

**CAPTURING THE MOMENT:
SUDAN'S PEACE PROCESS IN THE BALANCE**

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Sudan's window of opportunity threatens to become a missed opportunity if the peace process is not revitalised in the near future. Escalation of fighting around the oil fields, increasing use by the government of helicopter gunships against civilian as well as military targets, and indecision surrounding the nature of wider international engagement all put at risk Sudan's best chance for peace since the latest phase of civil war began nearly nineteen years ago. The parties continue to signal that they are ready to negotiate seriously. The international community, and in particular the United States, must seize this opportunity to revitalise the peace process before the two sides re-commit themselves to resolving Africa's longest conflict on the battlefield.

A government helicopter gunship attack which resulted in the killing of at least two dozen women and children lined up to receive food in the remote southern village of Bieh highlighted yet again the war's terrible cost. The tragedy, however, served as an impetus for progress on one of U.S. Special Peace Envoy John Danforth's proposed humanitarian confidence-building tests – a protocol focused on the protection of civilians. Widespread condemnation from human rights organisations, relief agencies, the UN, and the international community forced Khartoum to accept international monitors for the agreement on the protection of civilians, which both parties had signed by late March 2002. The incident also accelerated implementation of one of his other key

agreements: a local cease-fire in the Nuba Mountains. The parties' willingness to accept all four of Danforth's tests clears the way for the U.S., United Kingdom and Norway to work as an informal "troika" with regional states in an effort to move beyond the Danforth initiative to a more serious negotiating process that addresses the underlying causes of the conflict.

A series of agreements reached between the Sudan People's Liberation Army (SPLA) and other groups in both the North and South indicate that the opposition to the government has grown more united during the past few months. Most significantly, the SPLA reached an understanding with the Sudan People's Democratic Front (SPDF) that ended a damaging decade-long split and resulted in the return of a number of key Nuer commanders. This has increased the SPLA's ability to attack oil infrastructure but has led in turn to a major government offensive to secure areas of oil production and exploration. The SPLA also merged with the northern-based Sudan Alliance Forces (SAF) and concluded political agreements with former Prime Minister Sadiq al-Mahdi's Umma Party and Hassan al-Turabi's Popular National Congress (PNC) party.

As Senator Danforth prepares to make his final recommendation to U.S. President George Bush, the implications, both positive and negative, of his initiative should be understood fully. The cease-fire in the Nuba Mountains has alleviated the

terrible suffering the Nuba people have endured in the past decade. In addition, it has enhanced the warring parties' perception of the U.S. as a crucial mediator and raised hopes for a larger, more comprehensive peace. However, the cease-fire in the Nuba Mountains has also allowed the opposing parties to divert their forces to the oil fields, leading to an increase in civilian suffering in western Upper Nile. Furthermore, Danforth's strict adherence to humanitarian tests has exposed an unwillingness to shed reprehensible war tactics, particularly on the part of the government, whose comparative advantage on the battlefield is rooted in the use of helicopter gunships and high altitude bombing. But it has not extracted a better understanding of the adversaries' commitment to a viable peace process.

An international retreat from the peace process would represent capitulation to hard-line elements in Khartoum that are opposed to a settlement. International efforts to construct a meaningful process and achieve a comprehensive agreement should instead intensify. That represents the most realistic hope for addressing the human rights crisis at its roots as well as facilitating a democratic transition in Sudan.

This report recommends and provides a blueprint for such intensified efforts by the informal troika (U.S., UK, and Norway), working with the key regional actors (Kenya and Egypt), to point an alternative way forward that is consistent with the new global emphasis on a partnership between Africa and the broader international community.

RECOMMENDATIONS

TO THE GOVERNMENTS OF NORWAY, THE U.S., AND UK (THE "TROIKA"):

1. Secure the agreement of the key regional heads of state, particularly President Moi of Kenya, and work closely with the IGAD countries and Egypt to construct a partnership approach to negotiations, based on the Declaration of Principles and the Egyptian-Libyan Joint Initiative principles.
2. Appoint a full-time envoy to represent the troika and work in cooperation with an IGAD counterpart to coordinate and conduct negotiations.

3. Support and finance a technical team to provide inputs to negotiators on legal, security, and other matters.
4. Designate high-level representatives to participate in an international contact group to coordinate negotiating strategy.
5. Work for the creation of a wider group of countries and multilateral organisations to coordinate the creation of incentives and pressures and their deployment with the opposing sides to the conflict.
6. Pave the way for a future democratic transition by increasing assistance to democratic structures and institutions, supporting implementation of inter-communal peace agreements, building the capacity of civil administration in opposition controlled areas, and bolstering civil society organisations, independent media, and professional associations in Khartoum and other parts of the country.

TO THE GOVERNMENTS OF THE IGAD COUNTRIES:

7. Work with the troika to establish a partnership approach to the peace process.
8. Give the current IGAD Special Envoy full-time status, and ensure that he frequently consults and reports to IGAD capitals.
9. Expand participation in negotiations to include not only the government of Sudan and the SPLA, but also Northern entities such as the National Democratic Alliance (NDA) and the Umma Party, and create a channel for the views of civil society to be heard as well.
10. Designate a high-level representative to participate in an international contact group to coordinate negotiating strategy.

TO EGYPT:

11. Work with the troika countries and Kenya to create a meaningful contact group that will coordinate negotiating strategy.

12. Lend support to the unified mediation process.

Khartoum/Nairobi/Brussels, 3 April 2002



CAPTURING THE MOMENT:

SUDAN'S PEACE PROCESS IN THE BALANCE

I. INTRODUCTION

*“When we sleep at night,
we wake up thinking not just of peace,
but also of how to make peace”.*

*-- Southern Sudanese women's association
leader¹*

The window of opportunity for peace in Sudan that the International Crisis Group identified at the start of the year² still exists. It is threatened, however, by an escalation of the conflict around the oil fields in the South, by a series of government air attacks on Southern civilian populations, and by hesitancy on the part of friends of Sudan to move forward in revitalising the peace process. The window of opportunity may become a missed opportunity if key countries from outside the region – particularly the United States – do not reach agreement soon with regional actors on a way forward for the peace process.

A unified opposition military force, facilitated by the recent merger between the Sudan People's Liberation Army (SPLA) and Sudan People's Democratic Front (SPDF), and the government's determination to expand oil exploitation at any cost and by any means necessary have led to intensified fighting. The two sides appear once again prepared to recommit to resolving Africa's longest civil war on the battlefield.

Meanwhile, months of increased diplomatic activity have still not produced progress toward a unified peace process, despite rhetorical commitments by regional actors. A summit convened in January 2002 by the Inter-Governmental Authority on Development (IGAD) called for this, and an informal troika of extra-regional countries – the U.S., UK, and Norway – has emerged to work towards it. But progress has been obstructed by continuing disagreements over the way forward and the killing by government forces of at least two dozen women and children lined up for food in the remote southern village of Bieh in the presence of international relief workers. Questions remain about the structure of a unified peace initiative and whether Egypt can be a constructive partner.

The highly visible Bieh massacre and other similar but less publicised attacks provide further evidence of the need for more systematic, multilateral, human rights-focused pressure on the government. The agreement reached in late March 2002 between the government and the SPLA on a mechanism for investigating civilian attacks will help. International retreat from the peace process, however, would represent capitulation to hard-line elements in Khartoum opposed to a negotiated settlement. Rather, efforts are required to construct a serious diplomatic initiative that can achieve a comprehensive agreement. That is the most realistic hope for addressing the human rights crisis at its roots and providing a multilateral mechanism to pressure the government – and the opposition – for the reform and compromise necessary to bring peace and a democratic transition. Details of a unified initiative's structure need to be finalised and serious diplomatic work

¹ ICG interview in southern Sudan, 15 February 2002.

² See ICG Africa Report No. 39, *God, Oil & Country: Changing the Logic of War in Sudan*, 28 January 2002.

begun quickly. The parties must be able to envision a political alternative to escalating warfare.

ICG undertook a field mission to Khartoum and the southern oilfields early in 2002. It found an escalating conflict and hardening positions on the central question of self-determination for southern Sudan. However, the factors that led ICG to conclude initially that a unique chance for peace exists still hold. The central challenge remains to reconcile the traffic jam of initiatives and construct a single viable, credible, and sustainable process marked by a new partnership between the region and the wider international community.

II. THE POLITICS OF WAR AND COUNTER-TERRORISM

A. GROWING OPPOSITION UNITY

1. SPLA-SPDF Merger

Perhaps the most significant development in years in southern Sudan is the culmination of a long process of return of Nuer³ political leaders and military commanders to the SPLA. In January 2002, SPLA leader John Garang and Riak Machar of the SPDF signed an agreement in which the latter's fighters re-joined the SPLA under a clarified command structure, with the exact distribution of political positions left for further negotiations.

