

**POWER AND WEALTH SHARING:  
MAKE OR BREAK TIME IN SUDAN'S  
PEACE PROCESS**

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## **POWER AND WEALTH SHARING: MAKE OR BREAK TIME IN SUDAN'S PEACE PROCESS**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

The latest phase of the negotiations in Machakos, Kenya closed on 18 November 2002 with the signing of an important new Memorandum of Understanding (MOU) on power sharing and an extension of the earlier MOU on cessation of hostilities and unimpeded aid access. Significant progress was made during this phase. The Khartoum government and the Sudan People's Liberation Army (SPLA) are slowly, painstakingly elaborating the structures of governance and wealth sharing arrangements through intense haggling – for example, what proportion of seats southerners will have in the legislative bodies and the oil revenues that will go to a Southern Reconstruction Fund.

Though the final protocol on power and wealth sharing that the mediators sought was in the end not signed, there was more movement toward a comprehensive peace agreement than the MOU reflected. Both parties wanted to retain manoeuvring room for making tradeoffs at a later stage and so held to some maximalist positions. They will continue to do so during the adjournment while trying to persuade their constituencies that they are battling extremists on the other side of the table, and wait until the negotiating endgame to explore bottom line compromises.

Major credit for achievements to date goes to the structure and the personnel of the process. The partnership between IGAD and the observer countries is solid and working. The chief mediator, General Lazaro Sumbeiywo, is indispensable – an

excellent negotiator with good instincts about the parties' intentions and requirements.

There are still serious obstacles, however. The next phase, scheduled to begin in early January 2003, must make substantial progress on the remaining issues or the process may collapse under the pressures of hard-line constituencies and domestic politics on both sides. The government still has difficulty envisioning a real partnership with southern Sudanese, while the SPLA is moving further toward independence-oriented positions. Both postures make a final agreement harder to reach.

Given the history of SPLA and government opposition to a provisional ceasefire and unimpeded aid access respectively, the extension of those commitments to 31 March 2003 was remarkable. Most importantly, it came at a time when Khartoum normally would be preparing to launch its annual dry season offensive. Although there are elements in the capital who are sorely tempted to use the government's new military hardware to try again to dislodge the SPLA from the Western Upper Nile oilfields, leaders on both sides appear to be giving peace a chance.

Nevertheless, the moment is not indefinite. The peace process is nearing the decisive point, and when the parties return to the table next month, it will be time for historic decisions, compromises, and political courage.

## **RECOMMENDATIONS**

### **To the IGAD Envoys, the IGAD Secretariat and the International Observers :**

1. Undertake a major, internationally coordinated public diplomacy campaign to sell the benefits of a peace agreement throughout Sudan, delivering the message that compromise is difficult but essential, and the peace dividend will be significant.
2. Create an advisory body to give a voice to political parties and civil society elements thus far excluded from the peace process, particularly the NDA and Umma Party.
3. Create as many opportunities as possible for team building, confidence building, and trust building among the warring parties, such as the workshops being held in the U.S. during December 2002 and earlier ones hosted by the UK and Germany.

### **To the International Observers and the European Union:**

4. Support transformation of the SPLA into a political party and promotion of governance and economic development in the South, for example by encouraging a second SPLA convention as soon as possible that will provide opportunities for broader community participation and for southerners to begin to craft details for the South's system of government during the interim period following a peace settlement.
5. Provide the necessary support to those in the government firmly committed to a peaceful end to the conflict, by continuing to apply pressure on Khartoum until an agreement is reached, and by insuring that those threatened by peace are reassured about their post-conflict role, while likewise maintaining pressure on the SPLA to negotiate in good faith; publicly acknowledge progress and compromises made by either side.
6. Insist as a priority that the government of Sudan agree to reschedule quickly the meeting of the Technical Committee on

Humanitarian Affairs (TCHA) that was to have been held on 16 December so that it can permanently remove all restrictions on aid access and on the geographic scope of Operation Lifeline Sudan operations.

### **To the U.S. government:**

7. Make clear to the SPLA that no aid will be forthcoming if it is responsible for lack of progress in the negotiations.

### **To the Egyptian government and the Arab League:**

8. Invest now in supporting successful implementation of a peace agreement by planning – in coordination with the donor consortium IGAD Partners Forum – the kind of assistance for reconstruction and reconciliation during the interim period that will help pave the way for increased southern Sudanese confidence in a united Sudan.

**Nairobi/Brussels, 18 December 2002**



## **POWER AND WEALTH SHARING: MAKE OR BREAK TIME IN SUDAN'S PEACE PROCESS**

### **I. INTRODUCTION**

The conclusion of the latest phase of the peace talks in Machakos, Kenya in November 2002 marks another positive step on the road to lasting peace in Sudan. As the peace process led by IGAD (the East African Inter-Governmental Authority on Development) enters its sixth month, the government of Sudan and the rebel Sudan People's Liberation Army (SPLA), are closer than they have ever been to ending the twenty-year civil war. A strong mediation team, led by Kenyan General Lazaro Sumbeiywo, and active international engagement, especially from the four official observer countries – U.S., UK, Norway, Italy – and the UN have helped ease the process past several potential breaking points. The signing of a new Memoranda of Understanding (MOU) at the end of this latest phase on the agreed principles of power and wealth sharing and extension of an earlier MOU on cessation of hostilities and unimpeded aid access through to the end of March 2003 signal the continued seriousness of the parties about reaching a comprehensive solution.

The road has not been easy. With the threat of a government counter-offensive on the Eastern front contained only by international pressure, and the emergence of hard-line elements in both delegations, there is reason for concern that as the

talks proceed, individuals or groups threatened by an agreement will become increasingly willing to derail the process through any means necessary.

The issues – both those on which there is already provisional agreement and those that are still open, including security arrangements and the status of the three contested areas of Abyei, the Nuba Mountains and Southern Blue Nile – are complex and important.<sup>1</sup> Sudanese leaders need to show courage and vision to make the difficult decisions necessary to bridge the gaps and usher in a period of peace and development. “The remaining areas are not technical”, said a leading Sudanese government official. “They are political, requiring political will”.<sup>2</sup> The politics of the peace process as much as the substance will determine success or failure, and the bulk of this report will consequently be devoted to analysing those political dynamics.

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<sup>1</sup> For background, see ICG Africa Report No. 39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January 2002 and subsequent ICG reporting.

<sup>2</sup> ICG interview, 18 November 2002.

## II. PROGRESS OF THE TALKS: TWO STEPS FORWARD, ONE STEP BACK

The latest phase of talks culminated on 18 November with limited agreements that set out the essential principles of power and wealth sharing and extended the cessation of hostilities agreement – including the provisions for unimpeded aid access – of 15 October 2002 through to 31 March 2003, as ICG called for in its November 2002 report.<sup>3</sup> Despite these significant achievements, the talks were largely characterised – incorrectly – as unsuccessful by the media, much of whose reporting over the preceding weeks had created expectation that a full agreement on power and wealth sharing would precede the adjournment.

Both SPLA and government officials, as well as IGAD and observer country representatives, told ICG that the MOU on the principles of power and wealth sharing is not indicative of how close the parties are to reaching a more comprehensive agreement on those issues.<sup>4</sup> The last days of the round revealed hesitancy by both parties to tie themselves into a binding framework at this stage, however. This is not necessarily a negative, as they want to be certain of the implications of what they sign, are holding to extreme positions on certain issues to trade off at the end of the process, and are using the break between rounds to brief their respective constituencies and develop game plans for dealing with outstanding issues.

Since the signing of the Machakos Protocol of 20 July 2002, which contained provisional agreement on an initial set of important issues including provisions for a referendum in the South on unity or independence after a six-year interim period,<sup>5</sup> hard-line tendencies have resurfaced on both sides of the table. Some delegates appear more willing

to continue the war than compromise.<sup>6</sup> On the government side, the division mirrors the underlying contest for power in Khartoum between President al-Bashir and First Vice President Ali

Osman Taha that gives its delegation what some characterised as a schizophrenic nature.<sup>7</sup> The split was most apparent during discussions on the issue of the institution of the Presidency during the interim period, as any decision would directly impact Taha's power and status.<sup>8</sup>

Separatist sentiments – supported widely and deeply throughout the South – are increasingly driving SPLA negotiating positions. The insurgents have not yet fully digested that they will share the problems the government faces at the national level once an agreement is reached, and the SPLA becomes a partner in that national authority.

Both parties must be able to sell an agreement to their constituents. This is made much more difficult by the government's strident insistence on and the SPLA's rejection of the language of unity, a dynamic that presents a structural problem for the mediators. By putting forward unrealistic negotiating positions, holding to dogmatic rhetoric and making rigid demands, the parties provide openings for the more extreme elements in the other camp, thereby hardening positions and making the eventual implementation of an agreement more difficult.<sup>9</sup>

The MOU on the principles of power and wealth sharing sets forth a number of broad areas of agreement on the structures of a new government. Although some disagreements still exist over the Presidency, the status of the national capital, and

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<sup>3</sup> ICG Africa Report No. 54, *Ending Starvation as a Weapon of War in Sudan*, 14 November 2002. In September ICG pressed for the parties to agree to a cessation of hostilities through 31 March 2003 in order to guard against the government's temptation to launch its annual dry season offensive at the beginning of the new year. See ICG Africa Report No. 51, *Sudan's Best Chance for Peace: How Not to Lose It*. 17 September 2002.

<sup>4</sup> ICG interviews, November 2002.

<sup>5</sup> See ICG report, *Sudan's Best Chance for Peace*, op. cit.

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<sup>6</sup> ICG interviews, November 2002.

<sup>7</sup> ICG interviews, November 2002.

<sup>8</sup> According to one analyst, the "hard-line" group within the government delegation is in part driven by fears among some National Congress Party members in Khartoum that an agreement would open up their past activities (including possibly links to terrorism and war crimes) to greater international scrutiny. By refusing to compromise at the negotiating table and avoiding an agreement, those elements at risk feel they can avoid international exposure. ICG interview, November 2002.

<sup>9</sup> The internal dynamics of both parties are examined in Section III below.

the exact proportion of southern representation in the national legislatures, national civil service and cabinet ministries, there has been considerable forward movement on most details.

