum. The actions of the mediation team should not be subject to control and veto by such an executive committee, however.

Given the concerns of countries like Canada, Saudi Arabia, Nigeria, South Africa, China and Malaysia, as well as the institutional mandate of the Arab League and the Organisation of African Unity, an observer status should be considered for those who wish to remain engaged in the peace process.

It is imperative that China's increased engagement with Africa - and particularly with Sudan - be taken into account, but China will be especially challenging to incorporate into the strategy. Few countries have as much influence in Sudan as China, given a multi-layered relationship that includes oil and arms. Although China will have divergent interests with the U.S. and others on the human rights agenda, it has a strong economic interest in stability. Furthermore, its ability to raise money on U.S. equity markets is constrained by its Sudan investments. Peace would make those investments more stable and expand Beijing's access to U.S. capital. High-level U.S. and European diplomatic engagement, therefore, should be directed toward finding common ground.

Similarly, Nigerian President Obasanjo has significant interests. He has appointed a Presidential Peace Envoy, former head of state Ibrahim

Babangida, who has travelled to Khartoum, hosted meetings between leading Sudanese figures, and pressed for creation of an African Partners Forum to work in conjunction with the IGAD Partners Forum.⁵⁶⁵

Ingredients of a Successful Initiative

Sudan's long history of failed peace initiatives has made it easier to identify some of the practical ingredients required for success. An international initiative can only be effective if it includes a consensus among its supporters on a multilateral package of incentives and pressures. Even John Garang observed: "To be successful, an initiative must both mediate and arbitrate".⁵⁶⁶ Well coordinated leverage is needed to move the parties off long-held positions.

Confidentiality and discretion should be a centrepiece of any new process. No compromises will be struck if negotiations occur by press release, as they have with the Joint Initiative and the IGAD talks. Further, the negotiations must be sustained and use either face-to-face or shuttle diplomacy to nurture genuine compromise. Such a sustained negotiating process will require representatives of the mediating team to be present full-time in both Khartoum and Nairobi, to work respectively with the SPLA and National Democratic Alliance and with the government and Umma Party.

It is clear that any agreement will need some form of enforcement mechanism.⁵⁶⁷ The SPLA particularly fears a repeat of the breakdown of the 1972 peace agreement to which there was little international response. The kinds of external guarantees that likely will be necessary include a robust peacekeeping or observer force and pre-defined sanctions for violations. A transparent wealth sharing mechanism allowing both sides to fund their own development, and governance efforts would also be important.

A parallel track should aim at Egypt's opposition to self-determination.⁵⁶⁸ The U.S., the Europeans, and World Bank technical experts from the Nile Basin Initiative could convene Egypt, Ethiopia, the government of Sudan and the SPLA to discuss issues surrounding future use of Nile water. By forging understandings between the SPLA, the government, Egypt and other regional players on water usage, much could be done to lessen Egypt's

⁵⁶⁵ See also Chapter 6 above.

⁵⁶⁶ ICG interview, 9 July 2001.

⁵⁶⁷ See Roger Winter, Eric Reeves, and Ted Dagne, "A Critique of the CSIS Report on Sudan", 26 February 2001.

⁵⁶⁸ The alternatives would be for the U.S. to take on Egypt directly or for a multilateral approach to be made to Cairo.

hostility to greater southern Sudanese control over local resources.⁵⁶⁹ The U.S. will have to play a central role - at high levels - to influence Egypt to be more constructive on this issue.

There are two broad options for creating a single, unified peace process with sufficient international leverage to have prospects for success. One approach envisions a merger of the two major existing initiatives, IGAD and the Joint Initiative. The other would require one or more countries from outside the region - but at least the U.S. - to work closely with the key regional actors to construct a new initiative that builds on previous efforts.

Option A: Merging IGAD and the Joint Initiative

Both government and opposition pay at least lip service to the need for a unified process. "We want one initiative", insisted Sudanese Presidential Peace Advisor Ghazi Salahuddin Attabani. "We need a serious effort by someone capable of producing a serious product. The time is ripe now".⁵⁷⁰ Presidential Advisor Qutbi al-Mahdi agreed: "We need one comprehensive, unified approach. A meeting between IGAD and the Egyptian-Libyan Joint Initiative sponsors makes sense. They will discover that everyone has a role to play. Each effort is incomplete without the other".⁵⁷¹

The National Democratic Alliance has long called for merging the two main peace initiatives, most recently in its formal response to the Egyptian-Libyan Joint Initiative. Garang of the SPLA and National Democratic Alliance Chairman Mirghani met with President Mubarak in July 2001 to urge him to work toward one forum. A top SPLA official contended: "Two initiatives are not healthy for Sudan, or for Africa. The U.S., working with others, should take the lead in bringing the two initiatives together".⁵⁷² Mirghani concurred: "We want the U.S. to work for one initiative, for a unification of the processes. The British could also be helpful in this. When the process begins, meetings could be in both Nairobi and Cairo, and involve the Organisation of African Unity and the Arab League".⁵⁷³ Garang noted: "If we go the merger route, U.S. leadership will be essential. But the U.S. will have to be perceived by Kenya as a partner in this effort".⁵⁷⁴

569 Sudanese political parties, including government representatives, held constructive discussions in London in August 2001 on future use of the Nile. These types of initiatives are vital in establishing the groundwork for future agreements and diminishing the current environment of distrust.

570 ICG interview in Khartoum, 2 July 2001.

571 ICG interview in Khartoum, 1 July 2001.

572 ICG interview in Cairo, 4 July 2001.

573 ICG interview in Cairo, 3 July 2001.

574 ICG interview in Nairobi, 9 July 2001.

However, a high level Egyptian official has commented: "The idea of a merger is a sensitive issue. We are not in the mood to think about this".⁵⁷⁵ While acknowledging that a single peace track would be most productive, neither Egypt nor Kenya has been willing to compromise in practical terms, and international pressure would be essential to produce movement beyond the general assurances received by Special Envoy Danforth that both Egypt and Kenya will increase cooperation with each other.

A key northern opposition party official pointed out that the peace process has taken on something of the same dynamic as the war itself:

IGAD is African, and the Egyptian-Libyan Initiative is Arab. Sudan is both African and Arab. We need to balance the two. All neighbours have to be involved, including Saudi Arabia, Nigeria and others. The U.S. should pressure IGAD and the Egyptians to merge. The U.S. could be part of that merged entity. It would need a secretariat, a shuttling team and technical support. The current IGAD secretariat should be eliminated.⁵⁷⁶

Ensuring the broad participation of the many Sudanese parties to the war would also be critical, and any effective peace effort would need to include the National Democratic Alliance and the Umma Party. This is a major drawback of the current IGAD effort and one of the few positive elements of the Joint Initiative. Their participation would have a moderating impact on the negotiating postures of both the government and the SPLA. It would also ensure against further north-south splits that harden secessionist aspirations. Some means should likewise be found for involving civil society representatives, perhaps as a second track. All Sudanese stakeholders should be part of the process, whether formally or informally.

A logical starting point for this option would be for Europeans and the U.S. to join in a common effort to bring Egypt, Libya and the IGAD countries together for consultations and to strike a broad agreement on the utility of forging a unified peace process.⁵⁷⁷ The aim would be to create an expanded, but far more focused, process that would allow for extra-regional participation in order to develop a viable mechanism for confidential talks. A unified international stand and more effective technical and diplomatic support would

⁵⁷⁵ ICG interview in Cairo, 5 July 2001.

⁵⁷⁶ ICG interview in Khartoum, July 2001.

⁵⁷⁷ The U.S. and the Europeans should not only bring the key sponsors of the competing initiatives together but should facilitate the ensuing consultations in an ongoing fashion.

also be necessary to give that mechanism the best chances for success. Such a single channel would at least place pressure on the parties to the conflict to engage in actual talks as compared to empty rhetorical posturing.

A major effort would be required to create a common set of principles (based directly on the Declaration of Principles, but incorporating some of the provisions of the Joint Initiative) that might serve as the basis for negotiations, the *sine qua non* of movement toward peace. This would require international pressure to obtain some flexibility in the positions of President Mubarak of Egypt and President Moi of Kenya.

The self-determination issue is the core element of IGAD's Declaration of Principles but is avoided completely in the Egyptian-Libyan Joint Initiative. Striking an initial approach to it would be a prerequisite for uniting the two peace tracks. What could be built on is a common desire throughout most of the region to promote unity in Sudan. More clearly elucidating the common interests shared by Egypt, Libya, Kenya, Ethiopia, Uganda and Eritrea might then accelerate the potential for agreement on a way forward. Removing self-determination at the outset of a process, however, would ensure its failure, as the SPLA would not participate.

Statements from both sides in the war make clear the sensitivity of the issue. As Vice President Taha explained: "If we put the Declaration of Principles into a new initiative, it will fail. We need a role for our neighbours, who created the Declaration of Principles, but the issues need to be reformulated".⁵⁷⁸ Not surprisingly, SPLA leader Garang took the directly opposite view: "The Declaration of Principles needs to be the core of any merged initiative".⁵⁷⁹ One diplomat with long experience in Sudan conflict resolution efforts pointed out the need for compromise, "The right of self-determination cannot be abandoned, but the government will never go for the sequence envisioned in the Declaration of Principles. No government would accept a short interim period that moves straight to an independence referendum. And the SPLA is just hiding behind the Declaration of Principles, with no incentive to do anything".⁵⁸⁰

If a unified forum for peace talks can be forged, a full team will be needed to conduct, support and help guide the negotiations. Its structure would have to be negotiated among the Joint Initiative and IGAD

578 ICG interview in Khartoum, 3 July 2001.

579 ICG interview in Nairobi, 9 July 2001.

580 ICG interview, 15 November 2001.

representatives, but a bare minimum would require a new joint secretariat to provide administrative support, expert mediators and sufficient resources to convene face-to-face talks. The mediation team should be small and non-bureaucratic, with a clearly identified lead negotiator of sufficient gravitas and authority to act and report directly to heads of state.

Option B: Creating an Extra-Regional Initiative

In the absence of confidence that a merger such as that envisioned above might be successful, the U.S. and Europe must also consider a more hands-on effort of their own.⁵⁸¹ The U.S. and key Europeans (ideally the UK representing the EU joined by Norway) should take the lead in the development and implementation of the peace strategy, with a meaningful degree of buy-in from key neighbours and other concerned states such as China, Malaysia and Canada. The U.S., the UK representing the EU, and Norway could initiate their own process, with one as lead mediator. Alternatively, the U.S. could move unilaterally. In either of these constructs, close consultation with regional actors would be essential. One partner - supported by the others - could also undertake a joint IGAD-international initiative to make talks far more operational and external involvement more direct.⁵⁸²

Any of these options should maintain some fidelity to the Declaration of Principles, particularly the right of self-determination, though flexibility would be required, notably in the sequencing of items for negotiation. Again, any independent Western effort would need to develop a clear concept for applying pressures and incentives during the talks.