Beyond its obvious military implications, the agreement has major political importance. Since the birth of the movement, the SPLA leadership has proclaimed a vision of a "New Sudan", which it has equated with a democratic, secular state offering equal rights and opportunities to all its citizens. For years many southern Sudanese have questioned this national emphasis as unattainable and insisted that the SPLA focus on the South's needs first. Their demand has been for a referendum on "self-determination" or "independence", which they tend to equate. The SPLA, in turn, has been more ambiguous, both in its advocacy of such a referendum as the primary objective and on whether "self-determination" and "independence" are necessarily synonymous. Many SPLA allies in the National Democratic Alliance (NDA, the main umbrella opposition coalition in Sudan) and Southern advocates for a referendum alike interpret the SPLA-SPDF agreement as meaning that the insurgency will henceforth give greater priority and prominence to obtaining the right for the South to vote on its future status.⁴

³ The Nuer, the second largest ethnic group in the South, largely split with the SPLA in 1991. See ICG Report *God, Oil & Country*, op. cit., for more detail.

⁴ Perhaps symbolising this deepened commitment in the aftermath of the agreement, a large conference of Sudanese churches issued a statement, "Let My People Choose", that calls for self-determination for the South and for marginalised peoples of the North as the precondition for peace.

In all likelihood, however, there will remain some tension between the SPLA and many of its allies about final political objectives. Both elements – “New Sudan” and referendum – will likely have to be ingredients of any deal accepted by the opposition. Some reform of the central government will be required, particularly regarding power sharing and state and religion. However, the threat of a referendum that could lead to independence will be insisted upon as at least the opposition's principal leverage for guaranteeing that the government will implement the agreement.

Some mediators, to be sure, have tried to envision a Southern-only solution, a “two systems, one Sudan” scenario, in which an unreformed Northern entity would co-exist with a Southern entity in a federal or confederal arrangement. Most of the SPLA leadership and all its NDA allies totally oppose such an outcome. They believe that without a reformed centre, no agreement on the South's status will be respected. From first-hand experience during his apostasy in Khartoum, Riak Machar typically argues:

The Khartoum Peace Agreement that we negotiated concedes an Islamic centre, while giving the South a referendum. That model clearly failed. If we don't change the Centre, and end the dominance of a minority clique, then there is little hope for a sustainable peace in the South.⁵

An ICG field mission to the oilfield areas following the SPLA-SPDF merger found communities revitalised, despite heavy military pressure. The source of the renewed vitality appears to be increasing clarity among rank and file SPLA (including reintegrated SPDF) and grassroots supporters about war objectives. Priority is clearly given in these communities to winning a self-determination referendum that allows southern Sudanese to vote on whether or not the South will become an independent state. In the summary view of one local paramount chief:

The objective of an independent South is everyone's view. The unity of the two movements is now based on the objective of independence. We won't accept autonomy. We will fight to the last man to get our

independence. Now that we have Southern unity we have the manpower to win independence of the South.⁶

“Liberation is what we are fighting for,” proclaimed one women's association leader. “The split delayed victory, but now we are together again”.⁷ A young Southern soldier concluded, “Fighting has brought us so much suffering, we can't give up now”.⁸

Regardless of whatever ambiguity may still linger over bottom lines, the reintegration of Nuer commanders over the past year has strengthened Southern forces, dramatically improving their ability to target and disrupt oilfield infrastructure.⁹

The newly unified opposition quickly attacked infrastructure and communication lines supporting oil development, including towns in which oil companies or government garrisons are based. Reconciliation between Nuer commanders Peter Paar and Peter Gadeat, who had fought a destructive war against each other for several years, has been a key development driven by the Garang-Machar accord. Since that agreement, they are cooperating against oil-related targets.¹⁰

The government has responded by intensively bombing rebel positions and using helicopter gunships to attack civilians in order to undermine local support for Southern reunification.¹¹ Human rights groups and advocacy networks from North America and Europe – along with Sudanese human rights organisations – are collecting eyewitness reports of government atrocities against civilian

⁶ ICG interview in southern Sudan, 14 February 2002.

⁷ ICG interview in southern Sudan, 15 February 2002.

⁸ ICG interview in southern Sudan, 16 February 2002.

⁹ One SPLA commander estimates that the reunification has put 30,000 new fighters at the disposal of the SPLA. “We can fight all over Upper Nile now”, he claimed. ICG interview, 25 March 2002.

¹⁰ The history of bad blood, massacres and side-switching, however, means this relationship is tenuous and tactical at present, and will require more sustained cooperation and confidence-building before it represents a long-term trend.

¹¹ Of course the government's use of helicopter gunships and Antonov bombers to disrupt populations in the South is not a new development; it has merely intensified since the SPLA-SPDF merger. For evidence of this governmental policy before the merger see the report by Gerhart Baum, the UN Special Rapporteur for Human Rights in Sudan, 23 January 2002, as well as ICG Report *God, Oil, & Country*, op. cit., Chapter 5.

⁵ ICG interview, 26 March 2002.

populations in the oilfields, including systematic torching of villages.¹²

There is a direct correlation between the location of many attacks and efforts by the oil consortium to explore or drill soon thereafter. Thus, the government seeks to regain control of a road built by Sweden's Lundin Oil, which is crucial for moving supplies between drilling points. *Africa Confidential* reports that in February 2002 "NIF Antonov bombers, helicopter gunships and ground forces were attacking villages between Duar, mid-way down the oil road, to Rier at its southern end. Displaced people said the gunships came three times a day and that soldiers then burned the villages".¹³

Though the stated objective is to create security for oil consortium vehicles travelling along the road, eyewitnesses report that helicopters are rarely used where there is a large-scale rebel presence because of their vulnerability to attack from the ground.¹⁴ One frequent visitor to the region describes the helicopters thus:

These monsters are 90 per cent of the time used on livestock and unarmed civilians in order to terrorise the population and clear the area. The strategy was used for so long that villages that used to be inhabited by thousands of people are now like ghost fields – no huts, no remnants of life or any evidence to tell that only a year ago there were people there. What is even more horrific is that these people were pursued by Antonovs and helicopters all the way to the Nile River.¹⁵

Battlefield escalation has had an immediate impact on the oil sector. On 22 January 2002 Lundin Oil suspended activities in Block 5A for lack of security.¹⁶ The Chinese National Petroleum

Company (CNPC) withdrew its limited Chinese staff from there the same month. A CNPC representative said the company would halt further operations in southern Sudan if its staff felt threatened by rebel activity.¹⁷ Malaysia's Petronas has also stopped work in the lucrative Block 5A because of SPLA military activity. Austria's OMV followed suit and suspended exploration, commenting it would return only if there was a more stable, peaceful environment.¹⁸ The SPLA's effectiveness in continuing to disrupt activity in the oil regions will depend largely on its ability to re-supply its forces.

2. SPLA-SAF Alliance

Uniting with the SPDF is one of a number of actions taken by Garang as a consequence of which his position is stronger than it has been in years.¹⁹ He has also moved to address Bahr al-Ghazal communities' vulnerability to militia raids²⁰ and to bring northern Sudanese elements on board with the SPLA's program. The latter efforts include separate political agreements with the Umma Party and Hassan al-Turabi's Popular National Congress (PNC) party²¹, continuing membership in the National Democratic Alliance, and most importantly, a strategic partnership with the Sudan Alliance Forces (SAF), the largest armed opposition force in the North.

The SPLA and SAF agreed to merge into one organisation under Garang's leadership with the

only if the security situation allowed". He went on to say that a "sustainable and peaceful environment" would be necessary before Lundin would resume its ground operations. Caroline Drees, "Interview: Lundin says needs security to resume Sudan oil work", Reuters, 18 March 2002.

¹² ICG interview in Khartoum, 13 January 2002.

¹³ "Sudan's War Forces Oil Company Pull Out", BBC News, 20 March 2002.

¹⁴ The strength of his position will be tested at the SPLA National Convention, the first since 1994, scheduled for May 2002. Justice Africa, "Prospects for Peace in Sudan", January 2002, p. 6.

¹⁵ Garang will, however, have to take great care in ensuring that the integration of Nuer forces and commanders does not alienate key Bahr al-Ghazal commanders as they assess changes in the SPLA hierarchy.

¹⁶ Given Turabi's renunciation of *jihad* in the civil war, Garang is attempting to affect the ability of the government to recruit by associating himself with Turabi's party and message. The SPLA is also seeking cooperation with the intelligence apparatus of Turabi's party.

¹² Most notably, the European Coalition on Sudan has sponsored on-the-ground research into the levels of forced displacement, and Human Rights Watch is completing a major study examining this and related issues.

¹³ "Oilfield, battlefield", *Africa Confidential*, 8 March 2002.

¹⁴ ICG interviews, southern Sudan, Nairobi and Europe, February 2002.

¹⁵ ICG interview, February 2002.

