



SPECIAL REPORT

ABOUT THE SEMINAR

On April 12, 1994, the United States Institute of Peace convened a meeting in Washington, D.C., that brought together prominent Sudanese representing virtually every major perspective on the conflict in Sudan, along with U.S. analysts, government officials, humanitarian groups, and representatives of states in East Africa and the Horn of Africa.

The participants discussed options for resolving the conflict in Sudan, the negotiating process, obstacles to peace, and concrete steps to move the talks forward. This report summarizes the proceedings (chaired by the chairman of the Institute's board of directors, Chester Crocker, and held under not-for-attribution rules) and outlines some of the principal recommendations of participants.

The event was one of a series exploring ways to bring peace to troubled Sudan. On October 20, 1993, the Institute and the U.S. House of Representatives Subcommittee on Africa held a two-day symposium that led to negotiations between the two principal southern factions. Rep. Harry Johnston (D-FL), subcommittee chairman, mediated the negotiations.

Sudan: Ending the War, Moving Talks Forward *Report of a United States Institute of Peace Seminar*

Amid ongoing civil war and a prolonged, deep humanitarian crisis, Sudan's government and rebel leaders will meet in Nairobi, Kenya, on May 16 for another round of peace talks. The negotiations, mediated by the member states of the Intergovernmental Authority on Drought and Development (IGADD), are the fourth round of recent attempts to end the brutal war between the Sudanese government based in the predominantly Islamic north and rebel factions in the predominantly Christian and animist south. More than 1.3 million people have died in the conflict since 1983, and millions more have lost their lives in famine or have fled the fighting as refugees or internally displaced persons. Previous rounds of talks, held in Abuja, Nigeria, and in Nairobi, ended in impasse.

Recommendations of Seminar Participants

- A standing working group or mediation team should be constituted within the IGADD secretariat to make the peace process coherent. The international community should provide financial resources and technical support for the working group.
- The agenda for the talks must be clarified to be acceptable to all parties.
- An agreement on relief corridors and "zones of tranquillity" should be reached as soon as possible and a mechanism for supervision and compliance developed.
- The negotiation process must be more sustained, as opposed to the current sporadic pattern of talks characterized by long interruptions.
- Preparatory work on the elements of a potential settlement; such as an interim power-sharing period, national conference, or referendum, should begin well in advance of the negotiation process.
- Analysis of practical issues that would arise in implementing a negotiated settlement should begin as soon as possible. Working out in advance the details of military demobilization, refugee repatriation, and other issues can give parties greater confidence that agreements will succeed.

- Unofficial dialogues should be convened to bring together a wider array of interests than those represented in official talks, including opposition parties in the north, traditional leaders of ethnic and tribal groups, women's groups, trade and professional unions, and academics. Civil society groups, particularly women, should be included in efforts to promote peace and national reconciliation.
- These unofficial dialogues should not detract from the official talks among warring parties on a negotiating mechanism, the cessation of fighting, and the delivery of humanitarian supplies. Success in these talks is a prerequisite to broader national reconciliation.
- In the longer term, efforts are needed to foster conflict resolution at several levels—national, regional, and local—and among the many ethnic and political communities in Sudan.

The views expressed in this report do not necessarily reflect views of the United States Institute of Peace, which does not advocate particular policies.

For further information on the October 1993 meeting, see *Sudan Symposium Generates Momentum for Mediation*, an Institute special report, that contains the text of an agreement on principles signed by the two southern factions. The papers presented at that symposium are available in a recent report, *Sudan: The Forgotten Tragedy*. To obtain a copy of these reports, please send or fax a request to the Office of Public Affairs and Information at the United States Institute of Peace. For more information on Institute activities relating to Sudan, contact Dr. David Smock or Dr. Timothy Sisk.

Background

Civil war has plagued Sudan off and on since decolonization began in 1955. Between 1955 and 1972, war raged between the predominantly Arab and Islamic north and the Christian and animist south over southern claims for autonomy and self-rule. The war ended with the Addis Ababa agreement, which granted local autonomy to the south. The agreement was mediated by the All-African Conference of Churches and the World Council of Churches. In 1983, the autonomy agreement was abrogated when then-president of Sudan Jafaar Nimeiri announced the application of Islamic law (*Shari'a*) in the south, and the war resumed. A coup d'etat in 1989 ended a brief period of parliamentary rule, bringing to power a military regime backed by the National Islamic Front (NIF), which espouses an Islamist (or radical Islamic) ideology.

Currently there are deep disagreements in the north between the Islamist government and opposition parties (e.g., the Umma Party and the Democratic Unionist Party) over the role of Islam in Sudan and the prosecution of the war against the south. Factionalism also prevails in the south, following a split within the Sudanese People's Liberation Army (SPLA) in 1991. The SPLA/Mainstream faction, led by John Garang, is opposed by the SPLA/United faction (known as the Torit faction), led by Riek Machar. Thus, the north-south conflict is exacerbated by considerable tensions in the north as well as military engagement between parties in the south. Despite the Washington Declaration of October 1993 (see sidebar, page 1), confrontation between the southern parties continues albeit at a reduced level of intensity. Thus, the Sudan conflict is more complex than the usual references to a north-south split suggest.