Considering the possibility of internationalising IGAD, a high-ranking Kenyan official claimed: "There is a convergence of opinion that the U.S. should work with Kenya to make IGAD work".⁵⁸³ But there remain serious questions about Nairobi's ability to deal with its own internal difficulties, much less shepherd peace negotiations. Further, until the National Democratic Alliance is included in negotiations, progress will remain limited. Indeed, the Joint Initiative emerged in part as a direct reaction to its exclusion from IGAD talks.

⁵⁸¹ A new extra-regional initiative is recommended by the CSIS task force on Sudan in Francis Deng and Stephen Morrison, "U.S. Policy to End Sudan's War", *CSIS*, February 2001, p.7.

⁵⁸² "The current IGAD process can only be replaced by another IGAD process, radically altering the current approach", offered one Sudanese analyst in an ICG interview w, 2 October 2001.

⁵⁸³ ICG interview in Nairobi, 14 July 2001.

As noted earlier, a purely Western-led initiative would face a tough road without buy-in from Sudan's neighbours. However, the international community needs to make evident that it will no longer accept the status quo. One senior Sudanese analyst even advocated a process dominated by Washington:

The U.S. should initiate a process from scratch. There is too much baggage with the two initiatives. We know what the Egyptians want from their process and we know that the Declaration of Principles is unacceptable. We need something fresh. Moi is not serious, and the Egyptians don't understand the dynamics at work in Sudan. If the U.S. is to lead a process, it has to be at the highest level. And we don't need any more understandings; we need a formula for resolving the war. The region doesn't have enough leverage to undermine such an effort. Moi certainly doesn't, Museveni wouldn't mind, and the National Islamic Front doesn't think much of the Egyptian government. If Egyptian interests are safeguarded, then they ultimately won't care if they're not in the lead.⁵⁸⁴

The Preferred Way Forward

Given the lengthy stand-off between the regional peace initiatives, Option B shows the greatest promise. Unfortunately, in the aftermath of the first visit to Sudan by its special envoy, Danforth, the U.S. appears to be shying away from the necessary leadership role. The obstacles to merging the Joint Initiative and IGAD are enormous, probably prohibitive, and complicated by the almost diametrically opposed agendas of the sponsors. Attempting to micro-manage a merger of the two initiatives and then hoping that the new construct will work to the satisfaction of all parties is simply a bridge too far.

Furthermore, the Sudanese parties themselves are tired of the machinations of the regional actors, the lip service support they must render to these initiatives, and the lack of progress they have made during the last decade. Sudanese from all sides of the political and military divide have little confidence that either of the regional initiatives, or a merger, holds any hope for success. Nearly all call for an external catalyst, usually the U.S. "We need somebody with less direct interest in Sudan", suggested one senior Sudanese government official diplomatically.⁵⁸⁵

⁵⁸⁴ ICG interview in Nairobi, July 2001.

⁵⁸⁵ ICG interview in Khartoum, November 2001. Nigeria is the only other country occasionally mentioned as a serious candidate for this role.

Consequently, it is time to actively seek either a single, fully new mechanism that has buy-in from the key regional actors or a retooled and expanded IGAD that has a direct and central role for the extra-regional catalyst. The U.S. has the relationships to bring both Egypt and Kenya along if it is willing to match its peacemaking rhetoric with serious, high-level (i.e., White House and Secretary of State Colin Powell) engagement with Presidents Mubarak and Moi. The U.S. also has the advantage of a solid historical relationship with the SPLA.

Finally, the Sudan government, though it will try to extract concessions in exchange, is calling for a central U.S. role. "If the U.S. has decided to come and make peace, it can", said one senior Sudanese government official.⁵⁸⁶ Presidential Peace Advisor Ghazi Salahaddin Attabani hinted at conditions for U.S. participation, "If the U.S. is interested, it would have to be taken seriously. We would welcome the role of the U.S. We're realistic that it is not an honest broker. But the U.S. must be ready to pressure Garang. And we would have to iron out some bilateral issues before moving forward, particularly in allowing us to bring our message to U.S. audiences".⁵⁸⁷ Vice President Taha went further: "We sincerely believe in a U.S. role in the peace process. But the major issue we would have to determine is the position of the U.S. on the unity of Sudan".⁵⁸⁸

The U.S. is not the only option for leading a new extra-regional initiative, however, as the section above describing Option B makes clear. There are a number of formulas that could be employed to construct a serious peace process. The U.S. is best placed to take the lead, but if such a role becomes a stumbling block to progress, other arrangements should be prepared and supported.

Sources of International Leverage

Leading government and SPLA representatives alike acknowledge to ICG that the most significant variable in the chances for a comprehensive peace lies within the discretion of the international community. Sudan's war is likely to continue indefinitely unless a major diplomatic effort is undertaken to build substantial multilateral leverage on the parties.

Coordinating an international basket of incentives and disincentives, however, will require serious talks between countries interested and able to

586 ICG interview in Khartoum, 18 November 2001.

587 ICG interview in Khartoum, 2 July 2001.

588 ICG interview in Khartoum, 3 July 2001.

make a contribution to the peace initiative, in the first instance the U.S. and the Europeans (best the EU and Norway), then other donors, African neighbours and arms suppliers, China, Malaysia and some Arab League countries. Without buy-in from these latter players, even an agreed strategy between the Americans and Europeans will generate insufficient leverage to change calculations on the ground, because the parties will always have alternative sources of support and legitimacy.

A successful strategy will require the U.S. to be more forthcoming on incentives and the Europeans to be tougher in applying pressure. The existing uncoordinated set of approaches has simply been ineffective. At the very least, if a new regime of multilateral leverage cannot be constructed, the U.S. and EU could better coordinate a good cop/bad cop approach that maximises the utility of their differing approaches to Sudan.

The U.S. and EU, especially if they work together with other donors such as Norway, Japan and Canada, could construct a fairly meaningful platter of incentives. Developing effective pressure, however, will be much more contentious and painstaking, and it is possible that the U.S. will have to act without significant support from the broader international community when it threatens Sudan with the consequences of uncooperative behaviour.

In this regard, the U.S. envoy Danforth's most significant message, which he should impart without ambiguity, would be that if there are not early changes on the ground (i.e., no progress toward peace, no improvement in human rights), the Bush administration may have no choice but to drop its resistance to the call from Congress and key American constituencies to escalate pressures on the Khartoum government. Although he should not say this, the universe of options is understood to include capital market sanctions, covert military aid to the opposition and other potential actions.⁵⁸⁹ This message would have to be accompanied by a stern admonition to the SPLA to participate fully and in good faith in peace efforts and improve its human rights record; to not do so should be understood as jeopardizing its relationship with the U.S. and any equitable treatment it receives in aid programmes. At the same time as it delivers these messages, if the U.S. is going to pursue a more robust effort in support of peace, it should fully staff its embassy in Khartoum. A chief of mission of senior

⁵⁸⁹ John Garang, leader of the SPLA, believes the capital market sanctions strategy, when combined with a more robust SPLA military effort in the oilfields, can be effective. "The international and local strategies together will counter the unrestricted expansion of oil development in Sudan", he told ICG in an interview on 9 July 2001.

status, political officers who can focus on peace process issues (and human rights advocacy), as well as full-time counter-terrorism officials to supplement the able team already in place in Khartoum and Nairobi, would enhance opportunities to achieve significant objectives.

The most important internal variable that affects the willingness of the parties to negotiate seriously is the military situation, the area in which the international community, outside of a few African and Middle Eastern arms suppliers, has little direct role to play. *The Economist Intelligence Unit* claims plausibly that if the rebels "were to attack installations [in the oilfields], the government could be forced to offer greater concessions at the negotiating table".⁵⁹⁰ However, existing non-military leverage is not insubstantial, though it is usually undercut because it is not applied consistently by a critical mass of states.

"The U.S. is totally isolated on human rights advocacy in Sudan", observed one Western diplomat. "Khartoum can live with the perception that it is just American bias and hostility".⁵⁹¹ But whereas the U.S. is likely to remain alone in the extent to which it applies human rights conditionality to Sudan, other key countries - particularly in Europe - are much more amenable to exploring the use of collective leverage in the pursuit of a comprehensive peace agreement.

The points of leverage outlined below should be deployed solely in the pursuit of a comprehensive peace agreement, not frittered away for lesser or incremental objectives. Everything flows from decisions regarding war and peace. The concept of a bilateral roadmap for improved relations - such as trade of an end to aerial bombing for specific positive actions toward the government - is misguided.⁵⁹² Such a benchmark approach provides an opportunity for hard-liners opposed to outside involvement to scuttle any deal by, for example, bombing an agency hospital or UN relief plane.

Dividing the fundamental issues into discrete pieces such as human rights, humanitarian aid and terrorism dilutes the fundamental point: implementation of a comprehensive peace agreement that addresses the status of the south within a democratic framework would alleviate these symptoms of war. Loosening pressure on Sudan without achieving a peace agreement will likely prove counter-productive.

⁵⁹⁰ The Economist Intelligence Unit, "Sudan at a Glance - 2001-02", July 2001.

⁵⁹¹ ICG interview in Khartoum, June 2001.

⁵⁹² One Western diplomat noted: "The benchmarks approach gives Khartoum choice as to whether they want outsiders to pressure them for peace. The implication is that if they do not want us to play, we'll step aside", ICG interview, 4 October 2001.

The Government: Pressure Points and Incentives

Major leverage available to the international community includes its control over aid from the International Monetary Fund and the World Bank. Continued opposition to such aid would make it extremely difficult for the government to rehabilitate the formal economy. Most crucial is the huge debt overhang, one of the largest in the world. Khartoum is desperate to get back into a full program with the IMF in order to enter the Highly Indebted Poor Countries program and qualify for substantial debt relief. U.S. votes on the IMF Board, however, block this, and U.S. opposition in the World Trade Organisation has frustrated the government's efforts to reduce economic isolation.

Pressure on investors in Sudan's oil industry also translates into indirect pressure on the government. The Congressional threat to impose capital market sanctions is a Sword of Damocles hanging over Khartoum's head. The U.S. government investigation into the initial public offering on the New York Stock Exchange of PetroChina is a useful complement.

A large coalition of European NGOs has called for a campaign to stop buying Sudanese crude oil on the open market. This kind of suggestion receives little serious consideration in most European capitals, but the existence of this kind of civil society pressure on European governments is useful and will likely grow over time. Furthermore, a UN embargo on Sudan's oil is probably impossible with China as a Permanent Member of the Security Council. However, high-level oil diplomacy could be undertaken. Countries not invested in Sudan's oil industry (Norway and the U.S., for example) might deploy senior officials to convince key countries to limit their companies' investments until a comprehensive peace agreement is achieved.