¹⁶ In an 18 March interview Lundin's Chief Executive declared that the oil company "could not restart its drilling and seismic activities until December at the soonest, and

aim of creating a united "New Sudan". There is an understanding that the basic principles behind the concept of a "New Sudan" will be further elaborated between the two organisations in the coming months. In the meantime, their military wings, including logistics and communications, are being integrated. The combined structure is appealing to government officers to defect.

The northern Muslim identity of SAF reinforces the SPLA's claim that it is not limited by region, race, or religion. This accord further bolsters the SPLA's military position, re-energises the eastern front, and emphasises the SPLA's commitment to a united Sudan if the self-determination issue can be addressed at the national level. In addition, it forces the government to stretch its troops along two fronts at a time when it is having extreme difficulties drafting soldiers.²² Unlike in southern Sudan, the drier climate in the east is conducive to conventional warfare. Thus, the Sudanese armed forces will try to rely on their superior weapons (i.e., tanks and helicopter gunships) to maintain the upper hand in the region.²³

The SPLA-SAF alliance was signed immediately before Garang embarked in March 2002 on visits to the UK and U.S. While in London, Garang addressed the southern Sudanese diaspora that was generating criticism of his leadership, particularly his ambiguity over self-determination. These moves – to open the movement to public discussion and to appeal to long-time critics of Garang's leadership – are meant to rally broad-based backing for the SPLA as it targets the oilfields, revives the eastern front, and ultimately tries to strengthen its bargaining position in future negotiations.

Other Northern political organisations are considering following in the SAF's footsteps and joining the SPLA. Although this would bolster the SPLA's national credentials further, it would also create complications. Southerners emboldened by what they consider to be clarified SPLA support

for self-determination for the South will be concerned by the emphasis on alliance-building with Northern forces. Perhaps more damaging, the deals struck between individual Northern entities and the SPLA will likely erode the NDA coalition and increase pressure on its key Northern component, the Democratic Unionist Party (DUP), to return to the government, as did its main rival, the Umma Party.

Such a split in the NDA has appeared inevitable for years, as the newer, more progressive regional groups grew closer to the SPLA while the older traditional parties – the Umma Party and the DUP – remained largely static. If the DUP leader, Mohamed Osman al-Mirgani, decides to return to Khartoum, the NDA may cease to exist for all practical purposes. However, if efforts to revitalise the NDA succeed, and al-Mirgani remains in exile, the coalition will continue as an important forum for opposition negotiation over the future of Sudan.

B. GRADUAL DETERIORATION IN THE NORTH

Despite maintaining nearly 6 per cent GDP growth in 2001,²⁴ Sudan's economic and fiscal problems continue to mount. Rural to urban migration is accelerating, clogging Khartoum and other large cities. After huge increases in military spending and deterioration in the agricultural sector, corruption is eating away at the remaining budget, leaving little money for investment. "Corruption is siphoning off the promised benefits of development and reconstruction", charged one diplomat.²⁵

Unemployment among university graduates is upwards of 70 per cent, loans for small businesses are extremely hard to secure, medicine and medical services are increasingly expensive or scarce, some civil servants and pensioners have not been paid in parts of the country for months, and schools have been closed in many areas for equally long periods because teachers have also not been paid. Educated people are increasingly emigrating from Sudan, worsening the brain drain.²⁶ Though trade

²² The Sudan government is having such problems enforcing its compulsory military service law that it recently instituted a three-year jail term for draft dodgers and established checkpoints along main roads to find and enlist young men who had evaded service. "Sudan has difficulty drafting soldiers for civil war", *Middle East Newslines* (MENL), 4 February 2002.

²³ ICG Interview, March 2002.

²⁴ As estimated by the Economist Intelligence Unit. See its "Country Report: Sudan", February 2002, p. 3.

²⁵ ICG interview in Khartoum, February 2002.

²⁶ ICG interviews with embassy officials and Sudanese economists, February 2002.

unions are controlled by the government, they are intensifying agitation on behalf of their hard-pressed memberships.

Massive external debt (currently \$21 billion²⁷) limits the economic growth Sudan can achieve. As long as the civil war persists, Sudan will fall outside the criteria for the World Bank and International Monetary Fund's Highly Indebted Poor Countries (HIPC) initiative and so not benefit from debt relief. Yet, the government may calculate that it can live with this debt problem over the short term because of its oil and improved economic relations with EU countries.²⁸ In 2001, oil production averaged 230,000 barrels/day (b/d). According to the Economist Intelligence Unit, this will increase to almost 300,000 b/d by 2003 and boost export earnings to \$1.9 billion, its highest level ever and over 200 per cent greater than in 1998.²⁹ In January 2002, Sudan signed a \$200 million agreement with the Russian company, Slavneft, for oil and gas exploration in a 126,000 square kilometre-area in north-central Sudan. If significant oil deposits are found, this could reduce pressure to exploit the southern fields.

But as much as oil exploitation has been a blessing for the government's war chest, it also comes with multiple problems. Besides the rebel threat to the oil fields mentioned above, a law suit has been filed in a New York district court against Talisman Energy -- a Canadian oil company -- and the government in Khartoum by Sudanese citizens forcibly displaced from around the oil fields. The lawsuit focuses on the government's scorched earth policy around the oil fields and alleges

Talisman's complicity with the human rights abuses.³⁰ This negative publicity has put Talisman on the defensive, and the oil company is currently seeking a buyer for its Sudan operations. The lawsuit acts as a further deterrent, in addition to insecurity, for future Western oil companies considering investing in southern Sudan while the war continues.

Despite increasing corruption and military spending, the IMF appears poised to resume a more robust relationship with the Sudan government. After losing its voting rights in 1993 and being on the brink of expulsion in 1995 for delinquency on debt repayments, Sudan has regained the graces of international financial institutions by strict adherence to IMF-approved macroeconomic and structural policies. These reforms have driven down inflation by approximately 90 per cent since 1991 and stabilised the exchange rate, leading to an accumulation of foreign reserves.³¹ In November 2001 the government slashed domestic fuel subsidies by 25 per cent, helping to control spending and approaching a balanced budget. Though this was unpopular domestically since it implied that exports were more important than consumers, it reinforced to the IMF Sudan's commitment to fiscal reform. In appreciation, an IMF team visited Khartoum in December 2001 and agreed to reduce Sudan's annual payments from \$66 million to \$18 million.³²

Even with growing economic and social problems, organised political opposition is ineffectual. The parties remain weak, and civil society organisations are only beginning to assert themselves after years of being bludgeoned by the security organs. The government remains largely unchallenged, with the important exception of the threat still posed by Hassan Turabi's Popular National Congress (PNC) Party. Turabi retains support among university students, but the lack of unity within Sudan's Islamist movement weakens both him and the government. Turabi's appeal is further undercut by the fact that an Islamist government, however imperfect, is in power, thus splitting the Islamist camp. Any further fissures

²⁷ Wherever used in this briefing paper the symbol \$ refers to U.S. dollars.

²⁸ The Governor of the Central Bank of Sudan made clear that Sudan seeks a normalisation of ties with the U.S. so it can achieve debt relief. He said, "There is a clear improvement in relations with the U.S., which we hope will continue and lead to a normalisation of our relationship, because that will have a very positive impact on the issue of debt,...one of the major constraints on our economy". Though the technocrats in Khartoum may advocate this position on the economy, even if it means making political concessions to end the war, there remain major political obstacles to normalising the relationship with the U.S. Caroline Drees, "Interview-Sudan hopes better U.S. ties will ease debt burden", 21 March 2002

²⁹ Economist Intelligence Unit, op. cit., p. 5, which may, however, underestimate the SPLA's ability to disrupt oil production and thus reduce future output.

³⁰ Edward Alden, "Sudanese file suit against Canadian oil group", *Financial Times*, 22 March 2002.

³¹ Economist Intelligence Unit, op. cit., p. 5.

³² BBC Monitoring, "Sudan negotiating with IMF to reduce its debt repayment", 25 December 2001.

and challenges by Turabi could weaken the government's hold on power and risk the complete loss of state control by any Islamist group.³³

Nevertheless, Turabi and his party are actively attempting to reinvent themselves as moderate messengers for a new era. He is focusing on the nature of future electoral coalitions and trying to get ahead of trends. Anticipating resolution of the conflict and opening up of the political system, Turabi is appealing to the majority African population.³⁴ For example, despite his house arrest, Turabi has been writing about African liberation, emphasising his own African heritage, expressing disdain for Arabism, and comparing southern Sudanese as freedom fighters with blacks in South Africa.