The picture that is emerging of the future Sudan if a final peace deal is signed is one of a strong national government with significant southern representation at the centre, within an asymmetrical federal framework. The South will have its own regional government, with powers greater than the sum of the powers of the southern states and that will essentially act as the interlocutor between the national government and those southern states. The North will likely be a collection of stronger states that interact directly with the national authority. The South will hold a self-determination referendum at the end of the six-year interim period.

The main governance issues that remain to be negotiated include:<sup>10</sup>

- ❑ the exact relationship between the national government and the southern states;
- ❑ whether and when to hold elections, and at what level;
- ❑ percentages of southerners in each of the key institutions of government;
- ❑ laws governing the capital city; and
- ❑ the exact responsibilities and division of decision-making processes of the Presidency.<sup>11</sup>

The parties have also agreed on a structure for resource sharing, including taxation, revenue generation, and transparency mechanisms. Despite this, they remain far apart on the actual percentage distribution of oil and other resources between North and South, with the biggest difference being around the management and share of the proposed

Southern Reconstruction Fund. This will likely be decided in the final phase of talks, when the parties are in a position to trade off with other outstanding issues, including not only security arrangements and the status of Abyei, the Nuba Mountains and Southern Blue Nile, but also ownership of land matters and the modalities for banking and currency.

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<sup>10</sup> For more background on these and other issues being addressed under the power and wealth sharing rubric, see ICG Report, *Sudan's Best Chance for Peace*, op. cit.

<sup>11</sup> On this last issue, what has been agreed so far is substantially different from the status quo and marks considerable movement on both sides. If it is finalised, it will put the SPLA at the centre of decision-making in Sudan.

### III. INTERNAL DYNAMICS: THE POLITICS OF PEACE

#### A. GOVERNMENT

The government remains troubled by the concept of a real partnership with southern Sudanese in a future government, unnerved by new U.S. legislation (the Sudan Peace Act) and generally fearful that the IGAD process increasingly favours the SPLA. As relations deteriorate with Eritrea and Uganda and are strained with the U.S., there is a risk of paranoia that would hamper negotiations.

Khartoum is under pressure on a number of levels. Within the regime, the Taha-Bashir schism has been brought into sharp relief by the issues on the table in Machakos.<sup>12</sup> The SPLA's capture of the strategic town of Torit shortly after the July 2002 protocol was signed<sup>13</sup> damaged President al-Bashir's hope to form a strategic partnership with John Garang, the SPLA leader, and drove many in the government toward active opposition to the Machakos process.<sup>14</sup> There is fertile ground in the capital for hardliners to press their positions publicly, with the subtle subtext that anyone willing to compromise is selling out the Islamist revolution – a highly damaging accusation within the ruling party structures.

Other Sudanese parties, particularly the Popular National Congress Party (PNC) of Hassan al-Turabi, are also using the peace process to attempt to undermine the ruling party. The PNC, a breakaway faction of the Islamist movement, conditionally supported the Machakos process, but insisted that it would be impossible to achieve permanent peace in Sudan without the participation of other political forces. The northern umbrella opposition organisation, the National Democratic Alliance (NDA), provides a further lever of pressure on Khartoum, and the neighbours, particularly Eritrea and Uganda, are increasingly

antagonistic. The government's recent decision to cancel the Technical Committee on Humanitarian Affairs (TCHA) called for in the 15 October MOU, and scheduled for 16 December 2002, is another ominous sign.<sup>15</sup> The international response should be vigorous and unified in support of its early rescheduling.

Following the November adjournment, the government engaged in an intense campaign to explain the limited agreement on power and wealth sharing to the Sudanese public and international community. Delegations fanned out, blaming the SPLA for the lack of any further breakthrough. President al-Bashir has given fiery speeches that pledge the government's fidelity to *Sharia* law and to maintaining Khartoum's Islamic character while equating the secular capital the SPLA wants with prostitution, alcoholism and promiscuity. He repeatedly asserted that the government delegation has been instructed not even to discuss the religious status of the capital or the ascendancy of *Sharia*. He attacked the new U.S. law as an attempt to force concessions on the government on fundamental issues such as *Sharia*.

The cabinet has ordered a full review of the Machakos process before it formulates a negotiating strategy for the next phase of talks. It has already decided on a plan to broaden the participation of other political forces in the process through consultations outside the framework of the talks.<sup>16</sup>

The single voice in which the government spoke in the immediate aftermath of this latest phase also was aimed at dispelling reports of internal strains. Vice President Taha's public airing of issues most disputed at the table – such as the South's percentages in a power and wealth sharing arrangement – could also be construed as reflecting concern about his own survival in a peace environment. Having previously claimed that he

<sup>12</sup> At Machakos, the divergence manifests itself more in approach than in issue-based substance.

<sup>13</sup> ICG Report, *Sudan's Best Chance for Peace*, op. cit.

<sup>14</sup> "Some government officials support the Joint Egyptian-Libyan Initiative and want to see IGAD fail", said one ruling party representative. ICG interview, November 2002.

<sup>15</sup> For more on the importance of the TCHA meeting, see ICG Report, *Ending Starvation as a Weapon of War in Sudan*, op. cit. It is hoped that the TCHA meeting can be rescheduled for late January 2003. ICG correspondence, 13 December 2002.

<sup>16</sup> "Dr. Ghazi Reveals Contacts with Political Forces in Preparation for Next Round", *Al-Horiya*, 24 November 2002.



was ready to step down as vice president as the price of peace, Taha later questioned whether it was wise to compromise the cohesion of the presidential institution (the president and his deputy) for the sake of reconciliation by offering the first vice presidential slot to the SPLA.<sup>17</sup> The underlying assumption that a southerner in the Presidency would compromise responsible governance shows the difficulty key ruling party officials have in sharing power.<sup>18</sup>

Sharply divided views within the ruling party leadership about some specific issues explain the backlash that followed the first phase of Machakos and the near-replacement of Dr. Ghazi Salahuddin Attabani as head of the negotiating team. Dr. Ghazi's frequent consultations in Khartoum during the latest phase were seen as necessary to resolve divisions within his own delegation. Heated discussions took place in the mid October meeting of the political bureau of the ruling National Congress Party, which discussed the recently signed cessation of hostilities agreement and the general progress of the talks. Some members of the leadership harshly criticised conduct of the negotiations, while others pressed for opening the process to the northern opposition even at the risk of bypassing the IGAD mediation.<sup>19</sup> The fact that the meeting of the NCP's Advisory Council (*Majlis al-Shura*) convened on 17 October instead of its normal date, in late November, added fuel to rumours of growing leadership disputes over the peace policy.<sup>20</sup>

Dr. Ghazi preserved his leadership of the negotiation despite the challenge from Vice President Taha, former head of state security and current Minister for Federal Government Nafie ali

Nafie, and Foreign Minister Ismael. These three officials not coincidentally had the closest ties with radical Islamist groups during the heyday of the ruling party's association with such organisations in its first decade of power.<sup>21</sup> Hard-line posturing by these and other ruling party officials could, therefore, be construed as an effort to guarantee their own political survival in the post-settlement era. On the other side of the divide, Dr. Ghazi has repeatedly drawn leadership attention to the nuts and bolts of the process. His public comments have focused mostly on technicalities of the talks, with an occasional sobering reminder of the courage needed to wage peace. Dr. Ghazi surprisingly pointed out in early November the failure of both sides to make the necessary concessions to reach an accord on power sharing.<sup>22</sup>

Hard-line and moderate elements are in conflict every step of the way within the government delegation in Machakos, reflecting competing constituencies in Khartoum. However, some of the recent jitters on the government side can be understood as the convulsions of a group of leaders faced with the realisation of having to make substantial concessions about their power in order to guarantee their political survival.

Those whose survival is most at risk will raise the bar for concessions even higher as the negotiations move forward in return for guarantees of continued political relevance – or perhaps even dominance – in the new power arrangements. Therefore, although divisions will be accentuated, it is unlikely that the hard-line elements would seek to topple the regime's more moderate elements ahead of the next phase of talks. In the current internal and international environment, such a move could threaten the destruction of what is left of Islamist control in Sudan. However, the government insisted recently to its diplomatic partners that it had already conceded too much to the SPLA.<sup>23</sup> Such forewarnings appear calculated to pave the way for a possible walkout in the event the negotiations take unfavourable directions.

<sup>17</sup> "Al-Bashir's Deputy Discusses Critical Questions Being Raised in Machakos", *Al-Bayan*, 1 November 2002.

<sup>18</sup> Ali al-Haj, deputy secretary-general of Turabi's PNC, who had been a lead government negotiator for more than a decade, suggested another reason for the ruling party's attitude: "The faction loyal to the president will not accept a Christian from the South becoming the president of an Islamic state based on *Sharia*". "Ali al-Haj, the number 2 man in Turabi's party: Garang's ambitions for ruling Sudan would prevent Bashir from signing the peace agreement", *Azzaman*, 20 November 2002.

<sup>19</sup> "Leadership Bureau Discusses Machakos and the American Position", *Al-Bayan*, 15 October 2002.

<sup>20</sup> See *Al-Horiya*, 17 October 2002 and *Al-Bayan*, 18 October 2002.

<sup>21</sup> ICG Report, *God, Oil and Country*, op. cit.

<sup>22</sup> "Lack of Concessions Delays Peace Deal", *Khartoum Monitor*, 7 November 2002.

<sup>23</sup> ICG interviews, November-December 2002.

Government representatives dismiss the notion of a division between al-Bashir and Taha. One Khartoum official said:

This is a figment of people's imagination. We are not monolithic, of course. However, to portray two competing groups with completely different views is erroneous. Dr. Ghazi is working directly with both the President and the First Vice President. The delegation in Machakos is high level and represents a cross-section of Sudanese society. The opinion of the delegation goes as a united message to Khartoum as the Machakos group, not as individual factions.<sup>24</sup>

It cannot be ruled out that the government is projecting in Machakos a greater division than actually exists, a 'good cop/bad cop' tactic that the ruling party has used for decades to press for concessions from rivals or enemies by warning of a takeover by more shadowy and extremist forces. At the end of the day, it is somewhat positive that if an agreement is reached, some of the hardest line elements will have been part of the negotiations, thus increasing their potential commitment to implementation of the deal.