Various forms and levels of aid to opposition and civil society groups are also useful levers. Any support that helps reduce divisions within the south and between communities on the north-south border by definition adds pressure on the government to negotiate, whether it is support for community level peace talks, negotiations between southern factions, or the proposed Southern Sudan Peace and Unity Dividend Fund.

Direct military assistance to the SPLA, on the other hand, is a trickier proposition. If it is on a small scale, it would likely be only symbolic and too small to affect the military balance but it would be used by Khartoum to solicit more money and weapons from political Islamist elements and its oil

partners, China and Malaysia. This calculation could change if the Danforth mission concludes that the Sudanese government is not moving toward peace. In that event, the Bush administration might choose no longer to block advocates of arming the opposition. If U.S. activists pursuing capital market sanctions are unsuccessful in implementing this initiative, they will likely turn their advocacy to aiding the opposition next.

The neighbouring states might be in a position to do more, and more rapidly than the U.S. in this area, however. If their own military support and action were to be coordinated with international pressures, as was beginning to happen in 1996-97, the impact on the peace process could be significant. "It's not ideas and diplomacy that are likely to bring peace to Sudan", acknowledged Presidential Peace Advisor Ghazi Salahuddin Attabani. "It is the military situation on the ground".⁵⁹³

More robust and higher level diplomatic efforts could also be aimed at reducing what is now a virtually unimpeded flow of arms to the government. Under the Wassenaar Agreement, Eastern European countries voluntarily pledged to maintain certain standards for arms transactions. Sales to Sudan do not meet those standards, and much more effort should be expended by all the signatories to stop the transactions. U.S. and EU officials at the highest levels should also engage China on its burgeoning arms sales.

International efforts to isolate Khartoum continue to be an irritant to the government, meaning that every move it makes in international forums is a source of difficulty or controversy. Defeat in its quest for a seat on the UN Security Council in 2000 was bitter for the government, and U.S. unilateral sanctions remain a stigma. They should be lifted only when a comprehensive peace agreement is reached. "Normalising relations with the outside world is as important to the government as peace", observed a government advisor.⁵⁹⁴

Relations with the U.S. have a particular importance for Khartoum well beyond the significant role the U.S. plays in UN and other multilateral decisions relating to Sudan's international isolation. "The Sudan government wants legitimacy, which it can't fully have without the U.S.", commented one regional analyst.⁵⁹⁵ A Sudanese observer concurred: "The Sudanese

593 ICG interview in Khartoum, 2 July 2001.

594 ICG interview in Khartoum, 20 November 2001.

595 ICG interview in Addis Ababa, 16 July 2001.

government wants a chance to play a role in the world. They are innately hospitable and generous people and want to project globally. And it desperately wants some association with America".⁵⁹⁶

The threat of accountability for past war crimes is an unknown variable, but former Yugoslav President Milosevic's delivery to the Hague Tribunal in June 2001 did not go unnoticed by key government officials who believe they may be vulnerable to similar charges in the future. However, China's position on the Security Council makes it unlikely that a proposal to establish a UN-sanctioned international court, as has been done for the former Yugoslavia (The Hague) and the Rwandan genocide (Arusha), would be credible.⁵⁹⁷

There is a broad range of incentives that might help persuade Khartoum to embrace an agreement, many incentives the reverse of the pressure points. Most of the incentives should not be deployed until there is at least a verifiable peace agreement. The removal of U.S. opposition to Paris Club financing, IMF lending and World Bank credits - opening the door to debt relief, a key to unleashing Sudan's economic potential - would probably be the largest incentive so should not come until a peace agreement is signed and is being implemented.

Rather than uncoordinated bilateral assistance and promises of aid for the post-war reconstruction of the south, international donors should create a Sudan Reconstruction Trust Fund aimed at national reconstruction, from which both the north and the south could benefit.

While a matter for the parties themselves to decide rather than for the international community to push, some kind of immunity from prosecution in domestic courts for the human rights atrocities perpetrated by certain officials during the civil war could also be an important incentive down the road. To move forward in the peace process, one leading opposition figure offered that key officials "might require reassurances on accountability. At this point, elements of the opposition are barking on this issue without any bite".⁵⁹⁸

⁵⁹⁶ ICG interview, 2 October 2001.

⁵⁹⁷ During the negotiations of the Djibouti Accords with the Umma Party in 2000, Presidential Advisor Nafie Ali Nafie protested references to "accountability" by insisting it suggested an intention to carry out executions. The new U.S. Ambassador-at-Large for War Crimes Issues, Pierre Prosper, announced at his Senate confirmation hearing in 2001 that the U.S. was considering supporting a war crimes tribunal for Sudan, Congo and other egregious cases as an alternative to U.S. acceptance of the treaty creating an International Criminal Court (ICC). However, this may have had more to do with U.S. efforts to minimise the international impact of its opposition to the ICC than with actual U.S. policy toward Sudan.

⁵⁹⁸ ICG interview, November 2001.

U.S. corporate investment in the development of the oil sector would be a major boost to the government's exploration and exploitation plans. There is a debate within opposition and civil society circles as to when such investment should come. Some think now, that it would provide more robust advocacy on human rights and peace. Others think later, as a back-end incentive to movement by the government towards peace. Given domestic political pressures in the U.S., it is likely that the latter approach will be maintained, and it is the right one given the lack of success Talisman has had at engaging the government on human rights.

SPLA and the National Democratic Alliance: Pressure Points and Incentives

It is generally understood that it is more difficult to find meaningful pressures on the SPLA. More work must be done, however, to find credible tools of leverage in this regard. Most importantly, African governments that supply arms to the SPLA have considerable leverage. They should be engaged in any international effort to encourage or pressure the SPLA at appropriate junctures of a serious peace process. The Wassenaar Agreement should be invoked to limit arms transfers by countries that are unlikely to have any interest in supporting international efforts to encourage peace in Sudan.

Regional governments and the United States are the major political supporters of the opposition. At key junctures in peace negotiations, it will be crucial for them to apply serious diplomatic pressure on the SPLA and the National Democratic Alliance to participate constructively. The U.S. relationship with the SPLA in particular is a key lever, and high-level U.S. officials must be prepared to engage the SPLA when needed.

The SPLA's relief arm (the Sudan Relief and Rehabilitation Association) is a member of the tripartite agreement between the government, the SPLA and UN-regulated Operation Lifeline Sudan. If the SPLA becomes the obstacle to a peaceful settlement, its status within Operation Lifeline Sudan framework should be downgraded.

Any institution-building support for the SPLA, its civil administration capacity, and the National Democratic Alliance should be terminated if the SPLA blocks a reasonable peace agreement.

Incentives that could be offered to the opposition for constructive contributions to a comprehensive peace agreement include promises of

regional and international support for the implementation of that agreement. This could include an international peacekeeping or observer force to guarantee the peace; monitoring of a wealth sharing arrangement that is probably a necessary component of an agreement, and human rights monitoring to guard against continuing abuses or retribution. "The problem with the 1972 Addis Ababa Agreement was in its implementation", explained one regional analyst. "Southerners will need ironclad guarantees this time".⁵⁹⁹

The creation of a blueprint for the reconstruction of the south, including governance, infrastructure and social safety nets, would be a major incentive for southern negotiators and - if widely advertised - an element of popular accountability for the SPLA to negotiate in good faith.

Resolving the Ceasefire Conundrum

A major stumbling block to more serious peace talks has been the timing of a ceasefire. The split falls between the government position that a ceasefire should come at the onset of negotiations and the SPLA argument that it can only occur after a peace agreement. The government of Sudan, the Egyptian-Libyan Joint Initiative and the European Union have supported an early ceasefire, while the SPLA, IGAD's Declaration of Principles and the U.S. have defended the latter view.

Both government and SPLA approaches are grounded in solid - though divergent - tactical assessments. The government argues that a ceasefire would be a confidence-building measure, while understanding that a pause in fighting would give it more opportunity to exploit oil resources.⁶⁰⁰ The SPLA fears that a ceasefire would reduce its leverage while simultaneously allowing the government to pump oil without challenge and engage in an unimpeded military build-up.

Consideration could be given to the model pursued during the Ethiopia-Eritrea negotiations, in which an initial agreement consisted of the modalities for a separation of forces and cessation of hostilities. Adapted to the Sudan context, this could include a security protocol addressing redeployment of forces to agreed positions, quartering of those forces, demilitarised zones, demobilisation of a reasonable number of troops, and a United Nations/OAU/Arab League observer mission to guarantee any

⁵⁹⁹ Presentation by Alex de Waal, African Rights, Washington, D.C., June 2001.

⁶⁰⁰ The government is increasingly nervous about the SPLA's capacity to disrupt oil production, absent a ceasefire, given the insurgents' recent acquisition of more appropriate heavy weaponry and its own difficulty in defending exposed areas around the oilfields. Thus, it views a ceasefire as a vitally important first priority in any negotiations process.

agreement. This effort could define internationally guaranteed autonomous administration in opposition-controlled areas during a clearly limited interim period.

Following the agreement for a cessation of hostilities in the Ethiopia-Eritrea case, negotiations were begun to deal with other issues. Applied to Sudan, this might involve preparations for elections, a constitutional conference and the terms of a possible self-determination referendum if the constitutional conference ended in deadlock or the government did not meet the obligations it assumed in the agreement.

In Sudan such an approach would be feasible only if accompanied by a "grand bargain" early in the process. For example, a division of oil revenues between the government and an interim southern authority would be necessary to ensure that both sides benefited from oil revenues during follow-on negotiations, and the government could not unilaterally exploit the cessation of hostilities to purchase large numbers of weapons and reposition troops. One Sudanese analyst calculated that if oil production increased by 25 per cent, and the government paid off its cost of production, which it is projected to do by 2004, it could concede 40 per cent of its revenue to the SPLA and still maintain its current oil income.⁶⁰¹

Reactions to such proposals are mixed. Presidential Advisor Qutbi al-Mahdi commented: "It makes sense to talk about a deal on wealth sharing as an incentive for the SPLA to accept a ceasefire".⁶⁰² Vice President Taha also believes such a proposal could be studied,⁶⁰³ but John Garang asserted opposition to anything outside the Declaration of Principles framework: "We can't freeze the status quo. Sharing revenues absent a broader agreement is unacceptable. We won't go that route, period".⁶⁰⁴

Further agreements likely would be required in the initial stage, particularly to protect the northern elements of the National Democratic Alliance. Most important, there would have to be some accord on dismantling the internal security laws and restrictions on political party activities.

An alternative construct is to propose a time-specific cessation of hostilities while serious negotiations occur. Troops would be frozen in place for a certain period, with regional and/or extra-regional monitoring to guard

601 ICG interview, October 2001. This was based, however, on slightly higher projected oil prices than those that currently exist.