Turabi is attempting to redefine Islamism as a champion of the underprivileged, rather than the middle and upper classes as it is perceived today in Sudan. He bills himself as the leader who can find a way out of the current logjam, arguing he alone has the standing to cancel Islamic laws if that would be in the interest of peace. "His articles are aimed at reassuring the SPLA that he is reconsidering his views, and that he can use his religious influence to resolve problems", said one Sudanese analyst.³⁵ However, it is unclear whether he has cut his links with former allies in a variety of international terrorist organisations, and whether he can diversify his funding away from Islamist elements in the Gulf. Furthermore, most political elements inside Sudan do not trust him.

The traditionalist Umma Party is also reconstructing its image. It is in the process of a review to culminate in an attempt to revitalise itself with a new message – connecting people to development – and a new internal process – grassroots democracy. Former Prime Minister and Umma leader Sadiq al-Mahdi has turned to respected party activist Abdurahman Nugdallah to lead this renewal. The more fragmented and floundering Democratic Unionist Party, however,

does not yet seem to have grasped the importance of such a process.

The ruling National Congress Party appears to be making a serious effort at expanding its base through encouraging defections from the two main sectarian parties, the Umma Party and the Democratic Unionist Party. This strategy is supported by Egypt, which seeks to alter the original composition of the National Islamic Front and eliminate remaining radical tendencies that could threaten it in the future.

C. TOUGH CHOICES ON TERRORISM

Eager to avoid military reprisals and improve bilateral relations, the government of Sudan wanted to demonstrate a new spirit of cooperation with the U.S. in the aftermath of the 11 September 2001 attacks in New York and Washington.³⁶ It provided the U.S. intelligence information on suspected terrorists and arrested 30 to 40 Al-Qaeda militants, who were then flown to Egypt.³⁷ *Africa Confidential* charges, however, that Khartoum's strategy has been to overwhelm U.S. interlocutors with "grey propaganda", which mixes factual and fictitious information and hides the extent to which government officials were complicit at least at an earlier stage. Limitations in capacity to translate and analyse information on the part of the U.S. make this a plausible theory.³⁸

Though Khartoum's motives are clear – removal from the U.S. list of state sponsors of terrorism and the lifting of sanctions – there are limitations to the government's cooperation. It is unlikely to hand over any evidence of past links between leading government officials and key terrorist organisations. Washington for its part insists that governments do not have the luxury of deciding which terrorists to turn over to American authorities and which to protect. Increased pressure from the U.S. to turn over additional suspected al-Qaeda members or individuals with

³³ "Government supporters now have a state that can be used and looted, providing unlimited access to state resources", said one Sudanese analyst. "They can have exemption from taxes, bank loans without conditions, export and import licenses. This is most important". ICG interview, 26 February 2002.

³⁴ ICG interview in Khartoum, January 2002.

³⁵ ICG interview in Khartoum, 26 February 2002.

³⁶ See Chapter 3 of ICG Report *God, Oil, & Country*, op. cit., for detailed analysis of Sudan's connections with terrorist organizations.

³⁷ Jonathan Leake and Jack Grimston, "'Most wanted' Al-Qaeda man held in Africa", *The Times* (London), 17 March 2002.

³⁸ *Africa Confidential*, 22 February 2002, p. 2.

links to al-Qaeda would pose difficult dilemmas for the inner core of the NIF regime.

The recent reports³⁹ that the government of Sudan is holding an al-Qaeda official wanted by Egypt in connection with the assassination attempt on President Hosni Mubarak in Ethiopia in June 1995 highlights the predicament for the NIF regime.⁴⁰ Several high-ranking Sudanese officials have been accused of assisting with that assassination attempt.⁴¹ The al-Qaeda suspect may be a valuable source of information for the U.S. and Egypt, but a potentially devastating one for any Sudanese official implicated. Though the U.S. has been negotiating with Sudan to have the suspect transferred to Egypt for over a month, the pains that the U.S. and Sudanese governments have taken to keep the issue out of public discourse reflects its sensitivity.

Despite such dilemmas, the government continues to seek a public image as a cooperative ally in the war on terrorism. At the IGAD summit it hosted in January 2002, Sudan set the agenda around terrorism. It took every opportunity to publicly condemn terrorism and to assert the importance of eradicating terrorist elements from the Horn of Africa. In a report to a UN Security Council committee on terrorism in mid-March, the government said it has "earnestly complied" with U.S. requests on handing over information and terrorists and has reformed immigration policies to prevent terrorists from entering the country. It also appealed to the international community for technical support to develop an anti-terrorism unit and an early warning system.⁴² But in the end no rhetoric or diplomacy will avoid the tough choice the government must make: to expose past ties to terrorism and fully cooperate with the U.S., or continue to protect well-connected elites.

D. REGIONAL DEVELOPMENTS

Sudan's regional relations have often been conducive to a prolongation of the conflict. For years Uganda and Sudan supported rebel insurgents in each other's countries. Similarly, Ethiopia and Eritrea have been sympathetic to the SPLA and NDA to counter Sudan's interference in their domestic affairs. But recently Khartoum has achieved remarkable improvements in ties with its neighbouring countries. Partially this can be explained by the country's burgeoning oil industry. Ethiopia and Sudan have already signed a bilateral oil agreement, and Kenya is seriously considering one, despite strong domestic opposition. In January 2002 Kenyan Energy Minister Raila Odinga travelled to the oilfields in southern Sudan and discussed his country's interest in Sudanese oil with Sudan Energy Minister Awad Ahmed el Jaz.⁴³

Just as importantly, Uganda and Sudan have moved to improve diplomatic relations. Mutual support for each other's insurgencies was the main sticking point throughout the 1990s. Khartoum has aided the Ugandan Lord's Resistance Army (LRA), which attacks civilian targets in northern Uganda from bases in southern Sudan. Throughout the same period, Kampala directly and indirectly assisted the SPLA. In 1995 President Yoweri Museveni severed relations with Khartoum after Sudan bombed Ugandan territory. In the late 1990s an effort led by Libyan President Muammar Qadhafi and former U.S. President Jimmy Carter realised a small improvement of bilateral ties when they signed a peace accord in Nairobi in 1999.

But substantial progress has only been made in the past several months. Museveni made an official state visit to Sudan for the first time since the breaking of diplomatic relations and attended the recent IGAD summit in Khartoum. In March 2002 Uganda and Sudan signed a military protocol that permits the former to conduct cross-border operations against the LRA in southern Sudan. An anti-LRA liaison team, composed of Ugandan and Sudanese military elements, was established to coordinate this. The aim is to eradicate the LRA and rescue between 2,000 and 4,000 abducted Ugandan children living under the control of the

³⁹ Eli Lake, "Sudan to Send Terror Suspect to Egypt", UPI, 27 March 2002.

⁴⁰ He also may have connections to plots against the U.S. ICG interviews with U.S. officials, 22 March 2002.

⁴¹ "Who's after Ali?" *Africa Confidential*, 22 February 2002.

⁴² Edith M. Lederer, "Sudan Asks for Help to Fight Terror", AP, 20 March 2002.

⁴³ ICG interviews in Khartoum, January 2002.

LRA in Sudan.⁴⁴ The first phase of Uganda's counter-insurgency campaign began in late March when it destroyed four LRA camps in southern Sudan.

Khartoum's policy reversal is due to a deterioration of relations between the LRA and the Sudanese government, such that the LRA now attacks the Sudanese army.⁴⁵ In addition, Uganda and Sudan see opportunities for increased economic cooperation. On 20 March 2002 they issued a joint statement at a session of the UN Security Council that emphasised their commitment to the Nairobi reconciliation agreement "and to further foster and maintain security across their common border".⁴⁶ This underlines the shift in Sudan's regional relations from mutual destabilisation to economic and military partnerships.

III. THE DANFORTH INITIATIVE

A. PROGRESS ON THE FOUR POINTS

The most important achievement of Senator Danforth's mission as U.S. President Bush's special representative has been the six-month, internationally monitored cease-fire in the Nuba Mountains agreed upon in mid-January 2002.⁴⁷ Civilians in this region have been among the worst hit by the war, so this respite, even if temporary, is welcome. Beyond provision of relief items, however, there is a larger benefit as trade begins to open up and people move back:

The Nubans are taking control of their lives; they're remembering who they are. Other groups want the same benefits now, groups like the Misseriya and Reizegat [in southern Kordofan and southern Darfur]. The Nuba are remembering that they used to solve their own problems. They see their history and are recapturing it, the pride of their heritage. They won't need Khartoum if they can get back to their land. Others want in on this dynamic. The Sudan government certainly underestimated this effect".⁴⁸

High-ranking Sudanese officials did acknowledge, however, the popular swell of enthusiasm for a larger peace that greeted the cease-fire. The day after it was signed, one government peace advisor remarked that "people have almost lost hope" and the Nuba Mountains cease-fire may "reverse this despondency".⁴⁹

Besides instilling hopes for a larger peace, the cease-fire has also refined Khartoum's view of the Americans. The government has long considered the U.S. partial to the SPLA and questioned its standing to mediate. But the cease-fire negotiations, which were conducted in Switzerland, seem to have changed this perception. One government participant noted, "What

⁴⁴ "Uganda: Army Happy with Sudan Protocol on LRA", IRIN, 19 March 2002.

