

### SUDAN'S DUAL CRISES: REFOCUSING ON IGAD

#### I. OVERVIEW

As the Darfur crisis understandably preoccupies the international community, inadequate attention is being paid to ending Sudan's 21-year old civil war between the Khartoum government and the mainly southern insurgency led by the SPLA (Sudan People's Liberation Movement/Army). The peace process mediated by the regional organisation IGAD (Intergovernmental Authority on Development), looked close to finality in June 2004 but is now at risk. The draft agreement negotiated at Naivasha contains provisions that can assist a political solution in Darfur. The two sets of issues are closely related and need to be dealt with equally and urgently. However, unless current dynamics change, and the UN Security Council puts more pressure upon Khartoum to conclude the IGAD agreement, war could soon resume across the country.

If the government chooses to delay conclusion of the peace agreement when the IGAD negotiations resume on 7 October, the six protocols already signed but not yet in force may well begin to unravel -- under pressure from regime hardliners and intellectuals in the North who argue that too many concessions were made to the SPLA (Sudan People's Liberation Movement/Army), and from elements within the SPLA who never trusted the regime to keep its word and believe it has been weakened by Darfur. If this happens, new fronts in a war that has already cost two million lives are likely to emerge in the Nuba Mountains, Southern Blue Nile and the east.

If the government chooses cooperation, peace in Sudan could be secured before the end of the year. Wrapping up the IGAD (Naivasha) agreement would lay the groundwork for further understandings with the umbrella opposition group, the National Democratic Alliance (NDA), and, more importantly, provide models for a Darfur resolution and begin the process towards democratisation and national elections.

However, indications are the regime is leaning toward further intransigence. The signals it is sending on IGAD are mixed at best, suggesting it is stalling in an effort to persuade the international community to relax its Darfur demands. Khartoum also has obstructed the deployment of a sizeable African Union (AU) force with a specific mandate to protect civilians in Darfur, while its effort to link disarmament of Janjaweed militia to the cantonment of the Darfur rebels helped stymie recent AU-mediated talks. While Foreign Minister Mustafa Osman Ismail, adopted a conciliatory approach before the Security Council on 29 September 2004, pledging cooperation with an AU force, there remains much ambiguity about what that will mean in practice.

Khartoum appears to calculate that commercial and sovereignty considerations will ensure that most countries and international institutions will apply no more than rhetorical pressure. It encourages the perception that if serious pressure is applied, it would be counter-productive, giving advantages to putative "hardliners" or even causing the regime to crack, leaving a failed state in its wake. These tactics have served the regime well since it seized power in 1989.

The lesson of those fifteen years, however, is that when the government has been the target of serious pressure with a specific objective, it has modified its behaviour. It is a pragmatic regime that will do what it has to in order to survive, including choosing cooperation rather than attempting to impose unilateral solutions.

The international community should act on a number of fronts to achieve a comprehensive solution to Sudan's multiple and interconnected problems, one that deals equally with the IGAD peace process and Darfur. The Security Council should give itself further leverage on Darfur by moving quickly to deploy the first elements of the International Commission of Inquiry it established by its resolution of 18 September 2004. If there is not concrete progress on its Darfur demands by the end of

October, especially the AU protection force, the Council should impose an arms embargo on the Sudanese government, an assets freeze on companies owned by the ruling party that do business abroad, and a travel ban on senior Sudanese officials.

Diplomatic pressure must simultaneously be escalated to produce a swift conclusion on the IGAD (Naivasha) process. The Security Council needs to state clearly that if the parties do not make progress when they resume the IGAD negotiations on 7 October and fail to conclude a final agreement by the end of the year, it will assess responsibility and take appropriate decisions. Other issues must also be addressed, particularly the complications presented by the Lord's Resistance Army (LRA), the brutal Ugandan insurgency whose depredations have often been supported by Khartoum in pursuit of its war aims in the South.