The government throughout October 2002 intensified military preparations in the East, and by early November declared itself ready to recapture territory lost to the NDA. Behind the scenes regional and international pressures helped forestall the counter-offensive. The government also raised the stakes by accusing neighbouring Eritrea of giving military support for the NDA's offensive in early October. The resulting clamour all but nullified the political advantage that the NDA had sought from its move. The SPLA provided the bulk of the forces and most of the command structure for that October offensive; hence its insistence at Machakos that the cessation of hostilities cover the entire country.<sup>25</sup> It feared a repeat of the government redeployment that followed the Nuba Mountains ceasefire agreement

in early 2002, a move that enabled the army to bolster its strength in the Upper Nile oilfields.<sup>26</sup>

Foreign Minister Ismael drove the point home by insisting that the IGAD initiative was only concerned with the South. If the NDA wanted to participate, or to include all parts of Sudan in the process, he insisted, it should revive the moribund Joint Egyptian-Libyan Initiative.<sup>27</sup> Vice President Taha reinforced the argument by insisting that "there is no plan to allow the NDA's participation in Machakos, but the government and the NDA could reach an agreement on the means for the latter's participation in the future of the country".<sup>28</sup>

## B. THE NDA, UMMA PARTY AND OTHER OPPOSITION

While the government continued to downplay its significance, the NDA intensified its political and diplomatic thrust for inclusion in the peace process and subsequent transitional arrangements. The prospect of being left out after the Machakos Protocol was signed in July 2002 jolted the NDA, its former member the Umma Party, the DUP, the PNC and the newly founded Justice Party (another splinter from the ruling party), a plethora of leftist parties, and other northern opposition groups into unprecedented activism, forcing them to overcome their differences and focus on coordinating political and diplomatic steps.<sup>29</sup>

While these forces are divided in their assessment of the Machakos process, they all agree that their exclusion would condemn any accord to failure. Their rallying cry is "inclusion" by which they say they mean not only that they should be allowed to participate in the Machakos negotiations but also that the current approach to peace generally has relegated democratisation and human rights to secondary positions. Umma Party leader and deposed Prime Minister Sadiq al-Mahdi suggested that Afghanistan's Loya Jirga was a model for broader consultations on post-conflict transitional

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<sup>24</sup> ICG interview, 20 November 2002.

<sup>25</sup> The NDA force participating in the eastern offensive also included troops from the following member organisations: the Sudan Alliance Forces (SAF), the Beja Congress, the Democratic Unionist Party's (DUP) Fatah Forces, the Rashaida's Free Lions; and the Federal Alliance.

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<sup>26</sup> ICG Africa Report No. 42, *Capturing the Moment: Sudan's Peace Process in the Balance*, 3 April 2002.

<sup>27</sup> "Khartoum insists eastern Sudan is outside truce", Agence France Presse, 19 October, 2002.

<sup>28</sup> "Al-Bashir's deputy: no room for northern opposition at Machakos", *al-Bayan*, 20 October, 2002.

<sup>29</sup> For details, see ICG Report, *Sudan's Best Chance for Peace*, op. cit.

arrangements.<sup>30</sup> He subsequently formulated an elaborate rationale for including the northern opposition in the government team at the talks.<sup>31</sup>

The collapse of the Democratic Unionist Party's (DUP) restraining influence made possible reactivation of the northeastern front.<sup>32</sup> The offensive in the East in early October initially produced serious strains within the NDA. DUP and NDA leader Mohamed Osman al-Mirghani denounced the offensive and denied involvement. That position encouraged some moderate members of the internal branch of the DUP to call on their leader to return to Sudan and join the government. The ruling party actively encouraged this and co-opted fringe groups that defected from the DUP.<sup>33</sup> However, al-Mirghani appears to have ridden the crisis deftly, remaining at the helm and in exile.<sup>34</sup>

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<sup>30</sup> "Al-Sadiq al-Mahdi, Umma Party leader: Machakos condemned to a dead end; the Alliance is now bypassed", *Al-Bayan*, 29 October 2002.

<sup>31</sup> In an interview with *Al-Ayam* of 5 November 2002, Sadiq al-Mahdi argued that the success of the Machakos talks would depend on re-establishing the balance of power between the government and the SPLA. According to his reasoning, the SPLA benefited from regional and international sympathy for defending southerners. It also enjoyed the support of European and North American groups and religious constituencies, but the government was finding itself alone for having excluded all other Sudanese political forces. To strengthen its hand at the talks, Sadiq argued, the government should allow the participation of other political forces and solicit the support of Arab and Muslim countries. "Machakos had opened the door for change of which nobody could predict the outcome", he said.

<sup>32</sup> See ICG Report, *Ending Starvation as a Weapon of War in Sudan*, op. cit. The split of the DUP's Fatah Forces from the mainstream of the party out of impatience with what the fighters considered its excessive moderation represented a triumph of party hardliners over the moderate leadership and added cohesion to the NDA's unified military command.

<sup>33</sup> "A group from the DUP announces its merger with the ruling party" (in Arabic), *Al-Ray Al-Aam*, 25 October 2002; see also, "Hadra invites al-Mirghani to return and to join the IGAD [process]", *Al-Bayan*, 12 November 2002.

<sup>34</sup> The DUP and NDA met twice in early November with Vice President Taha at Medina, in Saudi Arabia, to discuss consolidation of a national effort for peace, but nothing resulted. DUP leaders and supporters inside Sudan received news of the meetings with mixed feelings, some welcoming them as a possible sign of developing national unity, others considering them a futile government attempt to co-opt their party.

The NDA's coordination with opposition parties operating inside Sudan, the aim of which was to increase pressures on the government, has improved considerably in recent months. However, the government seems to have gained the upper hand during this round through the use of political repression.<sup>35</sup>

Umma and DUP diplomatic activism also markedly increased over the same period. A series of high profile meetings indicated that the NDA and Umma were finally getting an attentive hearing from the mediating countries and other key members of the international community. Al-Mahdi on 25 October discussed the peace talks with al-Mirghani during a brief visit to Cairo, and the two agreed that exclusion of the main political forces from the process would hamper achievement of durable peace. The Secretary-General of the Arab League, Amr Moussa, met separately with al-Mirghani and al Mahdi in Cairo in late October to discuss the League's promised support for the peace effort.<sup>36</sup> An envoy from the British Foreign Minister met in Cairo in early November with the NDA deputy chairman, Abdel-Rahman Saeid.<sup>37</sup> In Khartoum, Alan Goulty, UK special envoy for peace in Sudan, consulted Omer Nour al-Dayem, al-Mahdi's first deputy, during a late October working visit.<sup>38</sup> The deputy director for East and Central Africa at the French foreign ministry also met with Sadiq al-Mahdi and DUP and NDA leaders during a brief visit to Khartoum in mid December.

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<sup>35</sup> For a summary of the human rights environment, see the remarks to the UN General Assembly of Gerhart Baum, the Special Rapporteur of the UN Commission on Human Rights, 6 November 2002.

<sup>36</sup> "Musa meets al-Mirghani and al-Mahdi and calls Ismael, League moving Sudan file, presses for comprehensive participation", *Al-Bayan*, 23 October 2002.

<sup>37</sup> NDA participants expressed dissatisfaction at the message they attributed to the envoy, particularly his demand that the NDA change its attitude and discourse to cope with the government's constructive engagement in the peace process. Responding to NDA demands that the government be held accountable for grave human rights violations, the envoy reportedly asked the NDA not to press the issue because the SPLA was equally to blame for violations. See "Al-Mirghani to the Britain; an envoy for Straw met with the opposition. Britain asks the NDA to change its policy on the negotiation process" (in Arabic), *Al-Ray Al-Aam*, 3 November 2002.

<sup>38</sup> "Al-Mahdi's party warns against secret clauses at Machakos" (in Arabic), *Al-Bayan*, 30 October 2002.

In spite of all the visibility, efficiency remained a concern for NDA members. The four-person team that the leadership tasked at its July meeting in Asmara to coordinate with SPLA negotiators in Machakos has been moribund.<sup>39</sup> However, the NDA sent representatives of its executive office in early December to the U.S. to discuss the peace process with the Bush administration and concerned American constituencies. The talks at the State Department covered U.S. assistance to the NDA, the Sudan Peace Act, and approaches to secure the NDA's participation at the next negotiating round. The delegation later toured London, Brussels and Oslo to explain the NDA's assessment of the Machakos process and to appeal for its inclusion in the next round.<sup>40</sup> That the selection of the delegation initially raised bitter disputes among member groups highlighted the fragility of the umbrella organisation.

The political opposition seized on the 38<sup>th</sup> anniversary of the popular uprising of 21 October 1964, known in Sudan as the October Revolution, to test the government's repeated claims of respect for civil and political rights and to advocate that there be a democratic transformation during the six-year post-peace agreement interim period. In a gesture loaded with symbolism, the Umma, the DUP, two breakaway factions of the ruling National Congress – Turabi's Popular National Congress and the Justice Party – and a host of civil society groups announced a commemorative rally at Umma Party headquarters for 20 October. The government banned the rally, prompting strong condemnation from its organisers.<sup>41</sup>

It was unprovoked shooting by police at students attending a rally at Khartoum University in October 1964 that was the trigger for the predecessors of the NDA and the Islamist parties, as well as the powerful communist-controlled trade union movement, to launch the general political

strike that brought the military regime of General Aboud to its knees. That the 1964 rally was directed at the regime's failure to resolve the first round of the war in the South, and the 2002 rally was planned to make similar points about another military regime's handling of the same conflict raised the stakes and explained in part the viciousness of the government's subsequent attacks on student protesters.

Student supporters of the opposition rioted at Khartoum University on 21 October 2002, protesting the university administration's banning of their union and the restrictions it imposed on their planned commemoration of the October 1964 uprising. Violence erupted when police entered the campus to quell the unrest. Dozens of students and police were injured, and scores were arrested. The police pursued students who took refuge in the mosque of the medical school and severely beat up professors who intervened to calm the situation. Protests over the initial clashes led to renewed violence on 22 and 26 October. Accusations followed that some police used the confusion to rob students of cellular phones and jewellery.