⁴⁵ The most recent attack came days after Khartoum and Kampala implemented their joint military protocol against the LRA. An estimated 100 soldiers from the LRA launched a strike against a Sudanese military institution near Juba in southern Sudan. See "Kony Hits Khartoum", *New Vision*, 21 March 2002.

⁴⁶ "Uganda-Sudan: Joint statement marks much improved relations", IRIN, 20 March 2002.

⁴⁷ The U.S. government has pledged \$5 million in financing for the Nuba Mountains monitors, while seven other countries have granted \$10 million to the operation. The 15-person monitoring unit arrived in Sudan to begin its mission in early March 2002. "U.S. pledges money for Sudanese monitoring mission", Reuters, 12 March 2002.

⁴⁸ ICG interview with an analyst, February 2002.

⁴⁹ ICG interview, January 2002.

encourages us actually is during the cease-fire negotiations [the Americans] displayed themselves as an even-handed, efficient mediator. This opens our desire for them to continue".⁵⁰

Furthermore, the cease-fire resulted from *serious* negotiations facilitated by the U.S. and Switzerland. "The government learned the difference between a declared agreement and a negotiated agreement", said one official familiar with the talks.⁵¹ This provides limited evidence that a negotiated agreement can hold better than the unilateral commitments that the government has repeatedly made and broken over the last year.

In short, the agreement suggests that U.S. involvement, if backed with sufficient political will, can be a catalyst for progress on broader issues. "The Nuba Mountains agreement was reached because the U.S. was involved", said one senior Sudanese official.⁵² A Sudanese analyst concurred: "This proves the vital role of the U.S. in resolving the Sudan conflict".⁵³

Another positive result has been growing convergence of European and American positions in the context of their support for peace. Some critics worry that this is at the expense of U.S. human rights advocacy but events seem to indicate that European action in this regard may be strengthening. "The critical dialogue is becoming more critical", said one diplomat.⁵⁴ The response to the helicopter gunship attack in Bieh was more uniformly critical than at any time since shortly after the 1989 coup. "This incident is no different than other things that have happened frequently, but now the world is up in arms, eager to hold the government accountable", pointed out a Sudan analyst.⁵⁵ Although there appears to be growing convergence, there still remain significant differences of view and emphasis on the questions of cease-fire, self-determination and the long-term human rights agenda.

B. PROBLEMATIC IMPLEMENTATION

As expected, the government has continued to obstruct relief operations, even as part of agreements forged with the Danforth team. "The government hasn't given anything", said one discouraged senior aid official in February. "They're nickel and diming us to death on the zones of tranquillity. They did the Nuba Mountains [agreement] because it was in their military interest. Whatever is positive cannot be generalised into anything else".⁵⁶

The SPLA has also not been as forthcoming as aid officials had hoped. For example, after the government finally allowed non-food items to go to opposition-controlled areas of the Nuba Mountains, the SPLA temporarily withdrew its permission.⁵⁷ However, by March, as the government moved to demonstrate its cooperation after the condemnation it received following the Bieh helicopter attack (see below), Khartoum began to cooperate fully with humanitarian efforts related to the Danforth initiative. The same aid official said a month later, "Both sides are working with the aid community. There is good cooperation".⁵⁸

The U.S. has been dragged into battles with the government on daily issues of implementing humanitarian response, rather than concentrating on constructing a credible, unified peace process to end the war. Instead of pressing for "days of tranquillity", Senator Danforth should have emphasised blanket access for humanitarian aid. Failure to gain this allows the government to continue to manipulate aid deliveries.⁵⁹

It also appears that key supporters of the Danforth initiative want to use the Nuba agreement to expand the cease-fire throughout southern Sudan.⁶⁰ This represents a fundamental misreading of SPLA intentions. The military card is the only one the SPLA perceives it has, and it will not give it up until negotiations have proceeded much further.

⁵⁰ ICG interview, 24 January 2002.

⁵¹ ICG interview, February 2002.

⁵² ICG interview with Sudanese Foreign Minister Mustafa Ismail, 13 February 2002.

⁵³ ICG interview in Khartoum, 26 February 2002.

⁵⁴ ICG interview in Khartoum, 25 February 2002.

⁵⁵ ICG interview, February 2002.

⁵⁶ ICG interview, 23 February 2002.

⁵⁷ ICG interview with Western official, February 2002.

⁵⁸ ICG interview, 20 March 2002.

⁵⁹ Correspondence from Douglas Johnson, St. Antony's College, 6 February 2002.

⁶⁰ Diplomatic sources report that Danforth discussed this approach with the Egyptian government in Cairo. ICG interviews, January 2002.

C. TRAGIC IMPETUS FOR COOPERATION FROM KHARTOUM

There is a flip side to the Nuba Mountains cease-fire. Released from that front, government and SPLA forces have repositioned for offensives in the oilfield areas, with serious repercussions for many civilians there and the peace process. Most destructive, for both the people of the South and diplomacy, has been a series of attacks against civilian targets. On 9 February the government bombed Akuem, killing two civilians. On the same day an attack on Nimne killed four, including an employee of Médecins Sans Frontières. The attack on women and children in Bieh⁶¹ awaiting food from the World Food Programme that was so widely witnessed occurred eleven days later. It killed at least 24 and injured many more. The helicopters did three surveillance runs, according to eyewitnesses. No rebels were in the area, and no conflict within 30 kilometres. The gunships then hovered ten metres off the ground before firing rockets and machine guns.⁶²

This attack led the U.S. to temporarily suspend its dialogue with the government and produced near universal condemnation in Europe. U.S. involvement in further peace efforts hangs in the balance, as harder-line elements in the administration (particularly in the Defence Department and National Security Council, where impatience with Khartoum is growing), Congress, and the advocacy community press for more stringent measures against the government. This coincides with discussion about further steps in the war on terrorism that has resulted in development of options that include military action against the government.⁶³

The attacks have also led to belated questions about war tactics. For three years, human rights researchers and activists have alleged that such attacks are part of a policy aimed at clearing populations out to facilitate further penetration by oil companies.⁶⁴ Alex de Waal of Justice Africa

argues, "If Khartoum were to forego attacking civilians it would have to abandon its current military strategy in the oilfields. Its entire strategy is based upon displacing the population that lives around the oilfields".⁶⁵ Government representatives dispute this. "This kind of action only undercuts us", said one high level official. "This only hurts the government".⁶⁶

Given that air dominance is Khartoum's principal battlefield advantage, it is unlikely to refrain from using it.⁶⁷ Whether attacks like the Bieh incident continue, however, will have a major impact on perceptions. "If this attack is not government policy, then it would create disincentives for these kinds of actions in the future", said one Sudanese analyst. "If no one is punished, we would have to assume there is a green light for such attacks".⁶⁸

The Bieh tragedy has also led to questions about the chain of command. Asks a Western diplomat:

If President Bashir is a general in a military regime, and he pledges an end to aerial bombings, which he has done on a number of occasions during the past year, then how do we account for the bombings when they occur? Can we negotiate with the President? Is he in charge? Can a low-level helicopter captain undermine his orders and get away with it? If they don't take orders, then the forces are no longer an army, they are a gang. If they do, then what is the policy?⁶⁹

Despite the threat posed by the growing international condemnation, particularly EU-U.S. unity, the government initially maintained a hard-line stance, imposing a blanket flight ban on the areas where the attacks occurred. The UN said the government doubled the locations to which aid workers were denied access, which would affect 345,000 Sudanese civilians in need of immediate

⁶¹ Bieh is in Bloc 5A, south of Bentiu. An ICG field mission stayed there in December 2001, in the compound where the attack occurred, and can confirm the distance between the compound and any SPLA military presence.

⁶² ICG interviews, February 2002.

⁶³ ICG interviews in Washington, 4-5 March 2002.

⁶⁴ See ICG Report *God, Oil, & Country*, op. cit., for a full analysis of these charges.

⁶⁵ "Oil fuels flames of war in Sudan: Civilians pay price as Khartoum mobilises for showdown with newly united rebels", *The Guardian*, 7 March 2002.

⁶⁶ ICG interview in Khartoum, 27 February 2002.

⁶⁷ See John Prendergast, "Senator Danforth's Sudan Challenge: Building a Bridge to Peace". CSIS report, January 2002. One high ranking Sudan government official said that when the U.S. asked us to stop bombing, his response was "Why should we give that up"? ICG interview in Khartoum, 27 February 2002.

⁶⁸ ICG interview, 25 February 2002.