The next round of talks to end Sudan's decade-old civil war is slated for May 16 in Nairobi. The talks are being held under the auspices of the mediation committee of IGADD, which comprises countries in East Africa and the Horn of Africa. Kenya chairs the mediation committee, on which Uganda, Eritrea, and Ethiopia also serve. Previous mediation efforts include those attempted by former Nigerian president Ibrahim Babangida and held in Nigeria's capital (Abuja I and II), as well as earlier attempts by former U.S. president Jimmy Carter, former Nigerian president Olusegun Obasanjo, and former U.S. assistant secretary of state Herman Cohen.

Prospects for a significant breakthrough in May are not promising. Nevertheless, specific measures can be taken to end the immediate humanitarian crisis and build a basis for a long-term resolution of the underlying dispute over Sudan's national identity. Further, the negotiation process itself can be strengthened to bolster the chances of success in the short and long term.

Ripe for Resolution?

The critical question is whether the conflict is "ripe" for resolution. Do the parties consider a negotiated settlement a better option than continued military engagement? Is there a consensus about a formula for resolution? Is there a negotiating mechanism for resolving the conflict? Are the parties cohesive enough to reach and sustain an agreement?

Some objective conditions of "ripeness" exist in Sudan. Although the military fortunes of the parties wax and wane, the potential for a sustainable uni-

lateral victory are slim. No one will "win" this civil war.

The main barrier to meaningful negotiation is perception. The three major warring parties—the government and the two southern rebel factions—perceive that they will gain more from inflicting harm on the others than from reaching a settlement now. Even though an objective stalemate exists, the parties believe that the military option is viable.

Further, many southerners do not believe that the current government is a credible negotiating partner because of its Islamist pronouncements. These parties argue that meaningful dialogue cannot take place until the principle of "restructuring" the government to make it more tolerant and pluralist is accepted. This view is shared by some of the more secular northern parties and elements within northern professional groups and trade unions. Opposition parties and outside observers disagree over whether the NIF-government is frozen in its ideological position or amenable to negotiation. The government insists that it is prepared to negotiate in good faith.

The negotiation process reflects the underlying problem of perceptions. Because government forces have recently made gains on the ground, the incentive for the NIF-backed regime to negotiate meaningfully dwindles; conversely, as the rebel forces retrench, they negotiate from a position of weakness. Thus, all sides perceive that prolonging the current impasse to achieve a better position is better than settling now, and the stalemate continues. Ripeness for resolution in Sudan depends on a balance of power in which parties perceive settlement as the best option. The parties do not perceive such a balance at this point.

Another problem preventing resolution is that the parties are not cohesive enough to conclude a sustainable settlement. Riven by factionalism, none of the three armed groups has the capacity to reach and fully implement a settlement.

Self-Determination

Not only are the short-term perceptions and capacities of parties not conducive to a settlement, but their basic understanding of the nature of the Sudanese state is at odds. Although it is conceivable that a settlement could be reached that leaves the ultimate status of the south open—that is, whether it should be a federal, confederal, or separate entity—there must at least be agreement that self-determination is negotiable. There is presently no such consensus among major parties.

The NIF-dominated government in the north sees federation as the maximum degree of devolution it will concede and categorically rejects self-determination for the south. Many southerners allege that the government's first preference is a unitary state, with assimilation—"arabization" and "Islamization"—of the southern peoples. On the other hand, while the southern factions agree on the principle of self-determination, they disagree about what kind of state the process of self-determination should generate. The Garang-led SPLA/Mainstream faction does not necessarily equate self-determination with secession. The Machar-led SPLA/United faction favors partition and views self-determination as a route to a political divorce from the north.

As the demand for separation has gained currency among the people of the south, perceptions of the options available for resolution of the conflict have polarized. Those in the north see self-determination as a slippery slope that will lead toward bifurcation of Sudan. For most northern parties, including the NIF-led government, this is an unacceptable outcome. This polarization in basic perceptions about the conflict's eventual outcome has led to further deadlock in the talks. The government demands that self-determination not be a principle upon which the talks are based; the southern parties see the principle as inalienable and demand that it be included in the negotiations. Although the present positions are not fixed and further talks may narrow the gap, a convergence of views has not yet begun.

Because the conflict is so intractable and the humanitarian crisis continues, some argue that international intervention is the only way to coerce the parties into negotiating a settlement ending the tragedy in Sudan.

Negotiation and International Mediation

The most serious obstacles to peace in Sudan are differing perceptions about the purpose of negotiation and disagreement about the fundamental principles for resolution. The parties see the current negotiation process as "political warfare." Some of the parties see the talks as another way to advance their causes within the international community, not as a genuine route to reconciliation. These differing perceptions about the purpose of negotiations have created a "moral vacuum" that can be filled only by international mediation. The fact that all parties to the conflict have accepted mediation is a hopeful sign. Although the mediators may not be able to change the parties' underlying perceptions, they can provide a mutually beneficial formula for resolution and offer guarantees that agreements will not be abrogated.