602 ICG interview in Khartoum, 1 July 2001.

603 ICG interview in Khartoum, 3 July 2001.

604 ICG interview in Nairobi, 9 July 2001.

against major abuses. Vice President Taha sees merit in this approach: "If we are engaged in a serious process, then an interim cease-fire could apply".⁶⁰⁵ Garang did not dismiss the concept: "We'll cross that bridge when, and if, it comes".⁶⁰⁶

However, there is a danger that such a time-specific ceasefire would risk alienating the SPLA. A front line commander objected: "Why should we accept a premature ceasefire? We have a cause that we are fighting for. It is political. We need a political settlement. The Declaration of Principles is correct to put the ceasefire at the end of the process, not at the beginning".⁶⁰⁷

Others (including the Danforth Team) have proposed that hostilities stop for three to four days each month (days of tranquillity) to allow humanitarian access to conflict zones. This is more a humanitarian initiative, however, or at most a confidence-building measure, than a vehicle for direct facilitation of on-going serious negotiations.

Conclusions and Recommendations on the Peace Process

- ❑ *A fresh peace initiative, stimulated and guided from outside the region, but also involving Sudan's neighbours, is needed.*
- ❑ *The U.S. and key Europeans (ideally the UK representing the EU joined by Norway) should take the lead in the development and implementation of the peace strategy, with a meaningful degree of buy-in from key neighbours and other concerned states such as China, Malaysia and Canada.*
- ❑ *The elements needed in a fresh initiative include: a comprehensive agenda; representation of all key parties; a set of principles including the essentials of the IGAD Declaration of Principles, in particular the right of self-determination, but with some flexibility in terms of approach and sequencing to facilitate a more rational negotiation; and a forum for constructing international incentives and pressures in order to maximise multilateral leverage.*
- ❑ *The international community has substantial leverage (both positive and negative incentives relating to political support, economic and military assistance, and the conferral of legitimacy) that it can use with the parties to*

605 ICG interview in Khartoum, 3 July 2001.

606 ICG interview in Nairobi, 9 July 2001.

607 ICG interview, July 2001.

encourage movement toward a comprehensive, viable peace. Those who wish to participate in a new effort to achieve such a peace need to discuss urgently a strategy for exercising that leverage.

- *Since most participants in an international strategy will be more willing to use incentives, the U.S. should be prepared to act unilaterally when addressing the Sudanese government with the consequences of negative behaviour.*
- *International leverage should be applied solely in pursuit of a comprehensive peace agreement, not used up for the achievement of lesser or incremental objectives.*
- *On a ceasefire, the Ethiopia-Eritrea peace negotiations are a useful source of lessons learned. Rather than seek a ceasefire before any agreement or postpone that step until everything is agreed, the international community could encourage an initial agreement on separation of forces and cessation of hostilities that would include a security protocol with international guarantees and, possibly, definition of an internationally guaranteed autonomous administration in opposition-controlled areas during a clearly limited interim period. Such a deal would be feasible only if facilitated by a credible, serious deal on sharing oil revenues. Alternatively, time-specific cessation of hostilities could be tied directly to peace negotiations.*

B. Laying the Groundwork for Democracy

It would be a grave mistake for the international community to overlook the importance of restoration of democracy as a key element of any comprehensive peace agreement. As Sadiq al-Mahdi, chief of the Umma Party, pointed out: "Dictatorship and civil war are linked as culprits in the Sudan's crisis".⁶⁰⁸

The international community needs to understand not only that Sudan desperately requires a reinvigorated peace process, but also that peace will only be viable if democratic principles take root. Pro-democracy elements - whether civil society organisations, free press advocates and practitioners, or political parties⁶⁰⁹ - are beleaguered. Any peace agreement will have a much better chance of being implemented if democratic institutions are in place. Institutions that demonstrate the tangible benefits of popular

⁶⁰⁸ ICG interview in Washington, June 2001.

⁶⁰⁹ It is important to note that these parties won the vast majority of votes in Sudan's last democratic election in 1986.

participation, responsiveness, tolerance for diversity and respect for basic freedoms would provide the underpinnings for a Sudan that can eventually be stable.

Civil society and political party activists want international support. While much international assistance will continue to focus on the most pressing humanitarian needs, aid to support democracy and pro-democracy elements could have an important impact over time. Some of the most worthwhile forms would include:

- training, technical assistance, computers, communication equipment and financial aid for independent civil society organisations and political parties;
- leadership and political organisation training for members of political parties, universities, trade unions, and women's and community groups;
- institutional support to key human rights and legal aid groups;
- collection of information on war crimes and other abuses for possible future prosecution;
- support for independent media and journalist training; and,
- provision of radio broadcasting equipment and training, perhaps using as a model Radio B-92 and other independent media in the Balkans.

Such aid should be carefully framed and delivered in a low-key fashion. "If you help only the National Democratic Alliance, then that will be used by the government for its own fundraising and propaganda purposes", warned a leading member of the opposition, "But if you frame it in terms of helping the Sudanese people for peace and democracy, then it will be much more difficult for the government to use negatively".⁶¹⁰

Starting with the Clinton administration and continuing into the Bush administration, the U.S. has promised to help the National Democratic Alliance build its negotiating capabilities through training, support for internal conferences to achieve policy consensus, institutional aid for its secretariat and enhancement of its communication strategy. Unfortunately,

610 ICG interview in Khartoum, July 2001.

this effort has repeatedly lacked follow-through because of bureaucratic in-fighting and logistical snags. Promises of aid without delivery have created a worst-of-both-worlds situation. The government has portrayed the opposition as dependent on the U.S. while effectively using anti-Western propaganda to raise funds from fundamentalist sources. However, such U.S. assistance to the National Democratic Alliance - if actually provided - could help build confidence in a future peace process. "If the aid can create some cohesion and coherence in the National Democratic Alliance's voice on peace, it could be positive", observed a Khartoum-based diplomat, "Anything reinforcing conclusions consistent with the Declaration of Principles is good".⁶¹¹

However, the U.S. has much diplomatic work to do in order to create a better understanding, particularly in the Islamic world, of what it is trying to accomplish with this assistance. There is profound suspicion in numerous Arab capitals that the U.S. is offering military support to the south as part of a broader conspiracy to oppose Islam and divide Sudan. Growing anger over U.S. policy toward the Palestinians has reinforced this view, and the military campaign in Afghanistan is a further complication. Were the assistance to be fully explained, particularly to the Egyptians, however, a great deal of common ground could be forged.

Umma Party leader Sadiq al-Mahdi, who has abandoned the National Democratic Alliance, claims that such assistance is a mistake: "The U.S. should work on strengthening political parties. Work should begin on the foundation, not the roof. The National Democratic Alliance is weak because of the weakness of its components. Strengthen those components, then they can build coalitions. The agenda for the aid should be support for democratisation".⁶¹² His point has some merit. Aid should be targeted at the kind of institutional and capacity-building support needed to help those political parties working for a return to democracy.

As the U.S. and others discuss increased aid levels for Sudan,⁶¹³ consideration should also be given to making a substantial investment in the civil administration capacity of National Democratic Alliance organisations in opposition-controlled areas. This could involve investing in organisations representing interests from Sudan's traditionally disenfranchised periphery

611 ICG interview in Khartoum, July 2001.

612 ICG interview in Washington, June 2001.

613 Involved in Washington deliberations is a potential pot of money from so-called Economic Support Funds totalling U.S.\$13 million that the Congress has authorised and the administration is considering how to spend for Sudan.

as well as some of the more progressive elements of the older parties. The rationale would be that the dynamic element in Sudanese politics over the next decade could well be a growing coalition of organisations from the periphery. It is unlikely, in any event, that the total domination of the National Islamic Front will ever be effectively challenged unless such diverse groups are increasingly able to find common cause.

Donors could do much more to build civil administration capacity generally, including:

- expanded training and material assistance to the judicial system, and in support of management of local budgets and taxation systems;
- help in establishing service delivery systems in primary health care, veterinary services and agricultural extension;
- further support for expanding primary and secondary education throughout the south, including continuing education for civil administrators to raise basic skill levels; and,
- technical assistance for creating more democratic structures, including the promotion of informal⁶¹⁴ local elections as a first step in democratising the SPLA.

The organising principle of assistance to civil administration, in sum, should be direct improvement of public services. There are plenty of blueprints, draft policy frameworks and conferences, but far too few schools, health posts and veterinarians.

Absent such an investment in institution building, the south will be left with a large rebel military, a number of ethnically based militias, a reduced but still existing traditional authority structure and few viable civil society organisations. The development of a capacity for modern governance will be vital for the implementation of any peace agreement, and an important antidote to warlordism. However, such assistance will clearly be controversial with the government, which will see it as a direct political, if not also military, threat to its authority.

⁶¹⁴ "Informal" in the sense that the local structures for which elections might be held are not acknowledged by domestic Sudanese law and the authorities that would conduct them and that are presently administering the affected territories are not recognised internationally as constituting a government.

Such controversy should not deter the international community. Supporting democracy building is as important in the south as in the north. As Prime Minister Meles pointed out:

There is a good pool of potential southern leaders, who are inside as well as outside the SPLA. Many are linked with churches. When democratic politics emerge, these people will be key. Democratic politics in the south would resolve many of the intra-south conflicts. Democratic politics would replace rule by the gun and arrest warlordism. Guns will have the upper hand in the absence of democracy.

Meles recommended supporting the diaspora of educated southern Sudanese to help guide this process. "They will be a powerful force in the long run", he said.⁶¹⁵ In the south, support for a democratic future will also mean support for education, or as one SPLA civil administrator called it, "the mother of all institutions".⁶¹⁶

Long-time regional analyst Dan Connell concurs:

The most important assistance now is not arms transfers. Whether the rebels are headed for protracted conflict or for post-war governance, the biggest need is currently to strengthen the institutional capacity of rebel political structures, civil administration, and social services...[The National Democratic Alliance] needs to be better developed as both a laboratory for creating a multi-cultural state and as a potential leadership for a post-war Sudan.⁶¹⁷

This will have the added impact, if explained to Egypt, of enhancing efforts to build international support for voluntary unity as part of a comprehensive peace package.

The international community also has a vested interest in the SPLA's own efforts to move from military to civilian rule, establish a semblance of the rule of law in its territories and build a civil administrative capacity. Elements within the SPLA that are attempting to chart a new course for the organisation built on respect for human rights and democratic development

615 ICG interview in Addis Ababa, 16 July 2001.

616 ICG interview in southern Sudan, 12 July 2001.

617 Dan Connell, "Sudan's Opposition and the U.S", MERIP Press Information, 11 June 2001.

need support. Outside governments should press the SPLA to democratise itself as a party and governing structure. Accountability to the people under its authority should be a major priority, reinforced at every opportunity by the outside world.