⁶⁹ ICG interview, February 2002.

emergency assistance.⁷⁰ Given the precedent of blanket flight bans in areas of heavy fighting that contributed to famines in 1987-8, 1993, and 1998, this policy elicited further outcry from the international community, human rights organisations and relief agencies, and the UN. Most importantly, the U.S. maintained its pressure on the government, including several strongly worded statements by Secretary of State Colin Powell. Khartoum, recognising it jeopardised U.S. involvement in the peace process, moderated its posture and scrambled to control the damage.

On 28 February 2002 the Sudanese foreign minister sent a letter to the U.S. State Department "acknowledging the tragedy...[and indicating] a number of concrete steps the government intended to take to ensure that there was no repeat of such attacks, including moving the approval process for all military flights to the Khartoum military command".⁷¹ By 4 March the government engaged in talks with UN officials of Operation Lifeline Sudan to reverse the blanket flight ban in parts of the South; the next day a deal was achieved.⁷² A week later it allowed aid workers to vaccinate approximately 189,000 children for polio in southern Sudan.

Most significantly, the international condemnation provoked by the Bieh attack forced the government to concede to Danforth's final test, protection of civilians during the war. What began as a call for the government to cease aerial bombardment of civilians has been transformed into what (when signed) will be a broader agreement consistent with the Geneva Conventions for an end to all attacks on civilians, by either the government or the insurgents. International observers are to monitor this agreement. According to the U.S. State Department, there will be two teams of monitors; one in the North, one in the South. The agreement is for one year and renewable.⁷³

Sudan's Under Secretary for Foreign Affairs, Mutrif Siddiq, optimistically viewed the monitoring agreement as "in the final analysis, a

gradual process for stopping the war".⁷⁴ But he was also quick to add, "The proposal is a comprehensive one that covers protection, from war-related harm, of not only civilians but also civilian installations and other civilian aspects".⁷⁵ The government considers the oil sites in the South "civilian installations"; thus it is attempting to expand the agreement beyond its original intent in order to protect oil facilities. The SPLA has cautiously accepted the agreement, although not the government's interpretation regarding the oil installations. It says it is willing to implement the pact only after negotiations are held with the government to discuss the specific details and provisions.

The tragedy in Bieh and the international outcry have accelerated the government's cooperation on a number of important humanitarian issues. The fact that the government continues to accept Danforth's tests shows a willingness to move on with negotiations for a comprehensive peace. As outlined below, now is the time to create a unified peace process in order to assess whether those positive signals from Khartoum can translate to progress on the difficult substantive issues.

Some fear that the precedent of U.S. suspension of dialogue in response to the Bieh incident will provide an incentive to those who want to sabotage the peace process. One high-ranking Sudan government official predicted more serious incidents.⁷⁶ Others worry that Bieh will distract from the central peace making imperative. "Danforth came from nowhere to address the symptoms and not the disease", charged a Sudanese political leader. "People will waste time on who did what to whom in Bieh. That now becomes the issue, while the main issue is forgotten. We must plunge forward on the political issues if we are to address the human rights issues".⁷⁷ Some U.S. officials agree: "The confidence building measures are not moving the regime. The crucial issues are not being addressed. We have leverage, but are not utilising it".⁷⁸

⁷⁰ AP, 1 March 2002.

⁷¹ "State Department Regular Briefing", Federal News Service, 5 March 2002.

⁷² "Sudan: UN secures partial lifting of flight bans", IRIN, 5 March 2002.

⁷³ Eli J. Lake, "Sudanese and rebels agree to monitors", UPI, 11 March 2002.

⁷⁴ "Sudan signs US-brokered deal to protect civilians in war-torn South", AFP, 10 March 2002.

⁷⁵ Ibid.

⁷⁶ ICG interview in Khartoum, 26 February 2002.

⁷⁷ ICG interview in Khartoum, February 2002.

⁷⁸ ICG interview in Washington, February 2002.

This brings up a fundamental weakness of the Danforth initiative. By creating tests of the parties' will that do not necessarily reflect the variables driving their calculations, "failures" are interpreted as a lack of political will for peace. Any viable test must assess whether peace is in the tactical or strategic calculations of the parties. The Danforth tests are not so constructed. They become, in effect, tests of the political will to implement humanitarian and human rights agreements, not of readiness for peace.⁷⁹

Senator Danforth's statements publicly and to the SPLA on self-determination have damaged the SPLA's confidence in his efforts. He repeatedly has said that independence is not a realistic objective of self-determination, a position the SPLA and other Southerners find offensive. Conversely, his comments have heartened the government, which believes the U.S. is moving toward its position. It remains to be seen whether his musings do indeed represent a shift in U.S. policy. His attitude reflects, however, a widely held view that a referendum is ultimately a bargaining chip that can be traded for concessions on issues like state and religion or wealth sharing. This fundamentally misreads southern Sudanese conviction. With full support of rank and file, the SPLA will withdraw from any negotiation that seeks to trade away self-determination.

D. DANFORTH'S RECOMMENDATION: SEIZING THE OPPORTUNITY

Danforth's final – and perhaps most important – action will be to recommend to President Bush whether the U.S. should have a role in the peace process. Although Bieh was a slap at his confidence building efforts, it is critical he not conclude that there is, therefore, no window of opportunity and that the Sudanese parties are not serious about making peace. That is precisely what the hard-line advocates of continued war on both sides would like.

The biggest threat to the achievements reached thus far through the efforts of Danforth, his team, and his European partners will emerge if there is no follow-on diplomatic effort aimed at resolving

the war. Seeing no linkages to a serious peace process will lead one or both parties to resume war as the first option, thus putting at risk any agreements aimed at dealing with the symptoms of the conflict.

It is far preferable, therefore, that Danforth not let the government off the hook, but rather recommend that the U.S. mount a serious effort to pressure it to negotiate seriously in a credible, unified peace process, then help construct and lead that forum. He could also constructively recommend that the U.S. lead efforts to place further multilateral pressure on the government to respond to human rights concerns.⁸⁰ But walking away from the peace process would betray those who died in Bieh and elsewhere.

Ultimately, though, whatever Danforth proposes will be vetted by the administration, and there are already in train different perspectives on how (or even whether) to move forward on the peace front. Danforth's recommendation will play a role in the debate, especially in influencing President Bush himself, but will not necessarily be decisive. Furthermore, there are indications that Danforth's report may be more of a report card on how the parties responded to his four confidence-building initiatives than it will be a proposal on the nature of U.S. involvement in the peace process. If that is so, then the State Department will be the most important player in crafting the precise nature of U.S. engagement.

⁷⁹ See John Prendergast, *Senator Danforth's Sudan Challenge*, op. cit., CSIS report.

⁸⁰ For example, the U.S. together with the EU should urge the UN High Commission for Human Rights to redouble efforts to establish monitoring field offices in Sudan under the Special Rapporteur.

IV. THE PEACE PROCESS

Left to their own devices, neither the IGAD process nor the Egyptian-Libyan Joint Initiative⁸¹ has the momentum or ingredients necessary to become a serious peace process. The appointment of General Lazarus Sumbeiywo as President Moi's Special Envoy has given new energy to Kenya's work but the parties have not been forthcoming, and he lacks support, staff, or a strategy for revitalising the talks.⁸² Too much historical baggage surrounds the IGAD initiative, which has made essentially no progress for eight years. "IGAD is not taken seriously", asserted one senior Sudanese government official.⁸³ "IGAD can't do it alone", echoed an SPLA official.⁸⁴ Nevertheless, it remains important as the only forum that has identified self-determination as a core issue.

The other major regional peace forum, the Egyptian-Libyan Joint Initiative, silently opposes self-determination. The Egyptian government says it is awaiting the responses of some of the Sudanese parties to questions it submitted several months ago, which will help it and Tripoli determine when to move forward with a national conference. They propose an open-ended meeting in the Egyptian capital to discuss next steps but without an agenda.⁸⁵

Kenya has agreed for the first time to find a more substantive role for Egypt in the context of merged or coordinated initiatives.⁸⁶ But it is clear that this will have little effect without more serious efforts to address differences. One diplomat characterised Egypt's posture toward the IGAD process as "We're with you if you remove self-determination from the agenda". Therefore, although the two

governments are talking, little has changed in terms of the need for a concerted effort to create a unified process. As an Egyptian official put it:

President Mubarak believes it is delicate to put the two processes together. Both have controversial elements. We have found it to be very difficult to imagine how to merge the two initiatives. If we support IGAD, it would be supporting the division of Sudan. We received the message from President Moi, but we could not be positive about the merger. It is not an exaggeration to say that the Egyptian-Libyan Initiative would compete with IGAD because of the self-determination issue.⁸⁷

Although IGAD has been slow to reorganise itself after Sumbeiywo became Special Envoy, the principal hold-up now appears to be still inconclusive discussions between the informal troika members (U.S., UK and Norway) about their precise role in a revitalised initiative. Perspectives range from serious engagement as equals in the process with IGAD, through the development of a substantial support structure for IGAD, to creating a parallel but reinforcing effort to IGAD. Reservations still exist about how directly the three countries ought to involve themselves in the process. It is clear to the Sudanese parties, however, that if there is not a much more direct and even leading role played by these external actors, progress is very unlikely.