Ultimately, the regime must understand that meaningful penalties can only be avoided or removed if it acts quickly and constructively on both the IGAD agreement and Darfur. It should not be allowed to pick and choose which issues, or parts of issues, it wishes to move on, playing these off against others. This is the moment for it to decide its path -- and firmness in New York and key capitals is necessary to inform its choice.

## II. TO THE EDGE OF PEACE AND BACK

While attention has been focused on Darfur,<sup>1</sup> the peace process between the government and the SPLA is in danger of collapse, despite the considerable progress made since talks began in June 2002 with IGAD mediation and U.S., UK, Norwegian and Italian observation.<sup>2</sup>

<sup>1</sup> For more on the Darfur crisis, see ICG Africa Report N°83, *Darfur Deadline: A New International Action Plan*, 23 August 2004; ICG Africa report N°80, *Sudan: Now or Never in Darfur*, 23 May 2004; ICG Africa Report N°76, *Darfur Rising: Sudan's New Crisis*, 25 March 2004; ICG Africa Report N°73, *Sudan: Towards an Incomplete Peace*, 11 Dec. 2003; and ICG Africa Briefing, *Sudan's Other Wars*, 23 June 2003.

<sup>2</sup> For prior analysis on the IGAD process, see ICG Africa Report N°51, *Sudan's Best Chance for Peace: How Not to Lose It*, 17 September 2002; ICG Africa Report N°55, *Power and Wealth Sharing: Make or Break in Sudan's Peace Process*, 18 December 2002; ICG Briefing, *Sudan's Other Wars*, op. cit.; ICG Africa Report N°65, *Sudan Endgame*, 7 July 2003; and ICG Report, *Towards an Incomplete Peace*, op. cit.

On 26 May 2004, the parties signed what were to be three final protocols: on power sharing; on the disputed regions of Abyei; and on the Nuba Mountains and Southern Blue Nile. This ended the "political" negotiations, and on 5 June, the Nairobi Declaration was signed, reconfirming all six protocols.<sup>3</sup> It was to pave the way for two final "technical" phases on modalities of a comprehensive ceasefire, security arrangements and implementation. The Nairobi ceremony gave a false sense that the process was, in effect, complete. However, the international community underestimated, not for the first time, the remaining difficulties.

Lower level talks on security arrangements in June and July made some progress but will not be brought to closure without the active participation of SPLA Chairman John Garang and the government's First Vice President, Ali Osman Taha. Khartoum rebuffed IGAD efforts in July and August to bring the principals back to conclude negotiations on the grounds that it was too busy with Darfur. Garang and Taha are at last scheduled to pick up their talks again on 7 October.

While political negotiations between the government and the two main Darfur rebel groups are proceeding fitfully under AU auspices -- the latest round in Abuja broke off on 17 September, apparently deadlocked over security arrangements<sup>4</sup>, and are to resume only in mid-October -- the IGAD process is stalled. Khartoum officials have recently stated that it cannot be concluded until the SPLA ceases to support the Darfur rebels.<sup>5</sup> Complicating matters, the government has begun a third negotiating track, with the umbrella opposition body, the National Democratic Alliance (NDA), of which both the SPLA and the Sudan

<sup>3</sup> The six protocols are the Machakos Protocol, of 20 July 2002; The Agreement on Security Arrangements during the Interim Period of 25 September 2003; The Agreement on Wealth-Sharing during the Pre-Interim and Interim Period of 7 January 2004; The Protocol on Power Sharing of 26 May 2004; The Protocol on the Resolution of the Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States of 26 May 2004; and the Protocol on the Resolution of the Conflict in Abyei of 26 May 2004.

<sup>4</sup> ICG interviews, September 2004. See also the conclusions of the Chairman from the Abuja talks, Dr. Hamid Algabid. 17 September 2004. Available at <http://www.africa-union.org/DARFUR/Chairman%20Conclusion.pdf>.

<sup>5</sup> "SPLM accuses Government of buying time; Gutbi: resuming Naivasha subject to SPLA keeping its hands off Darfur", *Al-Ayam* (in Arabic), 8 September 2004. This support appears to be only political at the present time. ICG interviews, June-September 2004.