Although abuses associated with military rule continue to tarnish the SPLA, civil administration is improving in many areas and creating a new dynamic of respect for civilian authority. However, the tendency toward continued military rule, repression and support of local fiefdoms as a means of control still runs deep within some parts of the SPLA leadership. The international community can influence this internal struggle by supporting the development of civil administration as a means of institutionalising civilian leadership as was the original intent of the U.S. Agency for International Development's Sudan Transition Assistance and Rehabilitation Program.⁶¹⁸

Conclusions and Recommendations on Democracy

- ❑ *Restoration of democracy needs to be an integral component of a comprehensive peace. Working democratic institutions are vital to maintaining a viable peace.*
- ❑ *The international community should provide support for democratic forces in Sudan, which for years have been bludgeoned by the government and, to a lesser extent, by the SPLA.*
- ❑ *Assistance programs should give high priority to institutional and capacity-building support for political parties working for a return to democracy and to civil society and local institutions that can demonstrate the benefits of popular participation, responsiveness, tolerance for diversity and respect for basic freedoms.*
- ❑ *Much can be done to organise community groups accustomed to operating on a shoestring. Small amounts of aid to civil administration and civil society in both opposition and government-held areas, north and south, would go much farther than equivalent aid to the government.*
- ❑ *The international community should encourage the SPLA through political messages and assistance programs to move from military to civilian rule in the territory it controls and democratise itself as a party and governing structure.*

⁶¹⁸ That program, instituted in 1997, later evolved into a more traditional development aid program rather than the civil administration support originally intended.

C. Countering Human Rights Abuses

Peace is the best antidote for many of Sudan's human rights abuses, which in turn constitute a serious hindrance to reconciliation of the two sides. Given their scope, the international community should seek to stem the worst atrocities even if peace proves not to be achievable. Innocent civilians continue to pay the highest toll in Sudan's violent status quo, and failure to address this will propel another generation to believe that only the gun can solve their country's problems. However, until and unless a serious effort to construct a comprehensive peace process is made and fails, specific human rights objectives should be pursued in a manner complementary and, if necessary, subordinate to this fundamental goal.

The international response to Sudan's human rights abuses, some of the most horrific ever perpetrated on the African continent, has been much rhetoric and too little action. Official government responses have included support for the work of a part-time UN Human Rights Rapporteur, whose brief is country-wide and whose work is done on a voluntary basis with no permanent staff; occasional condemnations in official human rights reports; and mention in the ongoing European Union "Critical Dialogue".⁶¹⁹

In contrast to government inaction, international NGOs and Sudanese human rights organisations have called for much stiffer international responses to repeatedly catalogued patterns of gross human rights abuses by the Khartoum regime, as well as violations by the SPLA. Particular focus has centred on slavery, forced displacement, aerial bombardment, oil development and the use of food as a weapon of war.

Combating Slave Raiding

Far and away the most important thing the international community can do to stem slave raiding is to create a Southern Sudan Peace and Unity Dividend Fund to support the implementation of local level peace initiatives between Dinka and Baggara communities. This Peace Dividend Fund could also be expanded to focus on similar efforts in the Upper Nile region to counter inter-communal conflict.

Such low-cost peace building efforts can have a disproportionate impact, and simple interventions can vastly serve communities on both sides of the

⁶¹⁹ This skeletal response has been further compromised by a debate over whether the capturing and selling of human beings from southern Sudan constitutes slavery. See discussion in Chapter 5.

line of conflict. By reinforcing the efforts of local chiefs to secure peace, the international community could also go far to improving economic conditions for communities that have endured tremendous suffering during the war. In Bahr al-Ghazal, the Peace Dividend Fund should:

- support consolidation of local peace agreements by focusing development aid in the major market towns where African and Arab merchants converge, through provision of clean water, grinding mills, sanitation improvements, health services and educational opportunities for both Dinka and Baggara civilians. Strengthened commercial ties between these communities will demonstrate the benefits of peace and can lay the groundwork for long-term attitude change on slavery and abductions.
- vaccinate cattle when the Baggara bring their animals into Dinka areas, targeting both communities' livestock. Given the enormous importance of cattle, this may be the most significant external input that can be provided as a benefit to both communities. "If the Baggara come to rely on services provided when their cattle are in Bahr al-Ghazal, this will reduce the rationale for conflict", said one Dinka leader.⁶²⁰
- provide means of communication and contact between the Dinka and Baggara chiefs through such low-tech and inexpensive means as radios and bicycles.
- create alternative livelihood opportunities for Baggara and Dinka youth through training and education initiatives. If economic opportunity is not improved in Baggara areas, there will always be a potential supply of recruits for the government-sponsored militias.

Donors should also consider targeted support to the local civil administration, which could be used to buttress civil defence mechanisms (*gelweng*) that provide an important deterrent to militia slave raids.⁶²¹ This support could include communication and transport assistance such as two-way radios in villages vulnerable to attack. It could also include four-wheel drive vehicles (plus spare parts, maintenance packages and fuel) for village sentries and trucks for moving children to safety. As one Dinka chief noted: "The militia stop raiding when they see an obstacle. They attack when they see weakness".⁶²²

⁶²⁰ ICG interview, October 2001.

⁶²¹ Francis Deng, "Proposed Principles for U.S. Sudan Policy", monograph, August 2001.

⁶²² ICG interview in southern Sudan, 13 July 2001.

As the above suggests, conventional human rights responses should be re-examined to determine the best ways to strengthen local capacity to counter abuses. Direct support to the SPLA is problematic for a number of reasons.⁶²³ However, assisting the civil administration and local civil defence capabilities through non-lethal means is justifiable given the number of individuals forced into slavery over the last decade.

Such aid involves major difficulties, however. It will be tempting for the SPLA to expropriate communication equipment, fuel and vehicles when needed. End-use monitoring will be difficult. Outsiders and Sudanese themselves will have trouble differentiating between the civil defence units and the SPLA. Such a program could be seen as providing material - if non-lethal assistance - to the war effort. The need is great enough to justify some risk but the program should be accompanied by aggressive human rights oversight and monitoring, and it should be cancelled if the equipment is indeed diverted to the SPLA or misused to support the mobilisation of child soldiers.

Human rights organisations have recommended that a mechanism be established to monitor serious abuses such as those occurring in northern Bahr al-Ghazal. The Bush administration is considering working multilaterally to establish such a mechanism.

Monitors could play a critical role in buttressing local efforts to counter abuses if deployed in the context of the negotiations and the agreements of the local chiefs. They could then be connected to a broader monitoring and enforcement regime that would have community support and accountability. It is crucial that the chiefs and the SPLA become more responsible for individual cases as well as the overall effort to end slavery.

Conventional monitoring, however, would not be adequate. First, there already exists a UN Human Rights Rapporteur, the integrity of whose ongoing work should not be undercut, but rather buttressed with new resources and staff. Secondly, if access to the affected areas is restricted, as probable, the mechanism will quickly become impotent. Thirdly, those organising the raids are not likely to be deterred by unarmed monitors or after-the-fact investigations that lack any prosecutorial authority.

⁶²³ Some groups and individuals have advocated military aid to the SPLA. For example, the Washington-based Heritage Foundation says: "U.S. military aid should be considered if Khartoum continues to drag its feet on a negotiated settlement". See James Phillips, "To Stop Sudan's Brutal *Jihad*, Support Sudan's Opposition", Heritage Foundation, 13 June 2001. It is unlikely, however, that such aid would be provided at levels that would create parity quickly, and its existence would provide a further incentive for fundraising by the Khartoum government.

Nevertheless, there are important arguments for constructing a multilateral, negotiated, low-cost monitoring effort backed by practical assistance to bolster civil defence capabilities. The value is not so much in getting more or better information, but in political leverage. It is one thing for the U.S. government or independent human rights organisations to report abuses - they are often written off as biased. If there were a multilateral team, however, set up through negotiation, particularly with the European Union, the government and SPLA would have a much more difficult time denying specific abuses. Such a monitoring effort would also help the U.S. and European Union forge a common approach to negotiating a peace settlement in Sudan.⁶²⁴

Any human rights monitoring mechanism established by interested donor governments should also focus on the forced displacement of civilian populations in oil development areas. Although they are largely insensitive to human rights critiques, the government and its allied militias still must be held accountable for carrying out the kinds of abuses that have been perpetrated with impunity in the oilfields. Ideally, such a mechanism would be part of an expanded mandate for the Human Rights Rapporteur, or a new investigative body launched with agreement of the EU, U.S. and others.

Finally, the international community should continue to apply diplomatic pressure on Khartoum to investigate and prosecute those accused of trafficking in human beings, to help identify all those who have been sold into slavery and to cooperate in gaining their freedom. It should test the government's willingness to allow international investigations and aim to create a registry identifying and cataloguing alleged cases of slavery, help locate the individuals and advocate for their freedom.

Human Rights and Oil

North American and European NGOs and human rights activists have spearheaded a growing campaign for a more robust international response to the situation in Sudan, including a call to deny access to U.S. capital markets for companies involved in oil development. In North America, the campaign involves diverse actors, from conservative religious groups to liberal African-American legislators. Their efforts are aided and

624 In 1999 the Khartoum government, with the support of UNICEF, established a Committee for the Eradication of Abduction of Women and Children aimed at ending abductions, securing the release of abductees, and punishing those involved. By mid-2001, the Committee had facilitated the return of only 550 persons and had not moved to prosecute anyone. Anti-Slavery International, Submission to the UN Human Rights Commission, 26th Session, 11 June 2001.

internationalised by networking and information sharing via the Internet.⁶²⁵ In the U.S., the coalition represents one of the largest divestment campaigns since the anti-apartheid movement of the 1980s.⁶²⁶

Their activities have placed significant pressure on the share price of Talisman, the Canadian company participating in the Sudanese oil consortium. At least half a dozen pension funds in the U.S. sold millions of Talisman shares after coming under activist scrutiny. PetroChina's initial public offering brought only U.S.\$2.89 billion, a significant percentage from British Petroleum and considerably less than the anticipated U.S.\$10 billion, because of a coordinated action by Tibet, Sudan and labour activists.

In June 2001, the U.S. House of Representatives passed, by 422 to 2, the Sudan Peace Act, which would deny these companies access to U.S. equity markets. The Senate version did not contain this provision.⁶²⁷ Opposition has been vigorous, led by Wall Street firms and the Bush administration, which has indicated it would veto the measure. It argues that denial of capital market access would set a dangerous precedent. U.S. Federal Reserve Chairman Alan Greenspan also spoke against the provision. However, just by initiating the campaign, the advocates of sanctions have made their point, and they will continue to press for more robust action against companies involved in the oil sector.⁶²⁸

In the aftermath of the 11 September 2001 attacks, Congressional leaders postponed final action on the sanctions for six months to give the administration the chance to make further progress on the counter-terrorism, human rights and peace agendas. They reversed course in mid-November, however, establishing a conference committee to resolve differences in the two versions. The active consideration of capital market sanctions by the U.S. Congress provides the executive branch with additional leverage in any effort it might make to end the war.⁶²⁹

625 A Smith College professor, Eric Reeves, took a two-year leave of absence to focus full-time on advocacy efforts on behalf of this issue and has been an informal organiser of the efforts of the coalition.