In the U.S., a further factor will be the views of the advocacy community, which include key elements of President Bush's core constituency. "The honeymoon between the administration and the Sudan constituencies appears to be over", said one Africa analyst.⁸⁸ Elements of the constituency express dissatisfaction with different elements of the administration's approach. This criticism – which was temporarily suspended by the 11 September events and their aftermath – may grow louder if the administration does not move more aggressively either to support the opposition or to revitalise the peace process.

⁸¹ For a full discussion of these two diplomatic efforts and others to bring peace to Sudan, see ICG Report *God, Oil & Country*, op. cit. pp. 151-175.

⁸² "We're no farther than where we were back in 1998", said one official close to the negotiations. ICG interview, 22 February 2002.

⁸³ ICG interview, February 2002.

⁸⁴ ICG interview, 22 February 2002.

⁸⁵ Some NDA members say that all the parties have already answered, and they are awaiting the next step of the Egyptian-Libyan mediation.

⁸⁶ ICG interview with Kenyan Foreign Minister Mardson Madoka, 13 February 2002. The Minister spelled out a schedule of direct meetings envisioned between Presidents Moi and Mubarak.

⁸⁷ ICG interview, February 2002. A number of external actors are increasingly pushing for a "one Sudan, two systems" approach. This and other constructs on the questions of state and religion and self-determination will be examined in the next ICG report.

⁸⁸ ICG interview, 24 March 2002.

V. CONCLUSION: MOVING THE PEACE PROCESS FORWARD

“Southern Sudanese are a very determined people. Ignore them now and you will have to deal with them tomorrow, or in a hundred years. Unless you address their hearts, you won't get a solution. And the heart of the issue is self-determination”.
-- Abel Alier, Sudanese political leader⁸⁹

A. WHY PUSH NOW?

Although the window of opportunity for peace is still open, time is running short. Serious motivation remains for the government to negotiate an agreement, including fear of U.S. intervention in the context of its war on terrorism as well as to the difficult security situation in the oilfields. The SPLA is interested because of its longer-term military vulnerability given major government weapons purchases. An agreement would give both additional domestic stature, which will matter if Sudan moves toward democracy. This is perhaps especially important for the government, which has failed to deliver services, increase employment, or take other actions that might improve its political position despite better macroeconomic performance.⁹⁰

The government also faces a credit crunch and a serious debt service problem. It has borrowed fully against oil reserves but will have increasing trouble borrowing against future revenues and production, which are not likely to rise as quickly as earlier projections and could fall due to lower global prices and inaccessibility of some deposits. The debt burden is rising as a result of heavy borrowing to finance weapons. All these problems would be solved by a peace that allowed secure exploitation of major reserves deep in the South.

Proceeding with the peace process now will push internal debate within the key constituencies of the warring parties. “It will force them to recognise that they don't have a lock on power forever”, said

one diplomat.⁹¹ Debate may create space within which more moderate voices might be heard and hard-line ones exposed. At the least, local peace constituencies could be strengthened, providing a longer-term point of internal pressure.

Arguably, the Nuba Mountains ceasefire also provides an additional impetus. “Our appetite is high for going forward with the U.S.”, said one high-ranking government official. “We can have an achievement. But the peace road is not a paved one, as there are those threatened by forward movement. But if we are stopped in the road by obstacles, then we are not genuine”.⁹²

While still pursuing human rights and passage of the Sudan Peace Act by the U.S. Congress, important constituencies supportive of President Bush have increasingly pressed for U.S. leadership on a peace agreement. This is helpful since members of the administration had worried whether such engagement would be politically sustainable. Momentum was interrupted by the attack in Bieh, but not permanently. The condemnation from all corners of the globe and all constituencies that followed that incident was effective in forcing the government of Sudan to change policy, thus allowing the U.S. to continue its push for unified peace talks.

Most importantly, the parties themselves continue to express interest in moving forward on the peace process. John Garang during his trip to the U.S. met with Secretary of State Powell. Garang said he saw a “window of opportunity” to end the conflict, while Powell recognised that peace efforts were gaining momentum.⁹³ In turn the Sudanese government believes that the U.S. should move beyond the Danforth initiative to more comprehensive negotiations.⁹⁴ Khartoum understands the vital role the U.S. will have to play. Similar views were conveyed to Alan Goulty, Britain's new peace envoy for Sudan, during his inaugural trip to the country. A political officer at the British embassy said, “He [Goulty]

⁸⁹ ICG interview in Khartoum, 26 February 2002.

⁹⁰ “The government could bring benefits to the people in a peaceful situation”, a government official claimed. “The government is held responsible for the war. Peace could also bring us benefits regionally and internationally”. (ICG interview in Khartoum, February 2002.)

⁹¹ ICG interview in Khartoum, February 2002.

⁹² ICG interview in Khartoum, 26 February 2002.

⁹³ “Powell meets Sudan rebel leader”, AFP, 16 March 2002.

⁹⁴ ICG Interview in Khartoum, 16 January 2002.

was optimistic about statements of commitment by all relevant parties to push towards peace".⁹⁵

B. THE PARTNERSHIP MODEL: AN ALTERNATIVE WAY

Throughout the more than eighteen years of civil war, Sudan has not had a credible peace process, and the international community has not yet agreed fully on a way forward that the parties would indeed take more seriously.⁹⁶ As the dry season offensive intensifies, delay in creating a meaningful negotiating forum could be costly.

Left to its own devices and minimally funded, IGAD cannot secure peace. The Egyptian-Libyan Initiative has an even smaller chance, and any international effort that attempts to circumvent the regional actors would be dead on arrival. A new, enhanced structure and strategy is needed that will be strong enough to carry the multiple parties, conflicting agendas, and historical baggage. Retaining IGAD leadership but finding a more direct role for the broader international community will be key.

A partnership model to revitalise the regional effort should include the following elements:

- Actual negotiations would be facilitated by closely cooperating envoys, one from Kenya representing IGAD,⁹⁷ the other from the informal troika of interested extra-regional countries (U.S., UK, Norway).⁹⁸ Co-

facilitation would operationalise the international-regional partnership, enhance leverage, and encourage the parties to take the exercise seriously. The IGAD/Kenyan envoy would report to President Moi, who would coordinate with other IGAD heads of state and President Mubarak, representing the Egypt-Libya Joint Initiative. The troika envoy would report to the three Western countries, which would brief the IGAD Partners Forum. The envoys would begin by shuttling between the parties to gather views and craft opening positions.

- Three pillars would support the envoys. First, regional and extra-regional governments and multilateral organisations would send personnel to build a technical team that would service the facilitators in legal, security and other matters.
- Secondly, an international contact group would coordinate negotiating strategy. It would be composed of the troika, Kenya representing IGAD, and Egypt representing the Egyptian-Libyan Joint Initiative. The purpose would first and foremost be to make Egypt more of a partner. Its success would be dependent on active U.S. diplomacy to encourage in particular Cairo's flexibility on self-determination.
- Thirdly, a wider group would coordinate leverage in the form of multilateral pressures and incentives.⁹⁹ The latter could be built

⁹⁵ "British envoy upbeat on Sudanese peace prospects", Reuters, 22 March 2002.

⁹⁶ "The delay at this point is a result of hesitancy on the part of the troika", said one senior Western diplomat. ICG interview, 23 February 2002. There still remain differences as to how to proceed between the key members of the troika.

⁹⁷ Ideally this would be General Sumbeiywo, but he would have to be a full-time envoy with a formal leave of absence from his job as head of the Kenyan military, which is an especially sensitive position with the coming elections in that country. It appears that President Moi has decided to give Sumbeiywo six months to work the issue full-time. As important as a full-time envoy is, it is imperative that the Kenyans work to ensure that the other IGAD countries are fully vested in the effort.

⁹⁸ Although presumably Assistant Secretary of State Walter Kansteiner would lead U.S. policy efforts, and Development Cooperation Minister Hilde Johnson would do the same for Norway, both countries would be well-

served to have a senior diplomat with significant peace process experience work the issue full-time as the British are doing with Alan Goulty. The troika could then choose which of them should represent it at the negotiating table, assuming Kenya and IGAD accept the partnership model. Khartoum has already asked all three governments to take a more active role in the peace process.