Liberation Movement/Army (SLA), the larger of the two Darfur rebel groups are members.

The longer it takes to conclude the IGAD process, the greater the risk its still provisional gains will be lost. The SPLA's constituency in southern and central Sudan seems to be growing restless, although calls for a return to war are still in a minority. Yet, the Darfur rebellion, which the SPLA once welcomed as opening a new front and increasing pressure on Khartoum to bargain, threatens to become a fatal diversion, drawing away the energies and attention of the international community as well as the government.

For many months the government kept international activism on Darfur to a minimum by playing on fears it would walk away from the IGAD process if too much pressure was applied. As a result, until late March 2004, it was able virtually to complete an ethnic cleansing campaign in the traditional homelands of the Zaghawa, Fur and Massaleit peoples. The doors for large scale international humanitarian access to the region were opened only in May 2004, as the rainy season was about to begin. Khartoum continues to play international concerns off against each other, in an effort to neutralise pressures from the UN Security Council and elsewhere to take multiple steps including to:

- disarm the Janjaweed militias in Darfur as it has four times promised;<sup>6</sup>
- continue to facilitate access for international humanitarian organisations operating in Darfur;
- reach a political settlement with the Darfur rebels;
- allow a larger African Union (AU) force into Darfur not only to monitor the ceasefire but also to protect civilians;
- bring to justice those responsible for massive human rights abuses in Darfur; and
- return to the negotiating table with the SPLA to conclude the IGAD agreement.<sup>7</sup>

<sup>6</sup> The government has committed itself -- in the N'djamena Ceasefire agreement of 8 April 2004, the follow-up political agreement of 25 April 2004, the Joint Communiqué signed with the UN on 3 July 2004, and the Plan of Action signed with the UN on 5 August 2004 -- to disarm or neutralise the proxy militias, known as the Janjaweed, that it armed as part of its counter-insurgency efforts.

While applying further pressure on Khartoum over Darfur,<sup>8</sup> the international community should refocus on the IGAD process. The SPLA, and particularly the government, must be pushed hard to use the resumption of negotiations between Garang and Taha to clinch the peace deal.

### III. THE STATUS OF THE IGAD PROCESS

For nearly a year, and especially after the successes of late May and early June 2004, diplomats have optimistically believed the IGAD process was only weeks away from a final agreement. However, the follow-on technical talks adjourned on 28 July without the elusive concluding document. While there was additional progress on most issues related to the comprehensive ceasefire, including the timeline for redeployment of government troops from the South and SPLA troops from eastern Sudan, three main areas of disagreement emerged.

The first is over funding for the armies of the two parties during the six-and-a-half-year interim period following a peace agreement. Khartoum's position is that the SPLA, as a separate southern force, as well as its troops in the Joint/Integrated Units, should be funded by the new Government of Southern Sudan (GoSS), while its own Sudan Armed Forces (SAF) in the North as well as those of its troops that will be part of the Joint/Integrated Units should be funded by the central government. The SPLA argues that since the Protocol on Security Arrangements of 25 September 2003 says the SPLA and SAF "shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period",<sup>9</sup> the central government should fund both.

The SPLA view appears more consistent with the protocols -- Khartoum's position would effectively make the central government also the de facto northern regional government. However, the SPLA

<sup>7</sup> Other issues involve the Lord's Resistance Army (LRA), the Ugandan insurgent group to which it has given refuge and which helps it militarily in southern Sudan, and to continue cooperation on terrorism.

<sup>8</sup> See ICG Report, *Darfur Deadline*, op. cit.; also, Gareth Evans, "Why nobody is doing enough for Darfur", *Financial Times*, 3 August 2004; John Prendergast, "Sudan's Killing Fields", *Washington Times*, 7 September 2004.

<sup>9</sup> Point 1b, Agreement on Security Arrangements during the Interim Period, 25 September 2003.

must be transparent and forthcoming in disclosing its actual military strength to the government for budgetary purposes.