As trials started for scores of students, the government found itself on the defensive, facing unprecedented protests over the police from parents, professors, opposition parties (which launched their own investigation), and the media, including editorials in pro-government publications. The barrage forced the government to form a commission of inquiry to investigate police conduct at the university.<sup>42</sup> Without waiting for the probe's findings, the director of the national police warned in late November that the police had nothing to apologise for, bluntly dashing any hopes of accountability for brutality that hundreds had witnessed.

The government showed the falsity of its claims of tolerance of free expression when it quietly sent security agents to advise newspaper editors how to cover the inquiry. Four leading newspapers that maintained independent coverage of the October

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<sup>39</sup> On the formation of the team, see ICG Report, *Sudan's Best Chance for Peace*, op. cit.

<sup>40</sup> "Talks between US administration and Sudanese opposition in Washington", *Azzaman*, 13 December 2002; see also "Sudanese Opposition delegation today begins visiting Washington to discuss participating in peace talks and US assistance", *al-Bayan*, 30 November 2002.

<sup>41</sup> "Sudanese opposition parties denounce government ban of October commemoration" (in Arabic), *Al-Sharq Al-Awsat*, 30 October 2002.

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<sup>42</sup> "Sudan: Students hurt, others arrested, cars torched in university unrest", Agence France-Presse, 23 October 2002; "At least 29 hurt in Sudan student protests-paper", Reuters, 24 October 2002; and "Khartoum University students start open sit-in" (in Arabic), *Al-Bayan*, 4 November 2002.

events had their 9 November editions confiscated. One vocal editor labelled the ban retroactive punishment for the overall coverage of police misconduct rather than for a specific story in the confiscated issues. As in past incidents, the government invoked the ban after midnight print runs had already been completed so as to inflict maximum material loss on the papers, many of which operate on the margins of solvency.<sup>43</sup>

The situation at Khartoum University further deteriorated on 12 and 13 November when pro-government students and the previously unknown "City War Forces", an armed unit of the security forces, raided the campuses of the education and agricultural sciences faculties, injuring dozens of students and arresting others who reportedly were later tortured. The onslaught led to the indefinite closure of the university.<sup>44</sup>

Turabi's PNC sought to take credit for the unrest on the campuses, while acknowledging that students from all political and ideological schools, "particularly leftists who have a long expertise in this matter", also participated in a coordinated effort.<sup>45</sup> The party, which is the preferred target of government repression, is coordinating closely with the NDA and the broader political opposition. Meanwhile, Turabi, the elderly spiritual guide of the Islamist movement, remains under house arrest. President al-Bashir has rejected all appeals for his release and ruled out reconciliation between the two rival Islamist parties. The government also continues to detain scores of Turabi's followers for months. On 24 November it arrested 30 PNC student activists, together with Bashir Adam Rahma, a leader who had publicly accused state security agents of abusing political detainees.

<sup>43</sup> The affected papers were *Al-Wattan*, *Al-Horiya*, *Al-Sahafa*, and *Khartoum Monitor*. See "Sudanese campaign on major newspapers: security agencies arrest editor of *al-Wattan*, raided 3 print houses, confiscated 4 newspapers", *Al-Sharq Al-Awsat*, 10 November 2002; and also "Retroactive punishment for coverage of university unrest, confiscation of 3 independent Sudanese newspapers", *Al-Bayan*, 10 November 2002.

<sup>44</sup> Sudan Organisation Against Torture (SOAT), "University of Khartoum students injured, arrested and tortured in detention", press release, 14 November, 2002.

<sup>45</sup> "Turabi's deputy to *Al-Sharq Al-Awsat*: we didn't differ with al-Bashir's government over religion or the state, we differed over power", *Al-Sharq Al-Awsat*, 1 December 2002.

The PNC's position remains that the Machakos process has little chance of leading to lasting peace, not least because of what it considers the government's lack of genuine commitment. A senior party official who once had led the government's negotiating team said: "I am talking of people among whom I have lived for years and came to know them and their opinions about peace and the South well. We warned the SPLA against them".<sup>46</sup>

The peace process also galvanised Sudan's beleaguered civil society to regroup and seek a role. About a dozen independent peace and democracy groups have sprung up, with the most active organising intensive workshops and research groups to study the issues and develop position papers. They have sought to draw on Sudanese political and professional expertise to broaden the peace constituency.<sup>47</sup> By commissioning expert studies and reports, civil society activists also seek to offer workable solutions and approaches to the parties and the international facilitators. Another sector of the movement has focused on enhancing the voice of women in the peace process. The UN and various donors support this effort and will try to ensure that some of its representatives will be present at Machakos in a consultative capacity during the next round.

### C. SPLA

Since the signing of the Machakos Protocol in July 2002 and the subsequent blowback from southern constituencies which felt it compromised too much,<sup>48</sup> the SPLA has moved away from the

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<sup>46</sup> *Ibid.*

<sup>47</sup> Leading groups active on the peace agenda in the North include the National Centre for Peace and Development, Sudan First group, the National Civic Forum, Southern Women Group for Peace, and Sudanese Women Empowerment for Peace. Several independent academic and intellectual centres have also conducted peace advocacy and consensus building activities, including the Mohamed Omer Bashir and Babiker Badri Centres, named after the founders of and attached to the Ahliya and Ahfad Universities respectively, and the independent Sudan Studies Centre.

<sup>48</sup> According to some SPLA sources, the Machakos Protocol has resulted in an intensification of efforts by a group of southerners – mostly from Bahr al-Ghazal – that is vying for the eventual leadership of the movement. "Some feel that they won't get what they could under

asymmetrical federalism and restructuring of the centre envisioned in the Protocol. It is now giving a more strident priority to the building up of the South during the interim period. Its increasing appearance of rejecting any concept of future unity, even what is already in the Protocol, actually undermines the possibility of ever holding a self-determination referendum.

This is a strategic mistake. If an unreconstructed, hostile North is left dominant in the central government, neither southern Sudanese nor genuinely national issues will be addressed. The SPLA has not fully come to terms with the implications of partnership in the central government so it remains locked in the mindset of a regional entity. As one Western diplomat says:

The SPLA must be more realistic with their demands. They've been granted their referendum for the South, now they must ensure that the system for the interim period is functional. Only with a functional national government, which they will be a part of, can a peace agreement be implemented, thus allowing the South to realise their referendum.<sup>49</sup>

The key southern constituencies – the Bahr al-Ghazal commanders and “public opinion” as expressed through the increasingly robust civil society debate in the South and the southern diaspora – are, however, pressing a separatist line that makes it very difficult for the negotiators to maintain the necessary equal focus on national and southern-specific issues.

These constituencies need a reality check. Numerous southern conferences have reinforced hard-line tendencies. Not only do southern opinion leaders need to be more engaged by the mediators (perhaps as observers) on substantive issues, but they also need to participate in training sessions or workshops focusing on the art of compromise to gain strategic objectives.

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Garang's leadership”, said one top SPLA official. “They are using the peace process to undermine him”. Non-SPLA analysts described this group as a more separatist-leaning faction, which tends to press for more extreme positions in Machakos. ICG interviews, November 2002.

<sup>49</sup> ICG interview, November 2002.

The SPLA's attitude has been further hardened by the Sudan Peace Act, which it partly misreads as a promise that the U.S. will give substantial aid if negotiations fail for any reason, even SPLA intransigence. The SPLA must realise that the Bush administration is only prepared to provide large-scale aid to SPLA areas if it is clearly the government that is to blame for blocking the peace process. Washington should ensure that there is no misunderstanding.

By refusing to allow reference to national unity in anything signed during the second round – although at least interim unity was agreed in the Protocol – the SPLA undercuts the more moderate elements in the government delegation. In the face of increasingly extreme southern opinion that is mainly interested in independence and considers the six-year interim period far too long, SPLA leaders must make the basic decision that a negotiated peace is in the South's long-term interests and reflect this at Machakos.

Immediately after the conclusion of the latest phase of talks, the SPLA held a consultative southern leadership conference, with close to 200 commanders and commissioners in attendance. It endorsed the SPLA positions at Machakos, and mandated the delegation to continue negotiations in January 2003 on the status of the three contested areas.<sup>50</sup>

An issue that bears on the SPLA's posture at the peace talks is the merger process with Riek Machar's Sudan People's Defence Forces (SPDF). The effort to bridge a ten-year split within the South began with an agreement in January 2002 that envisaged significant re-structuring of SPLA governance. Although the movements were quickly united on the battlefield, enabling them to make rapid gains in Upper Nile in the first months of 2002, political steps have come slower. The first, a special joint committee to visit Bahr el-Ghazal and Upper Nile to explain the merger, was originally scheduled to last two weeks. It ended up taking six months, at which point events were overtaken by the peace process in Machakos. As a result, the special joint committee's findings were

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<sup>50</sup> ICG interview, December 2002. On the three contested areas, see Section V below.

presented to Garang and Machar in October, not June.

The slow pace of the merger has revealed cracks in the “united southern front”. Although nominally represented in the SPLA delegation in Machakos, there was growing SPDF discontent that the merger had seemingly been put on the back burner.<sup>51</sup> Events came to a boil in mid October 2002, when Machar met with Sudanese President al-Bashir in Eldoret, Kenya, just days after a reported fall-out with Garang over his position in a unified movement. Rumours immediately swirled of Machar's defection back to the government under the defunct Khartoum Peace Agreement he signed in 1997.<sup>52</sup> The rumours were put to rest when Machar said that al-Bashir tried to entice him but he refused and asked instead for al-Bashir to meet with Garang and consider including the NDA in the Machakos talks.<sup>53</sup>

Although there was no immediate fall-out from the meeting, it did illustrate important dynamics. First, the government remains interested in dividing the South along tribal lines, and therefore weakening the SPLA. Khartoum has been very successful in the past at divide and rule tactics and has not foresworn them because of the peace negotiations, with the latest example being the return of former SPLA commander Peter Gadeat to Khartoum.<sup>54</sup> Secondly, the SPLA-SPDF merger is fragile. If discontent continues to grow within the latter, there is a real possibility of the South splintering again.