626 Michael Scherer, "Gas War", *Mother Jones*, 21 June 2001.

627 The specific language of the House bill is: "The President shall exercise the authorities he has . . . to prohibit any entity engaged in the development of oil or gas in Sudan from raising capital in the United States or from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States".

628 Activists believe their case was strengthened by the release of an authoritative human rights study commissioned by Canadian and British NGOs, which concluded that "Talisman has failed at constructive engagement in Sudan and proved unable to exert a positive influence in the government through its partnership with Khartoum in oil development". The report corroborated previous studies that found that oil company infrastructure has supported government military action. See John Ryle and Georgette Gagnon, "Report of an Investigation into Oil Development, Conflict, and Displacement in Western Upper Nile, Sudan", October 2001.

629 A serious debate should be held on how to establish a bar for capital market denial high enough to impact only on the worst cases lest this become a tactic of first or common resort for every group with a cause. One possible approach would be to restrict use of the tactic to instances in which a country has been placed on the Holocaust Museum's "genocide watch list". At the present time Sudan is the only country so listed.

Sanctions advocates in the U.S. also call for more stringent and transparent reporting requirements for any foreign company doing business in or with Sudan that is listed on the U.S. stock exchange. Citing campaigns waged by human rights organisations, the Securities and Exchange Commission noted in May 2001 that companies doing business with "rogue states" like Sudan are at risk of greater share value vulnerability. It said it would require a more detailed reporting by non-U.S. companies listed in U.S. equities markets of any investment in Sudan.⁶³⁰

The activist coalition will continue to press for the Securities and Exchange Commission and the Office of Foreign Assets Control of the U.S. Treasury Department to deepen investigation of the initial public offering of PetroChina, which appears to have violated its pledge that no money raised would go to the China National Petroleum Corporation.⁶³¹

European NGOs have launched a related campaign, the European Coalition on Oil in Sudan, whose 40-plus member organisations are pressing to halt oil development until a comprehensive peace agreement is reached. They have called on shareholders to divest from any company involved in the oil sector and on companies not to market Sudanese Nile Blend.⁶³²

Sudan activists in Europe and North America are also pressing for a *de facto* voluntary embargo on the purchase of Sudanese crude oil - Sudanese Nile Blend - in the open market until a peace agreement is reached.

Human Rights and Local Peacemaking in Upper Nile

International community support for local peacemaking⁶³³ is vital to counter the government practice of clearing civilian populations from the oilfields. The international community should continue to support the New Sudan Council of Churches local peacemaking efforts and expand its capacity by

630 Both subsidiaries and parent companies would be affected by the new reporting requirement. Roger Robinson of the William J. Casey Institute in Washington has observed: "Without question, there are growing material risks involved for investors holding the securities of certain foreign entities doing business in U.S.-sanctioned countries". See Neil King and Michael Schroeder, "House Bill to Impose Sanctions on Firms Doing Business with Sudan Spurs Debate", *Wall Street Journal*, 27 August 2001.

631 The Office of Foreign Assets Control has written Congress that the 1997 Executive Order imposing comprehensive sanctions on Sudan would prohibit "U.S. persons from contracting to underwrite or purchase shares in new public offerings if the proceeds were for use to support a project in Sudan after the effective date of the Executive Order". Registration papers submitted for PetroChina's initial public offering establish that U.S.\$260 million went directly to China National Petroleum Corporation while it was expanding its Sudan commitments. The probe will affect British Petroleum, as a financier of the deal, especially after having vocally defended the "firewall" between China National Petroleum Corporation and PetroChina.

632 European Coalition on Oil in Sudan, "Oil Fuels War in Sudan: Public Appeal", Brussels, 29 May 2001. Member NGOs are from France, Germany, the Netherlands, the UK., Austria, Norway, Denmark, and Ireland.

633 See Chapter 5.

funding project managers to oversee its various initiatives. The Council's small staff is overwhelmed by the requirements for staying on top of the implementation of existing agreements, facilitating ongoing talks and identifying and preparing new opportunities. For its part, the Council must be more willing to work with donors to bolster its capacity to manage its ever-expanding portfolio.

Donors and diplomats should more actively seek out ways to support further meetings and activities of both the Wunlit Peace Council and the East Bank Peace Council, structures that were created by highly successful local processes.⁶³⁴

The international community should also explore all avenues for promoting southern unity with the remaining holdout Nuer commanders of the splinter Sudan People's Democratic Front. Numerous Nuer interlocutors told ICG that providing educational opportunities for the children of commanders could be a key incentive for their reconciliation with the SPLA,⁶³⁵ as well as focusing projects from the proposed Southern Sudan Peace Dividend Fund in these areas.⁶³⁶ The input most sought by Nuer commanders to support defection from the government is ammunition, however, which in the violent Upper Nile is too controversial and provocative for outsiders to provide.

Nevertheless, external governments could also contribute by providing direct diplomatic support for local level agreements, when asked. For example, occasional contact should be established with local commanders to encourage them to work towards unity and reconciliation. "The Nuer leaders need to feel they are being respected", claimed one southern Sudanese official.⁶³⁷

The SPLA has been reluctant to accept involvement of outsiders in these efforts, leading one prominent church leader to appeal: "The U.S. should organise a meeting with the Nuer chiefs and commanders. Garang needs to

⁶³⁴ Ibid.

⁶³⁵ Although most of the people interviewed by ICG supported this strategy, veteran relief official and human rights activist Diane de Guzman disagreed: "I agree education opportunities for commanders' children would be a strong incentive. However, one of the reasons many commanders have closer ties to the communities than do RASS or SRRA is precisely because the commanders' children are suffering the same fate as the locals. Education is needed for all the children in south Sudan. I feel it would be a mistake to take children out of Sudan for education. That would cause the same rifts we have seen with RASS and SRRA (and the political wings) and the communities". (Correspondence with ICG, September 2001). A Nuer official concurred with this: "Incentives shouldn't be provided to the rogue commanders because this will create resentments, and the commanders will have no desire for peace if they benefit from war." (ICG interview in southern Sudan, October 2001).

⁶³⁶ ICG interviews in Nairobi and southern Sudan, July 2001.

⁶³⁷ ICG interview, 10 July 2001.

be told that southern unity is a must".⁶³⁸ The U.S. and others should certainly support efforts at southern unity, but the specific level of international involvement should be determined by the degree to which current efforts at unity succeed or fail.

Regardless of the level of diplomatic engagement, the creation of a Southern Sudan Peace Dividend Fund is critical to support grassroots peace agreements such as those between Dinka and Baggara, between Dinka and Nuer, and between competing Nuer communities. "The will of the chiefs to reconcile needs to be supported with specific development initiatives that are tangible", said one observer with long experience on the ground.⁶³⁹ Aid agency officials claim to be waiting for lists of development activities and initiatives that they might undertake in support of the agreements, while Sudanese actors complain that no support is forthcoming. A disconnect clearly exists.

In order for such a Fund to be successful, there must be far greater coordination between NGOs, donors, UN agencies, the New Sudan Council of Churches and local leaders. Where local agreements have been reached, however, donors could use the Fund to support the following kinds of activities:

- provide radios for the border chiefs to improve cross-line communication in support of their roles as trouble-shooters;
- establish schools and training opportunities bringing together people from communities formerly in conflict;
- create a demobilisation program aimed at supporting training and educational opportunities for militia members;
- increase humanitarian assistance to areas affected by local peace agreements, through agencies with local experience;⁶⁴⁰
- provide logistical support for delegations of chiefs, church officials, SPLA leaders, and faction representatives to travel and help promote implementation of local agreements;

⁶³⁸ ICG interview, September 2001.

⁶³⁹ ICG interview, 10 July 2001.

⁶⁴⁰ Such agencies might include Christian Aid, Catholic Relief Services, the International Rescue Committee, World Vision, Save the Children-UK, Médecins sans Frontières and the Adventist Development and Relief Association and any non-Operation Lifeline Sudan NGO that can increase aid to these areas, to which the government denies flight clearance.

- ❑ undertake rehabilitation of border villages destroyed by the fighting;and,
- ❑ help build the capacity of the judicial organs charged with overseeing implementation of agreements, including assessing penalties for violations such as cattle raiding.

Rhetorical support for local peace processes should be backed in the first instance by a significant increase in humanitarian aid. Because of government aid access restrictions, usually only non-Operation Lifeline Sudan agencies can reach these areas. The consequent shortages of food and medicine make reconciliation efforts doubly difficult.⁶⁴¹

Governments with good relations with the SPLA, particularly the U.S., should pressure it to improve treatment of Nuer communities and factions that broke away during the 1990s to join Khartoum. Ultimately, a unified Nuer community would make peace much more viable. Governments should also more generally encourage the SPLA to increase its support to the local level peace processes and to restrain its allied Nuer commanders, such as Peter Gadeat, from attacking Nuer rivals. It is imperative that the SPLA accept some responsibility for past divisions and demonstrate flexibility in dealing with Nuer communities that are seeking to find their footing after the damage of the last decade.

"The SPLA is most successful in reconciling areas of former opposition when it works with the local community to attain a peaceful coexistence", noted one aid worker from the region.⁶⁴² This entails encouraging it to consider the types of incentives it can offer to accelerate southern unity, such as the distribution of leadership positions in the SPLA and increasing opportunities for self-governance in opposition-controlled areas. The SPLA leadership structure is important to the holdout Nuer leaders, who want to see a separation of civilian and military positions.

Food as a Weapon

Sudan is a chronic emergency with millions of its inhabitants annually at risk of famine. Indigenous agricultural production and trading systems have been devastated. A direct link exists between how the war is prosecuted, particularly by the government, and the humanitarian emergency.

⁶⁴¹ In addition to the international NGOs that occasionally serve these areas, increasing aid provides an opportunity to build the capacity of Sudanese NGOs operating in Upper Nile, including South Sudan Operation Mercy (connected to the Presbyterian Church, the largest congregation in Upper Nile), Supraid, and Sudan Women in Development.

⁶⁴² ICG interview, 10 July 2001.

Humanitarian organisations estimate that up to three million people face starvation at the present time throughout parts of northern and southern Sudan due to on-going civil war, drought and displacement.⁶⁴³ As long as Khartoum continues to deny a significant number of Operation Lifeline Sudan aircraft flight clearances and imperils other Operation Lifeline Sudan aircraft through aerial bombardment, the UN's ability to respond will be compromised, and hundreds of thousands of lives will be at risk.