A second disagreement involves eastern Sudan, where the SPLA has troops and wants a Joint/Integrated Unit stationed. The government does not want an SPLA military presence there. This and other eastern questions have been put on the agenda for the upcoming meeting between the government and the NDA<sup>10</sup> when the NDA is expected to present the political demands of the Beja Congress, the largest political (and armed) regional force.

A third area involves the status of the other armed groups in the South. Ostensibly this was resolved in the September 2003 Protocol on Security Arrangements, which provided that the SAF and SPLA would be the country's only armies. Others could choose to join one of them and be part of its military or civil service.<sup>11</sup> In question, are the southern groups aligned with the government, who operate under the rubric of the South Sudan Defence Forces (SSDF).

The SSDF was formed as the umbrella organisation for all southern armed groups allied to the government after the 1997 Khartoum and Fashoda peace agreements. As most SSDF leaders consider themselves southern secessionists,<sup>12</sup> there is little future for them should they remain with the government and the South choose independence in its self-determination referendum at the end of the interim period. The best option for most would be a compromise with the SPLA that would allow their integration into the GoSS.<sup>13</sup>

The SSDF wants an agreement through a South/South dialogue, which many southerners within the SPLA as well as in the church and civil society also seek. A template was agreed between Garang and an SSDF delegation headed by Major General Clement Wani in October 2003 in Naivasha. It envisages that the SPLA and the Southern Sudan Coordinating Council (SSCC, the de facto SSDF political wing) would

organise an inclusive military conference; an inclusive political conference; and a conference of elders. A timeline and venue (Nairobi, Kampala or Addis Ababa) was agreed, and planners were named from each organisation.<sup>14</sup>

Efforts to hold this dialogue, however, were frustrated by all sides. The SPLA was encouraged when Dr. Lam Akol and his SPLM/United splinter group returned to it in October 2003 to pursue unilateral agreements with individual commanders or movements, rather than with the SSDF. The SPLA delegation worsened matters when, during its November 2003 visit to Khartoum, it cancelled an SSCC lunch in order to attend one with Hassan el-Turabi, chairman of the Popular Congress (PC), the breakaway Islamist party.<sup>15</sup> The February 2004 agreement between the Equatorian Defence Forces (EDF) and the SPLA further convinced Garang that negotiating with the SSDF as a block was unnecessary, and that with time the SSDF's components would return to the SPLA on his terms.

The government and SSDF have also frustrated efforts to reconcile the southern armed groups. The former has worked against the dialogue, at times restricting movements of SSDF members suspected of SPLA sympathies, and in January 2004 promoting 58 SSDF leaders to senior SAF positions.<sup>16</sup> It encouraged SSDF units to retaliate against groups or commanders that merged with the SPLA. Thus, in January-April 2004, in response to the Akol defection, Nuer militia led by Gabriel Tang Ginye, with SAF support, killed hundreds of civilians and displaced as many as 120,000 people in attacks against the Shilluk Kingdom.<sup>17</sup>

A mid-September government-backed SSDF offensive in central and eastern Upper Nile, and allegations of re-supply of key southern garrisons raise further concerns about the intentions of Khartoum and some SSDF elements.<sup>18</sup> The fighting followed September meetings in which military intelligence encouraged the SSDF to remain a parallel force in the South throughout the interim

<sup>10</sup> Government-NDA negotiations were scheduled to have opened in Cairo on 28 September 2004 but were put on hold for "a week or two". "Sudanese Peace Talks in Cairo Postponed", Agence France-Presse, 28 September 2004.

<sup>11</sup> Ibid, Point 7a-c.

<sup>12</sup> The Khartoum agreement included a self-determination referendum for the South, but the government never implemented it.

<sup>13</sup> ICG interviews with SSDF commanders, August 2004.

<sup>14</sup> ICG interviews with representatives of the SSDF and SPLA, August-September 2004.

<sup>15</sup> ICG interview, 28 August 2004.