Garang wisely heeded the warning, meeting with Machar on 23 October to finalise the merger. In addition to hearing the report of the special joint committee at last and approving its recommendations, Garang and Machar resolved six outstanding points regarding the merger.<sup>55</sup> The

process was almost completed at the SPLA leadership meeting at the end of November, with Machar becoming Second Vice Chairman – the third position in the SPLA after Garang and Salva Kiir. The lone outstanding issue is the ranking of the former SPDF military within the SPLA.<sup>56</sup>

Another worrisome ethnic division emerged within the SPLA during the fighting in and around Torit in October 2002. Reports of as many as 2000 Equatorian SPLA infantry deserting have been directly linked to the government's re-capture of that strategic town and subsequent further gains in the area.<sup>57</sup> The desertions are the latest example of the troubled relations between the Dinka-led SPLA and the Equatorians. The SPLA's Equatorian Congress at the end of November was a positive forum for resolving some of the contentious issues but the reconciliation process is a long one that must be watched closely.

That Equatorian Congress was also the first in a series of regional meetings planned in preparation for a second national SPLA convention that is anticipated to be held sometime in 2003. These meetings are intended to allow the people of each region to provide input on the direction of the movement and elect members of the SPLA's National Leadership Council. The Nuba Mountains held an “All-Nuba Conference” at the beginning of December 2002, and a Southern Blue Nile Conference is scheduled for the week of 16 December 2002. The Bahr al-Ghazal and Upper Nile Congresses are due to take place in the new year.<sup>58</sup> The national SPLA convention, with representatives from all regions and ethnic groups as well as members of civil society and opposition groups, will be an important opportunity to achieve broad commitment to the Machakos negotiations and make decisions on governance in the South and transformation of the SPLA into a political party. To these ends, the international community should support the holding of such a convention in the near future.

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<sup>51</sup> ICG interviews, October 2002.

<sup>52</sup> “Machar met al-Bashir in a deal that might reinstate him as vice-president”, *Al-Zamman*, 16 October 2002.

<sup>53</sup> ICG interview, 24 October 2002.

<sup>54</sup> “Key rebel commander defects to Sudanese Government” Agence France-Presse, 10 December 2002.

<sup>55</sup> For example, they agreed to take steps to unify their respective humanitarian organisations, to integrate the forces of Gordon Kuong's South Sudan Defence Forces (SSDF) into the SPLA, and to merge the SPLA and SPDF foreign offices, in addition to several other points. “Approval of Special Joint Committee

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Recommendations”, SPLA -SPDF Press Release, 23 October 2002.

<sup>56</sup> ICG interview, December 2002.

<sup>57</sup> ICG interview, October 2002.

<sup>58</sup> ICG interview, December 2002.

#### **IV. REGIONAL AND INTERNATIONAL DYNAMICS: THE STAKES GET HIGHER**

##### **A. ERITREA**

The national and regional dimensions of the Sudan conflict are intimately intertwined, as demonstrated by the October 2002 escalation in the Northeast. Eritrea vehemently denied accusations that its forces were involved in the early October NDA offensive there. The Khartoum government insisted, nonetheless, that it would respond to what it termed foreign aggression through political and military means. By forcefully maintaining that line, the government denied the NDA the political and diplomatic advantages it had hoped to reap, particularly inclusion in the peace talks.

Khartoum moved swiftly to isolate Eritrea regionally and found eager partners in Ethiopia and Yemen. Al-Bashir, President Ali Abdalla Salih of Yemen, and Prime Minister Meles Zenawi of Ethiopia struck an alliance at a 14 October meeting in the Yemeni capital, Sanaa, with the primary aim of increasing the isolation of President Isaias Afewerki's Eritrean regime in the Horn of Africa and the Arab world.<sup>59</sup> Their foreign ministers followed up on 6 November in Addis Ababa by agreeing on "joint defence plans to secure the three countries against the security dangers and threats that the Eritrean regime poses for all three", according to Osman Al-Saeid, Sudan's influential ambassador to Ethiopia.<sup>60</sup> The foreign ministers agreed to meet again in mid December to prepare for a summit of the allied states in January 2003.

The regional alliance posed a serious threat to Eritrea. Despite a two-year war with Ethiopia (1998-2000), an earlier armed stand-off with Yemen over territorial waters, and tenuous relations with Sudan, Eritrea's informal economy heavily relies on exchanges with all three countries. Sudan's decision in early October to seal its land and sea borders with Eritrea and Yemen's

concurrent ban of exports to Eritrea were meant to increase pressure by creating shortages of vital commodities.

The three states also coordinated their support for the fractious Eritrean opposition in exile. Ethiopia in early October prevailed on thirteen groups to join together. Within a week, the Sudanese government allowed this new Eritrean National Alliance (ENA) to open three offices.<sup>61</sup> Abdalla Idris, its chairman, declared ENA's intention of toppling the Eritrean government from Sudan with the support of dissidents within the regime.<sup>62</sup> ENA, which claims that each of its thirteen organisations has an armed wing and that it will establish a radio station on the Ethiopian side of the border, is seeking wider regional recognition as the legitimate representative of the Eritrean people.<sup>63</sup>

Eritrea denied any role in the NDA offensive other than hosting the opposition alliance in its capital. Despite repeated allegations that it had captured Eritrean soldiers on Sudanese territory, Khartoum failed to provide evidence. Independent journalists who visited the front soon after the fighting reported seeing no Eritrean soldiers. Sudanese officials claimed that Eritrean forces withdrew when an African Union fact-finding visit was announced.<sup>64</sup>

Top Sudanese and Eritrean officials traded strident charges, raising fears that the countries might stumble into a border war that could threaten the stability of the entire region. The Sudanese claimed that Eritrea was offering its Red Sea port, Massawa, to the U.S. military. Some officials also asserted that the Israeli army was providing logistical support for Eritrean and NDA aggression in eastern Sudan. The Sudanese ambassador to Ethiopia added fuel to the fire by claiming in mid

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<sup>59</sup> "At conclusion of Yemeni, Sudanese, and Ethiopian summit, Yemeni president denies meeting aimed at isolating Eritrea", *Al-Jazeera*, 14 October 2002.

<sup>60</sup> "Foreign ministers of Sudan, Ethiopia, and Yemen put together a security strategy to confront Eritrea", *Azzaman*, 7 November 2002.

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<sup>61</sup> "Sudanese government allows Afewerki's opponents to open three offices", *Al-Sharq Al-Awsat*, 5 November 2002.

<sup>62</sup> "Eritrean opposition planning on toppling Afewerki from Khartoum", *Al-Jazeera*, 2 November 2002.

<sup>63</sup> "Eritrean opposition alliance: our aim is to topple Afewerki", *Al-Sharq al-Awsat*, 26 November 2002.

<sup>64</sup> "Foreign journalists report no Eritrean presence in Sudan's rebel-held areas", *Voice of the Broad Masses of Eritrea*, in *BBC Monitoring Africa*, 9 October 2002;



November that “total war” between the two countries could break out at any moment.<sup>65</sup>

Eritrean sources allege that Ethiopia has loaned Sudan Antonov reconnaissance planes to help its air force pinpoint NDA units in the East and improve its bombing. Escalating the verbal attacks, Eritrea's foreign minister accused Khartoum of ties to the terrorist group al-Qaeda.<sup>66</sup> Adding to the debate, the deputy “Amir” of “Eritrean Jihad” told a reporter in late October that his group supported Sudan's position although he denied any al-Qaeda links.<sup>67</sup>

Sensing danger, Eritrea reached out. With news that Ethiopia was facing a major humanitarian disaster, Eritrea offered use of its ports to import food. During a state visit to Egypt in mid November, President Isaias appealed to Khartoum to end hostile statements.

Mustafa Ismael, Sudan's foreign minister and point person for the isolation strategy, responded with even harsher statements. He undiplomatically told Egyptian President Hosni Mubarak and Arab League Secretary-General Amr Moussa, who met with President Isaias in Cairo, that all Sudan needed of them was to tell their visitor not to meddle in its affairs. Sudan rejected an offer, conveyed by the Arab League, of a conciliatory visit by Isaias. Instead, Ismael demanded that Eritrea withdraw its representative from the IGAD mediation team at Machakos because his contributions were “negative”.<sup>68</sup> However, Said al-Khatip, a leading government delegate at

Machakos, called the Eritrean mediator “one of the closest to the government delegation”.<sup>69</sup>

Ethiopia reacted to Mubarak's meeting with Isaias by cancelling a bilateral technical committee meeting with Egypt scheduled for February and threatened that “Ethiopia would be forced to review all the agreements it signed with the Egyptian government by way of retaliation for its role in the attempts to undo President Isaias's isolation”.<sup>70</sup>

## B. KENYA

The Kenyan elections, scheduled for 27 December 2002, have already affected the peace process, providing part of the impetus to end the latest phase of negotiations early. The biggest impact, should President Moi's ruling KANU Party lose, could be the departure of the Kenyan special envoy and lead negotiator, General Sumbeiywo. His position is by appointment from Kenya's civil service and in theory should be not be affected by a change in the ruling party, however,<sup>71</sup> and the observer countries are making efforts to retain him as lead negotiator regardless of the vote. His importance to the process cannot be overstated, and replacing him at this stage could prove fatal for the outcome.

President Moi, who will step down after 24 years, may get an honorary position at the talks, although what is not yet clear. Regardless of who wins the election, it is unlikely that the peace process will initially be as high a Kenyan priority, and Moi's interest would be missed.

## C. THE U.S.

Enactment of the Sudan Peace Act (SPA) demonstrated the depth of constituency commitment to the Sudan issue. The SPA puts pressure on the government by making U.S.\$100 million available annually for three years to non-government controlled areas and by stepping up

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<sup>65</sup> “Khartoum talks of possible war with Asmara...”, *Azzaman*, 14 November 2002.

<sup>66</sup> The foreign minister cited Eritrean Jihad elements trained in Afghanistan and sent to destabilise the Eritrean regime via Sudan. He alleged that the U.S. had found evidence of this collaboration in al-Qaeda documents and videos in Afghanistan that were still being analysed. “Eritrean Minister of Foreign Affairs accuses Sudanese government of supporting groups linked to al-Qaeda”, *Voice of Eritrea*, 14 December 2002.