In a meeting with ICG, Vice President Taha indicated that the government would be willing to end all restrictions on aid access if additional measures for transparency were provided. For example, he said, a monitoring mechanism composed of regional actors could be stationed at airports from which aid flights depart to ensure that military or other direct support to the SPLA was not being carried.⁶⁴⁴ Donor governments and the UN Secretary General's Special Envoy for Humanitarian Affairs, Tom Vraalsen, should follow up to determine whether Taha's remarks are seriously meant.

This is particularly important in the near term for the Nuba Mountains, where there has been a ten-year government-imposed ban on relief activities in SPLA areas, and an acute humanitarian crisis is intensifying in the aftermath of recent fighting. After two years of allowing humanitarian assessments but not responding to their findings, the government must now allow access for international assistance. A promising beginning is the agreement brokered by the U.S. in November 2001, begun by USAID Administrator Andrew Natsios, to allow UN aid to the Nuba Mountains.⁶⁴⁵

If this agreement is not kept, the matter should be referred to the UN Security Council. That the Security Council has never addressed flight bans against UN-provided humanitarian assistance in Sudan is remarkable and indicative of the broader failure of the international community to address clear violations of humanitarian law in the civil war.

Barring a breakthrough on access restrictions, a major expansion of aid through non-Operation Lifeline Sudan NGOs should be targeted to the

643 Save the Children-UK, Emergency Unit Statement: Sudan Drought and Population Displacement, 7 August 2001.

644 Interview with ICG in Khartoum, 3 July 2001.

645 See Chapters 5 and 6. Successful implementation of this agreement is one of U.S. Special Envoy Danforth's four confidence-building measures.

areas subjected to continued denials, particularly the Nuba Mountains, Southern Blue Nile and the east. Every independent assessment confirms that there are acute, chronic humanitarian needs in all these areas. Since external support is likely to be erratic in any event, this aid should be both emergency interventions and assistance to build the capacity of local structures to respond to their own needs.

The SPLA and Human Rights

Accountability is not only an issue for the government. The SPLA controls major swathes of territory in southern and eastern Sudan and must be held accountable for the treatment of civilians in these areas as well as for how it prosecutes the civil war. The same is true for the much smaller territory controlled by various southern factions.

Globally and historically, liberation movements have demanded discipline, a tight chain of command and some measure of authoritarian rule. The unprecedented influence of outsiders involved in southern Sudan through the massive Operation Lifeline Sudan and dozens of NGOs, however, has thrust issues of democracy, participation and accountability forward. This has helped accelerate reforms and reduce human rights abuses. However, it probably also contributed to the split in the SPLA in 1991, as ideas that Riak Machar and fellow conspirators discussed with aid officials became part of their splinter faction's agenda.

There are several principal means by which the international community can promote an improved SPLA human rights record. Governments and human rights organisations should continue to monitor the SPLA's practices, condemn all abuses and apply pressure on it to improve. If the SPLA endeavours to administer areas it now controls and to establish the foundations of a future government, it certainly must adhere to a higher standard than it does currently.

The SPLA has demonstrated sensitivity to unfavourable publicity, particularly to the highlighting by governments and human rights organisations of questionable practices. There is evidence, for example, that the massive international condemnation for its violent response to the breakaway factions in the Upper Nile region, particularly between 1991-1993, and for its role in and response to the Bahr al-Ghazal famine in 1998, has changed the SPLA's behaviour to an extent and encouraged reform efforts. Also, after universal criticism for harbouring and

conscripting child soldiers, the SPLA decided in early 2001 to release what it claimed to be its entire child soldier population into UNICEF custody. This led to the reintegration of thousands of children into their home communities by the fall of 2001.⁶⁴⁶

It also remains important to support independent voices and traditional structures within southern Sudan as a means of expanding participation and building SPLA accountability. Traditional courts, authorities, religious leadership structures and civil society organisations are as viable on the ground now in some areas of the south as are SPLA authorities. There are church and community schools, church hospitals, tribal courts and community trade organisations. These leadership structures should be encouraged to develop independently.

Conclusions and Recommendations on Human Rights

- ❑ *Gross human rights abuses, substantially but by no means exclusively committed by the government, are a fundamental result of the civil war but also constitute hindrances to peace and reconciliation.*
- ❑ *The international community should be more active in counteracting human rights abuses but it should seek to do so in ways that are at least consistent with and wherever possible complementary to the priority attempt to carry through a comprehensive peace process which, if successful, would best address the worst abuses.*
- ❑ *Slavery exists in Sudan and the taking of slaves through regular raiding by pro-government militias has been at least tolerated by Khartoum as an element of its strategy to neutralise the areas of greatest SPLA support and protect the oilfields.*
- ❑ *The most effective action the international community could take to combat slavery and slave raiding (other than achieving a comprehensive peace), as well as to promote an end to inter-communal fighting in the south, would be to establish a Southern Sudan Peace and Unity Dividend Fund to encourage local peace agreements between Dinka and Baggara communities in Bahr al-Ghazal and between Dinka and Nuer, and within Nuer communities in the Upper Nile.*

⁶⁴⁶ An issue on which the international community should continue to engage the SPLA involves forced conscription of Sudanese refugees in northern Uganda. The Refugee Law Project has found that it is forcibly recruiting in the Adjumani refugee camps and has proposed that it change its recruitment policy. See Anthony Mugeere, "SPLA Recruits in Ugandan Camps", *New Vision*, 16 August 2001.

- ❑ *If support is provided to enhance the civil defence capabilities in communities most vulnerable to slave-raiding, the international community should also seek to construct a multilateral, negotiated, low-cost monitoring effort both to ensure that its support for civil defence efforts are not misused by the SPLA for military purposes and to keep pressure on the government to end or at least disassociate itself from heinous practices. It should test professed government willingness to permit an extensive international investigation of slavery allegations.*
- ❑ *The international community should press both sides, but especially the government, which has been a consistent and long-term offender, to end the use of food as a weapon. If the government breaks the promising agreement brokered by the U.S. in November 2001 to allow UN aid to the Nuba Mountain areas controlled by the SPLA, the matter should be referred to the UN Security Council.*
- ❑ *While its record has improved, the SPLA has also committed human rights abuses, particularly in the conduct of its struggle with breakaway southern factions, and it has shown only limited interest as yet in developing genuinely democratic institutions. The international community should hold the SPLA accountable for its behaviour, apply pressure for further improvement and support independent voices and traditional structures within southern Sudan as a means of expanding participation and building SPLA accountability.*

D. Peace, Human Rights and Anti-Terrorism Policy

The aftermath of the 11 September 2001 terrorist attacks likely signals the end of the era of relatively overt state support for terrorism in Sudan. The costs would be too high, particularly if a semblance of the current international coalition holds together and continues serious multilateral counter-terrorist activity. States that remain beholden to extremist interests may continue to support terrorist activity, but if so, it will be in even more clandestine and covert ways than before. Therefore, policymakers will need to measure with particular care gaps that may develop between the words and deeds of governments such as Sudan's, which are accused of being state sponsors of terrorism.

In Khartoum the 11 September events produced a quick consensus among hard-line and moderate elements of the National Islamic Front that early and enthusiastic counter-terrorism cooperation was a necessary tactic to reduce international isolation. Divisions have emerged, however, over how serious and extensive that cooperation needs to be and how much collateral amendment of policies is required. Moderates are pushing for a broad interpretation as a means of eliminating the negative vestiges of the Turabi

era. More hard-line elements argue that further compromises must be strictly limited if the regime's Islamist agenda is not to be lost entirely. This division presents an opportunity for policymakers ranging from Egypt and Ethiopia to the U.S. and EU to pursue concessions aggressively, both for their own sake and for the possibility of weakening the extreme planks of Khartoum's Islamist platform.

In general, political liberalisation is central to counter-terrorism efforts in the long run. "Eradicating terrorism requires eradicating dictatorship and introducing transparency", argued a leading Sudanese pro-democracy advocate.⁶⁴⁷ In addition to broad political reform independent of or through a peace agreement, there are further steps that Khartoum must take to cut its ties with terrorism and match its rhetoric of cooperation more fully with reality. In the first instance, there is a need to move beyond information sharing to action on the following:

- closing terrorist-linked bank accounts;
- reducing the ease with which entry visas to Sudan are obtained in certain countries, given that terrorists have regularly utilised Sudanese consular support for their movements;
- cancelling Sudanese passports of known terrorists;
- providing full information about and ending support to the Sudanese philanthropic organisations that have fronted as terrorist fundraising organs;⁶⁴⁸
- scrutinising school curricula for hateful or discriminatory propaganda against non-Muslims;
- shutting down and liquidating terrorist-related commercial interests; and,
- expelling or prosecuting suspects identified by international investigators.

⁶⁴⁷ ICG interview in Khartoum, July 2001.

⁶⁴⁸ The relationship between the Khartoum regime and Islamist NGOs such as al-Da'wa (Islamic Call Organisation) and other NGOs and Islamic business ventures must be subjected to greater scrutiny. These groups are exempt from taxation and receive state subsidies. Islamist cadres move between the Islamic banks, NGOs, businesses and ministries. There is ample evidence implicating a Sudanese employee of Islamic Call Organisation in Ethiopia in the assassination attempt on President Mubarak in 1995 in Addis Ababa.