<sup>16</sup> ICG interview, January 2004.

<sup>17</sup> "Sudan: Displaced threatened by food insecurity in Shilluk Kingdom", IRIN, 12 May 2004. See also: Yoanes Ajawin, "Terror on the Nile" in Parliamentary Brief: Genocide in Sudan, Special Report, August 2004.

<sup>18</sup> ICG interviews, September 2004.

period with promises that some would be incorporated directly into the government's 12,000-man portion of the Joint/Integrated Units there. In a meeting reportedly led by Security Chief General Salah Abdalla (Gosh), the SSDF was directed to capture eight towns<sup>19</sup> to improve the status quo before an IGAD agreement.<sup>20</sup>

During the July 2004 negotiations, the SSDF demanded to be incorporated into the government-SPLA security arrangements as a third force. Otherwise, it wants a guaranteed share of the SPLA's 12,000 soldiers in the Joint/Integrated Units for the South or an equal share of the government and SPLA allotments.<sup>21</sup> The SPLA strongly opposes a separate SSDF status. "This would be re-opening one of the provisions from the agreement on Security Arrangements, and we are afraid that if we agree, the government will use it as a precedent to re-open the other protocols", said an SPLA delegate to the July talks.<sup>22</sup> It will accept the group only if it comes into the SPLA.

This issue can best be handled directly between SSDF and SPLA, and both should be urged to begin talking. The government should also be pressed to allow movement of SSDF personnel for purposes of the South/South dialogue and to cease immediately all attempts to inflame intra-South fighting. A Garang-Taha understanding could be helpful.

Following the 28 July close of talks, IGAD Special Envoy General Lazaro Sumbeiywo attempted to bring Garang and Taha together to conclude outstanding issues and move to final implementation modalities. Garang was willing but Taha said he was busy with Darfur.<sup>23</sup> Sensing danger to the process, Sumbeiywo visited Khartoum in mid-August with Kalonzo Musyoka, former Kenyan foreign minister in charge of the Sudan and Somalia peace processes within his government,<sup>24</sup> to ask President al-Bashir to send Taha. Al-Bashir offered instead to resume technical level

<sup>19</sup> The towns were Akobo, Jekou, Pochalla, Old Fangak, Kongor, Ayod, Waat and Baidit. ICG interview, 24 September 2004.

<sup>20</sup> ICG interviews, 21 and 23 September 2004. The implications of these efforts by the government, and the subsequent military actions, are discussed below.

<sup>21</sup> ICG interviews, July and August 2004.

<sup>22</sup> ICG interview, 21 September 2004.

<sup>23</sup> ICG interviews, July and August 2004.

<sup>24</sup> Regional Cooperation Minister John Koech assumed the two portfolios on 26 August 2004.

talks though these had just ended without agreement.<sup>25</sup> The IGAD mediators now hope to use the 7 October meeting between the two principals to kick start the final round on implementation modalities as well.<sup>26</sup>

In the meantime, non-political initiatives, such as the retreat conducted by the Joint Assessment Mission (JAM) in Nairobi in early September, have kept up some contacts while the politicians have drifted apart. The JAM is a co-sponsored World Bank and UNDP effort, which includes representatives from the regime, the SPLA, and IGAD. Its purpose is to assess Sudan's rehabilitation and transitional recovery needs and outline a framework for reconstruction through 2010. In theory, once the comprehensive peace agreement is signed, that framework will be presented to multilateral and bilateral donors at the international pledging conference that is to be held in Oslo. The technocrats both sides sent to the retreat expressed the need to conclude the IGAD process as soon as possible and worked hard to identify development priorities. In the absence of political talks, JAM is important for confidence building and maintaining contacts. "Where the politicians failed, the technocrats stepped in", said a donor.<sup>27</sup>

## IV. THE CALCULATIONS OF THE PARTIES

### A. THE SPLA

The SPLA remains committed to the IGAD process for delivering its objectives. The protocols are a good deal for it and for the South (as well as for the Nuba Mountains and Southern Blue Nile). The self-determination referendum is the end goal for most southerners, and the agreement is their best way to achieve that goal.