<sup>67</sup> “Dialogue with deputy 'Amir' of Eritrean Jihad...: We have no links with al-Qaeda; we endorse decentralisation and freedom of political work; we call for an Eritrean government inclusive of all parties”, *Azzaman*, 20 October 2002.

<sup>68</sup> “Sudanese official discusses possibility of total war with Eritrea”, *Al-Sharq Al-Awsat*, 17 November 2002. See also “Sudan asks Eritrea to withdraw its representative in Machakos”, *Al-Bayan*, 17 November, 2002.

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<sup>69</sup> “Government delegate reveals next steps after the signing of Machakos II”, *Akhbar al-Yom*, 24 November 2002.

<sup>70</sup> “Khartoum questions Eritrea's intentions and refuses to receive Afeworki” (in Arabic), *Azzaman*, 17 November 2002.

<sup>71</sup> ICG interview, November 2002.

efforts to block aid or debt relief for Khartoum through international financial institutions if the government negotiates in bad faith.

Utilised properly, the SPA can be leverage to influence calculations in Khartoum and move the government towards a peace deal. "We now have a real stick", noted one European diplomat.<sup>72</sup> However, the U.S. must ensure that the law does not tempt the SPLA to become the impediment to a settlement. At a minimum, that requires clarification that no U.S. money will be provided if the SPLA undermines or does not cooperate with the peace process.

Washington is hosting seminars for government and SPLA officials during the pause between rounds, in an attempt to break new ground on some outstanding issues.<sup>73</sup> The government initially portrayed this locally as a welcome attempt by the Bush administration to 'correct' the biases of the SPA and an opportunity for its representatives at the seminars to build bridges with U.S. constituencies that have been the closed reserve of the SPLA. However, the presidential peace advisor subsequently withdrew because of what was said to be the prior commitment of an official visit to France.

The government has intensified its efforts to reduce American influence over the peace process by actively encouraging others to play more significant roles. The most visible successes have been the Arab League's appointment of a special Sudan peace envoy and France's commitment to do the same in January.

#### **D. THE EUROPEAN UNION AND ITS MEMBER STATES**

Foreign Minister Ismael cited a constant flow of visits by European delegations to Khartoum as evidence of considerable progress in the Sudan-Europe dialogue. However, an EU troika delegation concluded its early December 2002 talks by conditioning the resumption of development cooperation – suspended since the 1990 military takeover – on the signing of a peace

deal to end the civil war. The two parties agreed that the government's performance on human rights, democracy, and rule of law had become somewhat better but that peace was essential for across-the-board improvements.<sup>74</sup>

Visits from EU member states conveyed the same messages. Belgian Foreign Minister Louis Michel discussed the peace process and human rights concerns with his counterpart and President al-Bashir in late November.<sup>75</sup> The senior Norwegian observer at the Machakos talks visited the Nuba Mountains in the first half of November, followed shortly by a working team of the Swedish Foreign Ministry and the Swedish International Development Agency. Both visits aimed at consolidating the partial ceasefire and normalisation underway in the area and readying the next round of the talks.

Preparing to leave for Paris in mid December for talks with the French Foreign Minister and other officials, presidential peace advisor Atabani said the Sudanese government sought more active French engagement in peace efforts, considering France's importance in the EU and the UN Security Council.<sup>76</sup> The French have invited the SPLA to send a delegation to Paris to coincide with Atabani's visit and reportedly are considering sending their foreign minister to Khartoum in late December and receiving President al-Bashir in Paris in February 2003. They also have promised to appoint a special envoy for peace in Sudan.<sup>77</sup>

While Sudan's interest in a more active French role is in part to obtain some possible counter-balance to Washington's influence, there is also a desire to draw on French expertise on constitutional matters and international

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<sup>72</sup> ICG interview, 20 November 2002.

<sup>73</sup> "Sudan: Government receives official invitation from U.S. administration", BBC Monitoring Service, 26 November 2002.

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<sup>74</sup> "EU, Sudan to normalise ties, resume development after peace accord", Agence France-Presse, 11 December 2002.

<sup>75</sup> "Le président soudanais évoque avec Louis Michel le système fédéral belge", Agence France-Presse, 27 November 2002.

<sup>76</sup> "Sudan to seek French role in peace process", Agence France-Presse, 2 December 2002.

<sup>77</sup> "France steps up its involvement in the Sudanese negotiations, its foreign minister to Khartoum to prepare for a visit by al-Bashir", *al-Bayan*, 13 December 2002.

guarantees for security arrangements and ceasefires.

## E. THE ARAB LEAGUE

At its meeting in late October 2002, the Arab League treated the crisis in Sudan as a priority on a par with Iraq and Israel-Palestine. Secretary General Mousa appointed Nadiya Makram Obeid, former Egyptian State Minister for Environment, as his personal envoy to Sudan. As a Coptic Christian, she will be reassuring to the SPLA while she provides Egypt a window into the process. Nevertheless, both government and SPLA remain very cautious about Egypt's intentions. "Egypt and Libya want to see this process fail", insisted one high ranking Sudanese government official.<sup>78</sup>

The Arab League pledged over U.S.\$400 million at its latest summit for a special southern Sudan reconstruction fund. The League's Secretary General has invited representatives of Arab development funding agencies to a meeting on 19 December 2002 to discuss detailed programs and projects for rehabilitation of the war-ravaged region. Recommendations and blueprints from the meeting are to be reviewed and acted upon by the League's special Sudan group in mid January 2003.<sup>79</sup>

Planning for this kind of assistance, which can help build southern Sudanese confidence in a united Sudan, indicates Arab League commitment to supporting implementation of a peace agreement in the all-important six-year interim period between signature and a southern referendum. The ultimate test, however, will be whether the resources materialise.

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<sup>78</sup> ICG interview, November 2002.

<sup>79</sup>Members of the group are: Egypt, Libya, Saudi Arabia, Syria, Lebanon, Yemen, Algeria, Jordan, and Sudan. See "Arab League round table meeting to discuss developments projects for southern Sudan", *al-Sharq al-Awsat*, 1 December 2002; "Mousa invites Arab funds to discuss developing southern Sudan", *Azzaman*, 5 November 2002.

## V. A HARD ROAD AHEAD

### A. THE THREE CONTESTED AREAS

When negotiations resume in early January 2003, they will focus initially on the status of the three contested areas of Abyei, the Nuba Mountains, and Southern Blue Nile. Since the government has consistently refused to discuss these areas under the IGAD framework, a compromise provides that the parties will negotiate in Nairobi – not officially under IGAD but with General Sumbeiywo's supervision and the other IGAD and observer countries present. General Sumbeiywo will get a separate mandate from his government in order to allay Khartoum's concerns about overlap.<sup>80</sup> Khartoum has accepted, however, that the results of these discussions will be integrated into any comprehensive agreement at Machakos.<sup>81</sup>

This discussion is critical to a final agreement. The SPLA has repeatedly argued for resolving the status of the three areas before discussing security arrangements, and much hesitancy on power sharing stems from uncertainty about this issue as well.

The actual negotiations will likely be divided into two parts: those on Abyei, and those on the Nuba Mountains and Southern Blue Nile. All acknowledge that Abyei is unique, given its large indigenous Dinka population and traditional ties with the South. The Addis Ababa Agreement of 1972 granted it the right to a referendum on staying in the North or joining the South,<sup>82</sup> a position also supported by the NDA's 1995 Asmara Declaration. Abyei should be allowed a referendum, partially due to the unfulfilled 1972 agreement.

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<sup>80</sup> ICG interview, November 2002.

<sup>81</sup> ICG interviews, November 2002. It is hoped that discussion of the three areas will give new impetus to the power sharing negotiation. "How to treat diversity and constitutional trajectory could take out some of the sting" of necessary compromises in the coming talks, said one analyst close to the talks. ICG interview, 19 November 2002.

<sup>82</sup> See John Young, "The Border Territories", available through IRIN, November 2002.

The status of the Nuba Mountains and Southern Blue Nile will be much more complicated to resolve. The SPLA will attempt to be loyal to its units there, which have fought beside it since the mid 1980's. SPLA strategy is focused on securing an opportunity for the citizens of these areas to have their own forum for deciding their future, tied into the IGAD process. Officially, the SPLA demands that each have a referendum for choosing to belong to the North or South, prior to the broader southern referendum.<sup>83</sup>

The government sees the problem as one of underdevelopment, and so a northern problem that is not a legitimate SPLA interest or within IGAD's mandate. It considers the SPLA has raised the issue as a tactic with which to gain maximum concessions at Machakos.<sup>84</sup> It holds firmly to the Machakos Protocol as a reason not to discuss self-determination or state and religion in either of these areas.<sup>85</sup> It hopes that by sticking to a development agenda it will be seen to be addressing genuine concerns of citizens, without setting potentially damaging precedents for other states, such as allowing them also a referendum choice between North and South. Khartoum acknowledges some broader compromise may be needed, such as granting these areas a semi-autonomous status within the North, with extra financial benefits.<sup>86</sup> But it will threaten to reopen negotiations on the South's referendum if it believes the SPLA is trying to open up the North-South border question.

A Justice Africa Conference on the Nuba Mountains was held in Kampala in late November, followed by the All-Nuba Conference<sup>87</sup> in Kauda from 2 to 5 December 2002. Both were attempts by local leaders to develop a common position for the people of Nuba ahead of the January negotiations. The latter was well attended by Nuban participants from both the government and the SPLA, and included a visit by John Garang, who used the opportunity to "sell" the SPLA position on the Nuba Mountains. The conference ended with a clear victory for SPLA, which was mandated to negotiate on behalf of the people of Nuba.

Participants also requested that the area be aligned with the SPLA during the interim period "as the only means to create the opportunity for a democratic and unimpeded process of self-determination".<sup>88</sup>

A similar conference will take place in Southern Blue Nile during the week of 16 December. However, it remains unclear how the decisions of these meetings will be incorporated into the peace process. Although representatives of the international observer countries attended both conferences, Foreign Minister Ismael dismissed the All Nuba Conference as SPLA propaganda.<sup>89</sup> The government can be expected to ignore the findings of both conferences when talks resume on the issue in January 2003.