At present, the Sudan government believes that the negotiation process is flawed in form and content. It prefers secret talks with prolonged interaction rather than the stop-and-start process that has characterized previous rounds. As mentioned above, the government opposes injecting the principle of self-determination into the talks. Southern parties also have expressed concern about the stop-and-start nature of the talks. The parties blame each other for the often abrupt end to negotiations. The international mediators believe that all parties are responsible because they pursue military gain to affect political dialogue. Nevertheless, the parties have agreed to return to the table on May 16 for another round of negotiations of an unspecified duration.

In the talks being mediated by IGADD, participants suggested that the following issues should be addressed:

- Before negotiation on specific issues can begin in earnest, the principles to be negotiated, particularly self-determination, must be clarified. At present, the government seeks to exclude it from the agenda.
- The most pressing task is to negotiate a cease-fire, even if it is limited to safe havens, free passage routes, or "zones of tranquillity." The United Nations (under Operation Lifeline Sudan) and international nongovernmental organizations must be allowed to deliver humanitarian relief aid.

- Once the parties have agreed on how to provide humanitarian relief, a sustainable, verifiable cease-fire must be reached. A cease-fire period should not be used to increase military strength.
- The southern parties have proposed an interim period of significant local autonomy before the final status of the south is determined, to be followed by a popular referendum on its final disposition. Southern parties have stated that the minimum interim arrangement must be eighteen months, with four years being the maximum period they would consider. The government is willing to consider an interim period, but it prefers a longer time span—up to a decade. During the interim period, some Sudanese have suggested that an interim government of national unity could be established, which might be supervised by an international organization such as the UN or IGADD.
- Several northern opposition parties have proposed a national conference to debate both the formula for resolution and a new constitution. Advocates of this approach contend that the current government lacks the legitimacy to reach an agreement that would be widely accepted. Various parties have raised concerns about such a conference, noting the inherent difficulties in choosing appropriate participants and the decision-making rule the conference would adopt.

Strengthening the Negotiation Process

Participants enumerated some ways to strengthen the process.

- The IGADD initiative currently relies on the personal involvement of the foreign ministers of the member states and is sometimes cumbersome and difficult to organize. A standing working group or mediation team within the IGADD secretariat should be constituted to help bring coherence to the process. The working group could provide documentation and ideas for moving the talks forward. The international community should provide financial resources and technical expertise to the working group.
- The agenda for the talks must be clarified to be acceptable to all parties. At present the negotiating agenda is vague, and details on such sticky issues as self-determination and *Shari'a* must be clarified. The government rejects the inclusion of these as principles for negotiation, although it is clear that they are the most contentious issues and are implicitly being discussed in any event. If the parties do not discuss these issues at the table, the conflict over them will be waged on the battlefield.
- Attention should be focused on the work of the technical committee on humanitarian issues as the first potential area for agreement. An agreement on relief corridors and zones of tranquillity should be reached as soon as possible. The agreement should include a mechanism for its supervision and compliance with its terms—likely involving the UN, which is represented on the technical committee. An agreement on humanitarian issues could form the basis of a broader cease-fire.

- The negotiation process must be sustained. Negotiation could be more fruitful if the long interludes between sessions were avoided. At the same time, the talks should not be so open-ended that prolonged delay becomes an attractive tactic to prevent meaningful agreement.
- Preparation should begin well in advance of the start-up process on the elements of a potential settlement. Issues requiring preliminary attention include the details of an interim power-sharing period, the structure and decision-making rules of a national conference, and conduct of a referendum. This preparation should be undertaken to support the negotiation process.
- Serious analysis of the practical issues that would arise in implementing a negotiated settlement should begin as soon as possible. For example, ways and means should be devised now to demarcate boundaries; protect human rights during an interim period; repatriate refugees and displaced persons; demobilize military units and reintegrate combatants into civil society; reinstate the police as the primary keepers of law and order; determine equitable sharing of resources, such as oil, water, agricultural resources, and grazing rights; rebuild and develop shattered towns and villages; anticipate and resolve ethnic and regional tensions; and develop other implementation and enforcement mechanisms. Working out the details of implementation in advance can give all parties greater confidence that agreements will last.
- Because the talks do not include all parties with a stake in the conflict, multiple-track diplomacy is desirable. Unofficial dialogues that bring together a wide array of interests—including opposition parties in the north, traditional leaders, women's groups, trade and professional unions, and academics—should be convened to reinforce the negotiation among the major warring parties and to allow the people of Sudan to feel a greater ownership of the negotiating process. These dialogues would allow civil society groups now excluded from the process to participate in efforts to promote peace and national reconciliation.
- Unofficial dialogues among warring parties should not, however, detract from official talks on a negotiating mechanism to end the fighting and deliver humanitarian relief supplies. Real conflict resolution will depend on dialogue, reconciliation, and a genuine search for peace at all levels of society. But no window of opportunity to resolve underlying conflicts will be open as long as the fighting continues.
- Peacemaking at the national level must be related to on-the-ground relationships. Indigenous conflict resolution methods should be explored. Strife at the local level is unlikely to be resolved while the war continues. If and when some agreement is reached, efforts must foster conflict resolution at myriad levels and among the many ethnic and political communities in Sudan.