All these are absolute requirements if Khartoum is to regain respectability. As a Sudanese academic noted: "To earn its letters of respectability, the government should come clean not only on the international mischief of its erstwhile allies, but also on how some of the pillars of the Islamist endeavour in Sudan have used the support of these allies to consolidate the regime's power base, and establish their own personal wealth in the process".⁶⁴⁹

Questions have been raised already, however, about the nature of international engagement with Sudan immediately after 11 September. Simply put, the issue is whether deeper engagement founded on some degree of concurrence about terrorism will ultimately mean greater toleration of the government's conduct of the civil war and related matters or instead be translated into effective influence and pressure for more progressive policies across the board. "We moved so fast on counter-terrorism with Khartoum", said one Western diplomat. "Now it will be very difficult to move the broader peace and human rights agenda as a result".⁶⁵⁰

At the very least, the U.S. and EU need to take care that the perceived benefits from counter-terrorism cooperation do not overwhelm those other priorities. Indeed, the central policy challenge is whether the early cooperation can be leveraged into a unified and credible peace process since a comprehensive peace agreement would be the best guarantee for diluting the original agenda of the National Islamic Front and ensuring that support is not resumed for terrorist organisations.⁶⁵¹

As the limits of counter-terrorism cooperation are reached, ICG considers that progress in U.S.-Sudan bilateral relations should be tied increasingly to progress in efforts to make a comprehensive peace, which in turn are critical to whether significant human rights improvement can be achieved. At least, the Khartoum government almost certainly miscalculates if it believes that its recent positive gestures on terrorism will give it a free pass for long on other issues. This is demonstrated by the Congressional leadership's decision to resume action on the sanctions-laden Sudan Peace Act without allowing for the full half-year

649 ICG interview, October 2001.

650 ICG interview, October 2001.

651 "Weakening the Islamist nature of the regime over time, rather than a short-term policy of trying to squeeze any information out of them, is the best way to lay the groundwork for serious counter-terrorism cooperation", argued a leading Sudanese legal expert. "That's when all of the real information will come out. All of the secrets of the terrorist groups are hidden in Sudan, especially regarding money laundering, because of the activities that went on up until 1996". ICG interview, November 2001.

pause it announced shortly after the 11 September 2001 terror attacks. While it remains possible that counter-terrorism cooperation, if it is significant enough, could trump human rights issues as it has to date in Central Asia, a Washington official foreshadowed to ICG what could soon become an even harder U.S. line toward Khartoum, observing that "11 September has heightened unwillingness to put up with half measures".⁶⁵²

One terrorism-specific early test of the direction of U.S.-Sudan bilateral relations is the annual decision Washington will face in early 2002 whether to remove Sudan from its State Sponsors of Terrorism list. Foreign Minister Ismail warned: "If Sudan is not removed after the full cooperation we are providing, it will be almost impossible to move forward with a relationship with the U.S. By allowing the counter-terrorism teams to move around freely, we are giving up our sovereignty. Why should we do this if there is no *quid pro quo*?"⁶⁵³ In this case, as with the UN Security Council sanctions that were ended in October 2001, if U.S. counter-terrorism experts give Sudan a clean bill of health, Sudan should be removed. If serious elements of the issue remain to be addressed, then removal may be premature. The point is that the decision should be made free of politics and on the merits of whether Khartoum has ended its relationships with terrorist organisations and is indeed cooperating wholeheartedly in the global counter-terrorism effort.

Conclusions and Recommendations on Terrorism

- ❑ *Sudan should move beyond information sharing support for counter-terrorism and act to cut its remaining links to extremist organisations and individuals.*
- ❑ *As the immediate crisis produced by the 11 September 2001 terror attacks on the U.S. is resolved, priority in bilateral relations of Western countries with Sudan should be directed toward achieving a comprehensive and viable peace in that country, which is the best guarantee that Khartoum will not backslide on terrorism.*

⁶⁵² ICG interview, 21 October 2001. Others would argue that the U.S. is already "putting up with half measures" by welcoming Khartoum's cooperation in counter-terrorism while not soundly condemning its domestic *jihad*.

⁶⁵³ ICG interview in Khartoum, 20 November 2001.

8. CONCLUSION: CHANGING THE LOGIC OF WAR

There will always be abundant excuses to justify the continuing war in Sudan: the stubbornness of the warring parties; a fight to the finish over control of resources, particularly oil; deep divisions over culture and religion; international indifference; regional meddling and even geographic determinism. However, such justifications sound increasingly hollow in the face of the decades of suffering that have been endured by the people of Sudan. The time has come for a concerted international peace effort that can break the logjam of violence in Sudan.

Sudan's is a complex crisis, and no single approach will solve all of its elements. Maximising regional and international leverage to start a serious peace process and produce a comprehensive and viable peace agreement, however, should be the international community's chief priority. The international community must also press to end crimes such as slavery and other human rights atrocities committed during the war, build the capacity of pro-democracy forces, and ensure that terrorist organisations are not again harboured within Sudan's borders. While very important, these are secondary priorities because a comprehensive peace that addresses the status of the south within a democratic framework is the most effective means for achieving them.

A unique window of opportunity for peace now presents itself, and a new international peace initiative, with close regional involvement or partnership, must be launched to take advantage of this potential break. Peace is possible in Sudan, but only with a major international investment in diplomacy, incentives and pressures. And although there must be a continuing parallel focus on human rights and counter-terrorism issues, the best means to ensure an end to the worst human rights abuses and the potential for terrorist cooperation is a comprehensive peace agreement.

The time to engage in such a peace process is now. The government of Sudan's internal debate about the direction of its domestic and international policies in the wake of the 11 September 2001 terrorist attacks, a precariously balanced military situation, economic constraints and Khartoum's desire to break out of international isolation so it can play a

prominent part in regional politics and enjoy its new oil wealth, all mean that the international community can add momentum to a much needed search for peace. International leadership is essential to help shepherd Sudan toward a brighter future, and the United States and Europe will have no one to blame but themselves if broader regional instability results from a civil war that is allowed to continue to spin out of control.

The policies of many countries have evolved over the past several years, particularly in response to the development of Sudan's oil sector, but no country has the capability of introducing more dynamic elements into the search for peace than the United States. The U.S. and its new special envoy, former Senator John Danforth, need to meet that challenge by launching a vigorous initiative to construct a new negotiating forum that closely involves the regional actors in order to get the parties on the same page in the same room under consistent, high-level goading to make peace at last.

The U.S. does not have enough cards to play to carry such an initiative entirely on its own, however. It will need as much support as possible, particularly from the Europeans, from the EU if it can resolve internal differences that divide its member states and form a more than lowest common denominator policy, or from individual EU member states if it cannot, and in any event also from Norway, a non-EU state with considerable influence in Sudan. The association of other members of the international community, especially Sudan's African neighbours and its major oil partners, will also be vital. Each has specific reasons to desire a stable Sudan and leverage that it can exert, if it recognises that broader interest, to bring the parties to serious negotiation for virtually the first time in the sad history of a civil war that has raged for nearly two decades. Their collective leverage could be enormous, but divisions among them have greatly weakened the actual effect.

To maximise its effectiveness, the U.S. must retain and utilise the leverage that it has built up over the past decade, principally through its policy of isolating the Khartoum government. Even though there will be temptations, U.S. engagement to create a new, single and serious negotiating forum should not be accompanied by premature concessions to Khartoum on bilateral issues, whether driven by human rights concerns or the desire to achieve greater terrorism cooperation. The Sudanese government's admonitions that the U.S. must serve as an "honest broker" (code words for adopting a more neutral stance on the key issues, especially human rights) should be understood as an opening gambit to reduce American pressure, not a serious indication that Washington will otherwise be frozen out of the diplomatic game.

The U.S. can and should pursue its multiple agendas of peace, human rights and counter-terrorism cooperation diligently at the present stage, without one compromising another. However, this does not free the U.S. (or other countries) from the requirement to prioritise objectives and be prepared to support reasonable compromises in the event that a serious negotiating process does begin. It is the nature of such negotiations that no country, not even the most powerful, can expect to obtain full satisfaction on all of its objectives. As has been argued on several occasions, when the time comes to make choices, everything possible should be done to produce a peace that in turn will create the most favourable environment for further advances on the human rights and counter-terrorism fronts.

While the international community should be moving now to take advantage of the opportunity to establish a workable forum for peace negotiations between the government and its opposition, opportunities should also be seized to buttress the efforts of the Sudanese themselves to protect human rights and build peace from the bottom up. A tiny fraction of the price tag for intervention and reconstruction in the Balkans would produce major *in situ* improvements in war-torn areas of Sudan. Donors should create a Southern Sudan Peace and Unity Dividend Fund to finance these opportunities, many of which have been described here, but some of which will only become apparent as the situation evolves on the ground.

Such an initiative requires change in how we think of protecting and promoting human rights. In Sudan, fundamental human rights can best be advanced first by a durable comprehensive peace agreement, of course, but also through:

- ❑ development initiatives in support of local peace agreements and the chiefs and religious institutions that are working to help broker them;
- ❑ training and education initiatives aimed at teenagers and young men at risk of recruitment by militias throughout the south and transitional areas in order to provide alternative livelihoods;
- ❑ material assistance to the civil administration to increase its capacity to deliver services and protect civilians;
- ❑ major increases in humanitarian assistance to areas that have been denied access; and,
- ❑ infrastructure support in the south, particularly road building, to promote trade and exchange within the south and with neighbouring countries.

The U.S. Congress has provided the legislative authority to USAID to respond with greater flexibility to the crisis, so traditional humanitarian and development inputs can be used more creatively to promote human rights and build local peace. The EU and other donor governments should provide similar authority to allow implementing organisations the freedom to respond more holistically to the inextricably related human rights and humanitarian emergencies.

Another urgent need is to level at least somewhat the financial playing field between the Sudan government and its political opposition. The regime benefits from oil production and its monopoly over banking and all aspects of trade and business while every opposition political party experiences severe financial pressures. This is well known to the government, which is attempting to lure them into its camp (mainly the Democratic Unionist Party) with economic incentives.

Without capacity-building for the opposition parties and independent elements of civil society, it is probably only a matter of time before the National Democratic Alliance breaks apart. This would further complicate peace negotiations and imperil the very existence of some of the newer, smaller parties that represent long-marginalised peoples in eastern and western Sudan.

The fundamental need, however, is for the international players to recognise that humanitarian aid, even when it is as extensive as it has been, and sporadic, non-sustained, mid-level diplomatic initiatives are completely inadequate responses to Sudan's political emergency. The current approach, marked by erratic engagement and the substitution of humanitarian assistance for serious political initiatives, guarantees the continuation of the civil war and infectious instability in the Horn of Africa.

If the window of opportunity on a comprehensive peace agreement closes again before a sustained international engagement is applied from Washington, Brussels and other influential capitals, Sudan's long suffering will only continue, with countless thousands of more lives lost and the dreams of yet another generation of Sudanese supplanted by the hard reality of authoritarianism, extremism and war.

A. GLOSSARY OF ABBREVIATIONS

AFP	Agence France Presse
AP	Associated Press
CSIS	Center for Strategic and International Studies
ECHO	European Community Humanitarian Office
EU	European Union
ICG	International Crisis Group
IGAD	Inter-Governmental Authority on Development
IMF	International Monetary Fund
IRIN	Integrated Regional Information Network
LRA	Lord's Resistance Army
NDA	National Democratic Alliance
NGO	Non-Governmental Organization
NIF	National Islamic Front
OAU	Organisation of African Unity
OLS	Operation Lifeline Sudan
OPEC	Organisation of Petroleum Exporting Countries
PAIC	Popular Arab Islamic Conference
PDF	Popular Defence Force
PNC	Popular National Congress
SANU	Sudan African National Union
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SRRA	Sudan Relief and Rehabilitation Association
SSLM	Southern Sudan Liberation Movement
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UPI	United Press International
US	United States of America
USAID	United States Agency for International Development

B. ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in nineteen crisis-affected countries and regions across four continents: Algeria, Burundi, the Democratic Republic of Congo, Rwanda, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on

global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East, (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Bill and Melinda Gates Foundation, the Ford Foundation, the John D. and Catherine T. MacArthur Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Ruben and Elisabeth Rausing Trust and the Sasakawa Peace Foundation.

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