What may emerge eventually from those talks, however, is a special autonomous status involving significant power sharing between SPLA and government. Khartoum has rejected any power sharing arrangement with the SPLA linked into the southern parliament but sees power sharing with local SPLA administrations as a possibility.<sup>90</sup> Likewise, if the SPLA can gain meaningful decision-making rights for the people of these areas, it may be satisfied.

The NDA's Asmara Declaration offers some relevant insights. It states that after a political solution is found that deals with existing grievances, a referendum should "ascertain the wishes of the people of these areas over their political and administrative future".<sup>91</sup> Short of granting a referendum to choose between North and South, the Declaration hints at a weaker solution that would still grant these areas a significant say over their future. Presumably if the existing system was found to be unsatisfactory, there could be further discussions to devise a system that would better serve local needs.

Ultimately, developing constitutional elements, a special autonomous status, and governing

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<sup>83</sup> ICG interview, November 2002.

<sup>84</sup> ICG interview, November 2002.

<sup>85</sup> ICG interview, November 2002.

<sup>86</sup> ICG interview, November 2002.

<sup>87</sup> See Section III C above.

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<sup>88</sup> Communiqué from the All Nuba Conference, 9 December 2002.

<sup>89</sup> "Khartoum says its Nuba region will not fall for rebel propaganda", Agence France-Presse, 9 December 2002.

<sup>90</sup> ICG interview, October 2002.

<sup>91</sup> See: "Asmara Declaration", National Democratic Alliance, signed 23 June, 1995.

structures that accommodate the aspirations of the people of these areas – which are unique in Sudan for many reasons – will be the determining factors in whether a deal can be struck.

## **B. POWER AND WEALTH SHARING**

After finishing discussion of the three areas, the mediators aim to resolve the outstanding issues in power and wealth sharing. The main areas of contention are the Presidency, the status of the national capital, and the specific percentage of southern participation at various levels of the national government. Last minute hesitations by both parties stymied what was nearly a deal on the Presidency and southern representation in November 2002.

### **1. The Presidency**

Discussion of making John Garang (or whoever the president of the South is) the First Vice President sparked government fears that there could be a southern President if something happened to President al-Bashir. This issue was further complicated by fears among Vice President Taha's allies within the government delegation that a Garang First Vice Presidency would inevitably be at the expense of Taha and his closest – and very powerful – allies.<sup>92</sup> Although a solution was nearly found, the decision not to sign in November will allow greater debate within each party's constituencies. The danger of this, which is already being realised, is that those constituencies will demand harder positions from their negotiators.<sup>93</sup>

Government fears regarding the ascendancy of Garang (or the president of the South) to the Presidency also stem from the assumption that the SPLA will maintain a separate army during the interim period. In a scenario where al-Bashir disappeared, the SPLA man would effectively become the commander-in-chief of both the

northern and southern armies, a situation unacceptable to the current government, and likely most northerners. Provided that an arrangement can be worked out to avoid this, such as insuring that responsibility over security organs goes to another vice president, granting the First Vice Presidency to the southern president is the most equitable solution for shared governance at the executive level. If nomenclature is too difficult, the specific functions of the vice presidents could be negotiated. It is likely that the parties will need to get a sense of the final security arrangements before they can agree on Presidency issues, however.

Participants at Machakos will have to be acutely mindful of the necessity of addressing Taha's status. At the end of the day, the National Congress Party itself may have to propose a solution. For example, President al-Bashir could remain in office until an election and then step aside to allow Taha to be the ruling party's nominee for the top job.

### **2. Southern Representation in the National Government**

Southern representation in the national legislatures, national civil service, and council of ministers was also nearly resolved in November. The parties were quite close in their thinking, recognising that an equitable level of southern participation must be safeguarded. The area of disagreement was over the actual percentage of southern representation in the various organs of power. It was accepted that a national census would be needed during the interim period since there is no agreement on the South's proportion of the national population. A 33.3 per cent representation for southerners throughout the various levels of government – except the Upper House, which will require either more equal numbers or a veto for certain legislation – was being discussed as a compromise. This could be adjusted after the census. As stated, such an agreement should also be conditional on an effective southern veto in the envisioned Upper House so that the peace agreement could not be unilaterally abrogated or amended by majority rule.

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<sup>92</sup> ICG interviews, November 2002.

<sup>93</sup> Dr. Abd-al Rahman Ibrahim, a leading member of the government delegation in Machakos, told Radio Omdurman on 22 November 2002 that "We have closed the chapter of John Garang becoming the first vice-president to Umar al-Bashir. We want several vice presidents, not one as demanded by the SPLA and this is one of the reasons why the talks collapsed". See: "Sudan: Government rules out Rebel leader as Vice-President even after talks", BBC Monitoring Service, 23 November 2002.

### 3. The National Capital

The status of the national capital has been one of the most difficult issues. The SPLA demands that the shared capital be secular because there will be many non-Muslim residents. The government has shown no willingness to compromise, and recent comments by President al-Bashir that the capital “will never be secular” further harden its position.<sup>94</sup> The government argues, with some merit, that the SPLA is trying to renegotiate issues resolved implicitly in the Machakos Protocol, while the SPLA says that this is a national matter and thus not addressed by the agreement to allow *Sharia* law in the North.

This will probably be one of the final issues to be resolved, as either side will require a major concession on another important issue if it is to yield. It is unlikely that the ruling party could hold its constituencies in line if it accepted a secular capital. However, some accommodation on the status of non-Muslims – with specific legal and institutional safeguards for religious and racial minorities – could facilitate agreement.

### 4. Sharing Revenues

Both parties are likely to stick to unrealistic revenue demands until the very end of the negotiations, when this issue, too, can be included in a compromise package. An examination of Sudan's economy helps provide the context. Despite the upsurge in fighting in 2002, gross domestic product (GDP) is estimated to grow at 5.1 per cent this year, almost twice the global average. Oil production, which drives this, remains steady at 245,000 barrels per day.<sup>95</sup> As the economy expands, and Sudan adheres strictly to structural adjustment programs, it enjoys improved ties with the World Bank and the International Monetary Fund (IMF), both of which isolated it throughout the 1990s.<sup>96</sup>

In a November 2002 report, the IMF declared:

Sudan has made substantial progress over the past five years of staff-monitored programs in achieving macroeconomic stability and advancing structural reforms...[The staff] recommends that the Board consider the authorities' request that satisfactory performance under the program be taken into account in determining the timetable for arrears clearance and a resolution of Sudan's debt.<sup>97</sup>

Servicing of Khartoum's huge debt, over U.S.\$21 billion, continues to be blocked, however, because of strained relations between Sudan and its creditors, particularly the U.S. The debt will be a major factor in the wealth sharing negotiation, which must also involve a burden sharing element.

Despite the positive assessment, the IMF report also reveals that Sudan's economy remains susceptible to external shocks due to increasing dependence on oil as the country's primary export. In 2001 the decline of international oil prices led to revenue shortfalls, a dramatic drop in the balance of payments, and slower GDP growth. International reserves fell to US.\$45 million (or two weeks of imports). These setbacks prevented the government from making its monthly payments to the IMF. Ad hoc measures were implemented to stabilise the economy in the second-half of 2001.<sup>98</sup> These price-related fluctuations in revenue also must be factored into the negotiations.

The Khartoum government emphasised its commitment to macroeconomic stability to the IMF and promised fiscal austerity in order to bring GDP growth back above 6 per cent in 2003. How domestic political demands affect these economic forecasts is important. For example, the government promised to reduce military expenditures by 13.5 per cent, to 2.5 per cent of GDP in its 2003 budget.<sup>99</sup> Such a goal is only feasible if there is an early peace agreement, and

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<sup>94</sup> “Sudanese President says capital will “never be secular”, Associated Press, 17 November 2002.

<sup>95</sup> “Country Report: Sudan”, Economist Intelligence Unit, 1 November 2002.

<sup>96</sup> The IMF suspended Sudan's voting rights in 1993 and subsequently threatened to expel it. The World Bank cut off all development assistance in 1993. Since 1997, Sudan has embraced IMF economic policy prescriptions and

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experienced an overall improvement of relations with both institutions. The IMF reinstated Sudan's voting rights in 2000.

<sup>97</sup> “Sudan: Final Review Under the Medium-Term Staff-Monitored Program and the 2002 Program”, IMF Country Report No. 02/245, November 2002.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

even then the effect on military spending might not be felt fully for a year or two.<sup>100</sup>

On 30 October 2002, the Canadian company, Talisman Energy Inc., announced sale of its 25 per cent stake in the Greater Nile Petroleum Operating Co (GNPC) for U.S.\$750 million to the state-owned Indian company Oil & Natural Gas Corp Ltd (ONGC). Although it wanted Talisman to remain in the consortium, Khartoum accepted the substitution because ONGC is likely to be less sensitive to international criticism for complicity in the human rights violations that have accompanied the government's push to expand oil production.<sup>101</sup> Talisman expects the sale to be final by 31 December 2002.<sup>102</sup>

By contrast, while there is a fledgling taxation system in places, the South remains largely pastoralist, with no formal economy. The revenue that will come to the southern government under a wealth sharing agreement will be critical for development, but a great deal of international aid and expertise will also be required.