⁹⁹ Important leverage that is close to being given away prematurely is the process of normalization with the EU. The decision in principle announced in January by the EU to start a process that could lead to full normalization, including restoration of aid, had no explanation of conditions attached and, awkwardly, before any decisions had been reached on next steps in the negotiating process. It was spun by Khartoum as a major diplomatic achievement, contrary to EU intentions. EU clarification would be helpful, especially whether normalisation is to be linked to a comprehensive peace agreement. Such linkage would give the EU serious leverage that it now does not possess because of internal divisions. At this point, EU officials are saying that the peace process is a more

upon work already done by the IGAD Partners Forum Planning for Peace initiative but an incentives-based strategy cannot be divorced from parallel, viable pressures, without which the parties will not be amenable to compromise.¹⁰⁰ Efforts should be made to bring in China and Malaysia, as countries that may have the most influence on Khartoum and the most to gain from increased oil exploitation.

The substantive basis for the initiative should include both the IGAD Declaration of Principles, with its receptivity to a self-determination referendum and the Egyptian-Libyan Joint Initiative principles, which envisage participation of northern Sudanese opposition groups, such as the National Democratic Alliance and the Umma Party.¹⁰¹ There should also be a mechanism for gathering civil society views.

However, widening the process further than as proposed above, particularly at sensitive points in the negotiations, could become counter-productive. The vacuum produced by competing, ineffectual Track I initiatives has already led to proliferation of Track II efforts, with workshops on a variety of issues held all over the world.¹⁰² Although some have deepened thinking about options, the growing cottage industry is endangering progress on fundamental issues. It gives spoilers who want no agreement opportunity to riddle possible compromises and so deprive eventual negotiators of needed flexibility. The facilitators will have to

difficult benchmark to use than human rights because the former needs both sides. ICG interview in Brussels, 6 February 2002.

¹⁰⁰ SPLA leader John Garang told ICG: "There are possibilities now for progress in the peace process, but it depends on the consistency of the pressures. There needs to be ownership of the pressures internationally. Otherwise the diplomacy will be yet another exhortation". (ICG interview, 13 February 2002.)

¹⁰¹ Neither the government nor the SPLA have clearly accepted a role for these other parties in IGAD. The IGAD countries have likewise not had a constructive posture on this.

¹⁰² In the last few months the Swiss have sponsored study tours for key Sudanese officials, the British have held a workshop on the ceasefire issue, and other workshops have been conducted by a variety of organizations, including Relationship Foundation, Carter Center and others. The sponsors constantly seek participation from the same SPLA representatives, putting a serious strain on the organisation and making it difficult for it to focus on Track I efforts.

walk a fine line between confidentiality and inclusiveness, especially when new ideas are being considered.

If international energies can at last be mobilised to construct a viable Track I process, on the other hand, Track II efforts could in turn focus helpfully on local conflict resolution and building governance capacity for a democratic Sudan. There is a great need for Sudan's friends, both non-governmental and governmental, to help develop democratic structures and institutions even while the war continues. In the South, this means investing in the SPLM's civil administration, fostering genuine civil society organisations and supporting the inter-communal peace agreements, which provide the best insurance against militia-raiding in Bahr al-Ghazal¹⁰³ and inter-factional fighting in Upper Nile. The bulk of the \$10 million the U.S. Congress has authorised the Bush administration to spend in Sudan should be for these purposes. In the North, East and West, it means supporting civil society, independent media, and professional associations that have historically been a catalyst for peace and democratic development.

C. SELF-DETERMINATION: THE TOUGHEST NUT TO CRACK

Both parties are hardening their positions on a self-determination referendum for the South. The government has made clear that it will not accept any solution that leaves open the possibility of Southern independence. The SPLA is firming up behind the demand for a self-determination referendum, dropping some of its former ambiguity. Southerners believe that after they stop fighting the right to conduct such a referendum would be their only leverage to compel the government to implement its side of an agreement.

A conditional referendum is a compromise concept that could possibly reconcile these positions. This might involve negotiation of interim arrangements, the implementation of which would be overseen by

¹⁰³ ICG Report *God, Oil & Country*, op. cit, documents how these agreements have reduced the ability of militias to carry out their destructive pillaging and slave raiding that has caused so much displacement in this region during the last fifteen years, and how increased assistance can help provide a bulwark against further raiding.

a Joint Commission – perhaps to include the Western troika, Kenya and Egypt – that at the end of a specified interim period would determine whether the government had lived up to its commitments. If it had not, an independence referendum would be automatic.

The next ICG report on Sudan will examine this and other concepts and consider what benchmarks could be used to facilitate a compliance determination.

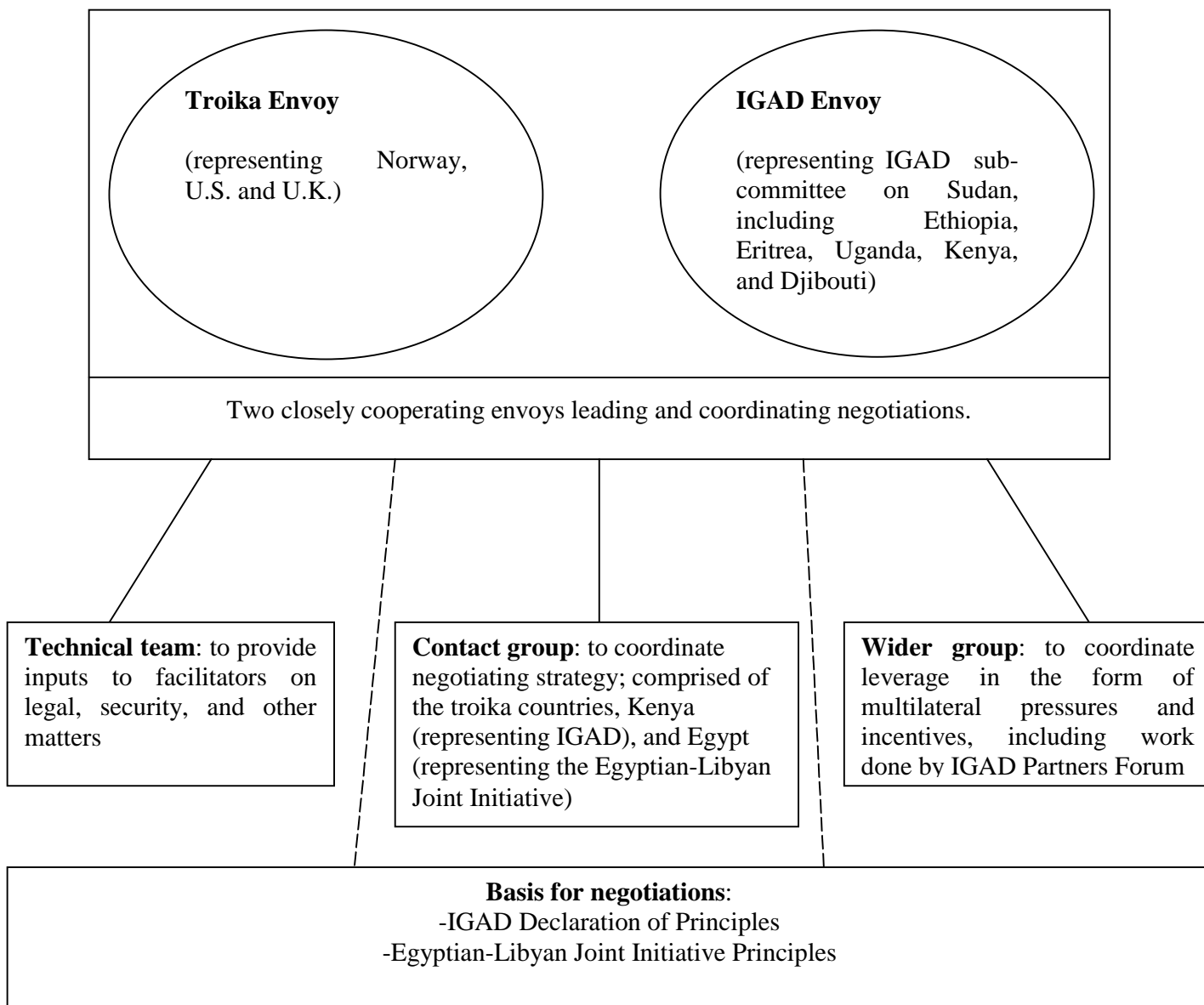
In the last analysis, however, the parties have not failed to make peace because a magic substantive formula has yet to be discovered. The elements of

an eventual solution have already been laid out to them in some form. What is missing is a peace process that they must take seriously enough to work on the compromises, the leverage that needs to be brought to bear to ensure that they do so, and strong facilitators who take the time to work competently through those possible compromises with them so that at the end of the day the negotiators can go back to their constituencies with specific proposals. Sudan's friends need to provide these missing elements or the best chance in years to end a generation of war can slip away this spring.

Khartoum/Nairobi/Brussels, 3 April 2002

APPENDIX A

PARTNERSHIP MODEL FOR THE SUDAN PEACE PROCESS



APPENDIX A

MAP OF SUDAN



APPENDIX C

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 more than a score of crisis-affected countries and regions across four

continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, 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 Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

April 2002

APPENDIX D

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