In early December 2002, the SPLA announced establishment of a bank and intention to issue currency for use in areas under its control. The government denounced this as an attempt to anticipate the Machakos negotiations and an indication that the SPLA was not prepared to accept genuine federalism. Already angered by a visit to the Nuba Mountains during which Garang discussed the marginalised areas in what Khartoum considered was a violation of the understanding to negotiate that issue on a parallel track to the IGAD process in January, the government sent letters of complaint to the IGAD secretariat and the international observers.<sup>103</sup> President al-Bashir showed his disapproval by refusing to travel to Nairobi on 15 December to meet with Garang, as had been arranged by President Moi and the U.S.

during the Kenyan president's recent Washington trip.<sup>104</sup>

### C. SECURITY ARRANGEMENTS

After discussions on the status of the three areas and the outstanding power and wealth sharing issues, the mediators are due to turn to the final security arrangements and negotiation of a comprehensive ceasefire. These issues – potentially the most difficult of all and certain to reveal both parties' bottom lines – have not changed significantly since ICG addressed them extensively in a prior report.<sup>105</sup> The government, however, appears to have hardened its position. The army's spokesman declared that government troops will not withdraw from the South and hand over their camps and equipment to the rebel forces after a peace accord, arguing "The army represents the state, while SPLA forces don't. The government has a national mandate that is not subject to compromises, such as foreign policy, national security, frontiers, and financial issues". However, the official said the army would agree to reduce its forces in accordance with the security arrangements of the final peace agreement.<sup>106</sup>

Despite small skirmishes, the success of the cessation of hostilities agreement thus far proves that implementation of a comprehensive ceasefire will depend much more on the will of the parties than its monitoring mechanism. Nonetheless, a monitoring mission, be it led by the UN, AU or even IGAD, will be important. According to one military analyst, two keys will be its control of airspace along the border between North and South, and its rapid air (preferably helicopter) capability.<sup>107</sup> The monitoring mission should also incorporate existing international expertise (e.g.,

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<sup>100</sup> "Sudan: Final Review Under the Medium-Term Staff-Monitored Program and the 2002 Program", IMF Country Report No. 02/245, November 2002.

<sup>101</sup> "Sudan chose ONGC as less open to censure", Reuters, 11 November 2002.

<sup>102</sup> "Talisman to Sell Sudan Assets for C\$1.2 Billion: Talisman Press Release", Canadian News Wire, 30 October 2002.

<sup>103</sup> ICG correspondence, 14 December 2002.

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<sup>104</sup> ICG interview, 15 December 2002.

<sup>105</sup> ICG Report, *Sudan's Best Chance for Peace*, op. cit.

<sup>106</sup> "Sudanese army: we will not withdraw from the South", *Al-Watan* (Qatar), 9 December 2002.

<sup>107</sup> With over 400 airstrips in the South, control over airspace will be the only way that an international monitoring mission can maintain any oversight of the flow of military equipment into the South, potentially to militia factions. Depending on the scope of the mandate of an international mission, air capability will be required in order to maintain access to the vast areas of southern Sudan. Helicopter capability will allow the mission to

that of Operation Life Line Sudan and the newly created Civilian Protection Monitoring Team) on the ethnic and regional dynamics within the South so that it does not have to re-invent the wheel when starting up.

## VI. CONCLUSION

The parties are closer to defining what a post-war Sudan will look like than ever before, and the extension of the cessation of hostilities agreement through March 2003 – with its provisions for unimpeded aid access – has sent a positive signal that they are serious about travelling the remaining distance on the road to peace. Yet, the re-emergence of harder line elements on both sides of the table during the last days before the November adjournment is disturbing. As with all transitions, some entrenched individuals or groups feel threatened, and they are capable of undermining a comprehensive solution in order to protect their interests.

The international community must continue strong support for the process and specifically encourage the pro-peace elements of both parties, as necessary, to ensure that they remain in a position to make the necessary compromises. The observer countries (U.S., UK, Norway, Italy) should enhance their commitment to the process by buttressing their expert-level representation on the ground in Machakos in coordination with General Sumbeiywo.

In response to the harder line sentiments that have increasingly surfaced and threaten to undermine the process, the international community needs to reinforce the peace dividend available to both parties. An end to the war is a win-win situation for the government and the SPLA alike, but strong elements in both could put the negotiations at risk if the moderate, pro-peace groups are not adequately supported.

Such an effort will require an internationally coordinated and resourced public diplomacy campaign, aimed at educating key constituencies throughout Sudan about peace benefits and the necessity of making tactical compromises to achieve strategic objectives. The goals of such a campaign would be to disseminate basic information about the peace process, dispel rumours, extend the commitment to peace, increase accountability of the parties, and educate the public about the dividends that will be theirs if their leaders come to agreement. Methods to promote this campaign include an aggressive use of the media (particularly radio), high profile visits to

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respond rapidly to any incident within the South. ICG interviews in southern Sudan, October 2002.



Khartoum and the South to deliver these messages in as many public venues as possible,<sup>108</sup> targeted workshops, and other tools of public diplomacy.

The IGAD process continues to be weakened by its lack of broader Sudanese participation. Opposition parties, as well as civil society groups, must be incorporated as soon as possible. As long as they are kept outside, any agreement will be vulnerable to changing political winds. Broader participation and buy-in for the process is the best method of ensuring both the proper implementation of an agreement and its sustainability. Egyptian officials blame Khartoum for excluding other political parties. "Bashir is the obstacle on this", asserted one Egyptian diplomat. "He wants to stay in power for the entire interim period".<sup>109</sup> Mixed signals emanate from both sides on wider inclusion, however.

As suggested in previous ICG reporting, the IGAD mediators should invite representatives from the NDA and the Umma Party to set up an advisory body in Nairobi to provide regular input into the negotiation process and develop a sense of ownership for what emerges.<sup>110</sup> If this proves impossible for IGAD because of resistance from the parties, the observer countries should take the initiative.

#### **Nairobi/Brussels, 18 December 2002**

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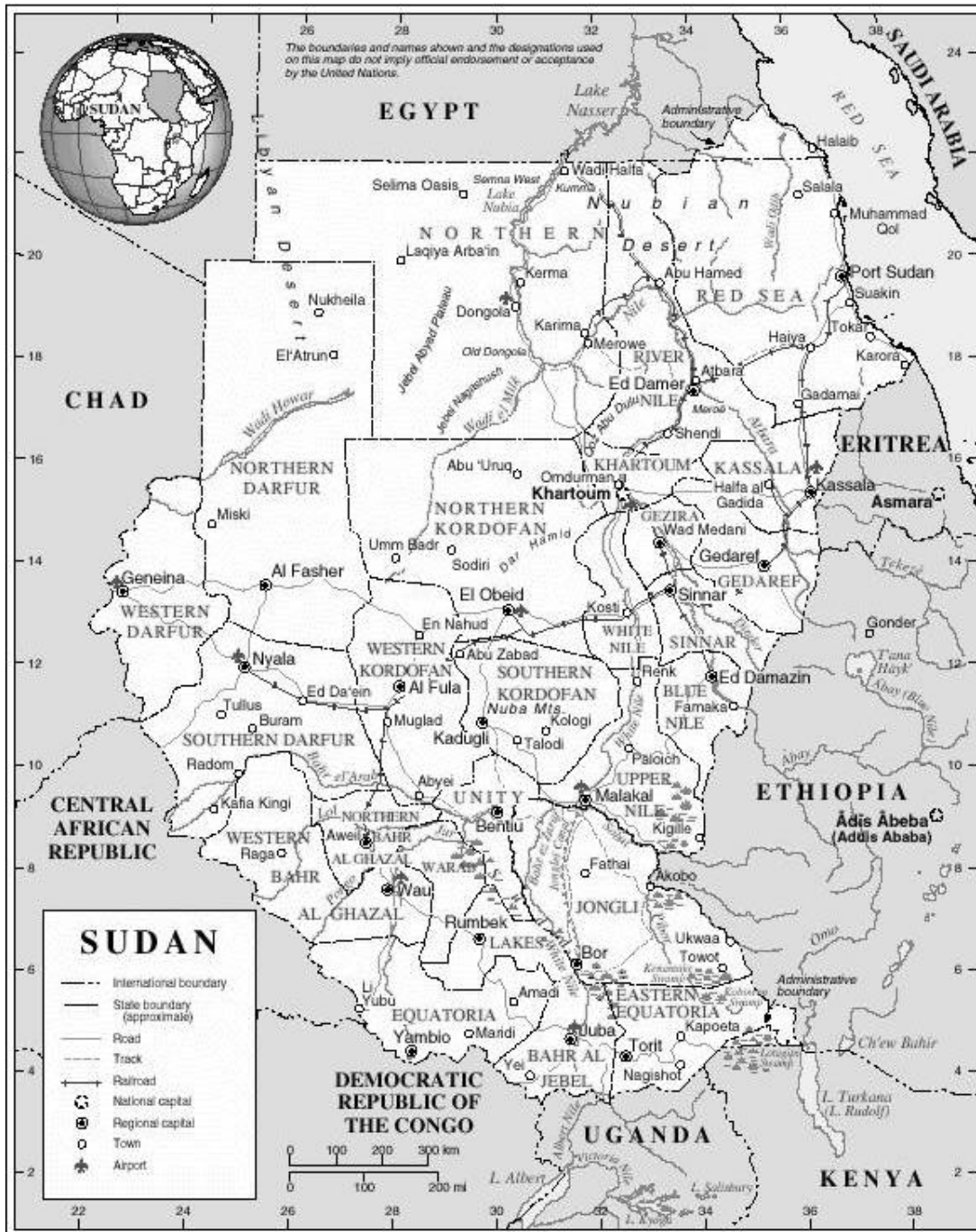
<sup>108</sup> At a minimum, U.S. Special Envoy John Danforth should travel and deliver these messages. Best would be to do so in coordination with other dignitaries from the United Nations, the African Union, the Arab League and the European Union.

<sup>109</sup> ICG interview, November 2002. Egypt continues to be unhappy with the Machakos process, but not yet ready to re-launch its joint initiative with Libya. "We don't want peace at any price", said the diplomat. "Unity is critical for us ... It is not just the Nile waters. There would be juridical complications for all of Africa if Sudan were to fragment".

<sup>110</sup> See ICG Africa Report No. 48, *Sudan: Organising for Peace as the War Escalates*, 27 June 2002.

## APPENDIX A

### MAP OF SUDAN



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy 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](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses 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; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices (in Amman, Belgrade, Bogotá, Islamabad, Jakarta,

Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation and the United States Institute of Peace.

**December 2002**

## APPENDIX C

### ICG REPORTS AND BRIEFING PAPERS\*

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*Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework*, Africa Report N°29, 14 May 2001 (also available in French)

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\* The Algeria project was transferred from the Africa Program in January 2002.



## APPENDIX D

### ICG BOARD MEMBERS

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