The South was relatively peaceful during the summer as inhabitants began to prepare mentally for peace. However, continued instability from attacks by the Ugandan LRA in areas of Eastern Equatoria,<sup>28</sup> a wave of government/SSDF-led fighting in Upper Nile, and

<sup>25</sup> ICG interviews, August and September 2004.

<sup>26</sup> ICG interview, September 2004.

<sup>27</sup> ICG interview, 14 September 2004.

<sup>28</sup> "Sudan: LRA raids could worsen food situation in the south - report", IRIN, 13 August 2004. For background on the LRA and the Sudanese government's support for it, see ICG Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

alleged large troop movements and re-supply of key garrison towns are all reason for concern.

The recent attacks by the SSDF and government regular forces under the command of Brig. Mabor Dhol, General Gordon Kuong and Timothy Taban were west of Nasir in eastern Upper Nile, in the direction of Akobo, Jekou and Pochalla. Those around Lankien in central Upper Nile and toward Waat and Ayod were commanded by Chuol Ghaka and General Simon Gatwich. They constitute the latest government effort to weaken the SPLA's grip on the South.<sup>29</sup> Many in the SPLA expect the government to continue to use the southern militia to divide the South during the interim period and potentially undermine the agreement before there can be a referendum.

Although it seems illogical for the government to capture SPLA territory now, since it has already agreed the SPLA will control the South during the interim period and the SAF will withdraw most of its troops, the government wants to strengthen the SSDF on the ground. By doing so ahead of a final agreement, it hopes to increase SSDF weight within the GoSS. "This could lead to the appointment of governors and other civil servants whose allegiance lies in Khartoum, rather than with Garang", noted a regional military analyst.<sup>30</sup> The other benefit could be to extend deployment of the Joint/Integrated Units in the South to border areas such as Akobo, Jakau and Pochalla.

Politically, the SPLA consolidated its support base with a comprehensive tour led by John Garang throughout the South and the Three Areas to sell the peace agreement following the May/June signings. A subsequent meeting of SPLA and several hundred chiefs from throughout SPLA-held areas helped build tribal support for the agreement and the SPLA program. Garang then led a delegation to Europe and North America in August and September, to strengthen support amongst diaspora Sudanese and key governments.

However, the SPLA is increasingly concerned about Darfur's impact on the IGAD process. Garang has spoken of the need to finalise IGAD so that the

<sup>29</sup> The SPLA also anticipates attacks on Baidit and Kongor from a militia led by Deng Kelei. The barge carrying reinforcements for these attacks was reportedly on route to Bor at the time of writing. A fourth thrust, led by Gabriel Tang Ginye, is expected on Old Fangak. ICG interview, 24 September 2004.

<sup>30</sup> ICG interview, 21 September 2004.

agreement's provisions can be used as models for Darfur. The SPLA and its leader fear that the carefully orchestrated alliances and partnerships they have developed during the conflict are now in flux. As the delay was extended, their warnings became more strident. A prominent SPLA leader stated:

The failure of the government to conclude the peace agreements drafted in Machakos and Naivasha will surely lead to the disintegration of Sudan. Southerners cannot wait for Khartoum to carry out massacres in Darfur while freezing the settlement of their problem. The SPLA will rather resume war and secede with the South. The east and the west will also secede, with the resulting fires breaking out in Khartoum as well.<sup>31</sup>

The direct talks between the government and the NDA are an attempt by the former to consolidate its northern support base by wooing NDA and Democratic Unionist Party (DUP) Chairman Mohamed Osman el-Mirghani back into the fold.<sup>32</sup> "We fear it will turn into a north-north dialogue", said a southern NDA member.<sup>33</sup> For this reason, Garang may attend the next round of talks in Cairo, when Taha is expected to meet directly with Mirghani.

The alliances Garang has forged with Darfur rebels, the SLA in particular, appear solid. He visited Abuja on his way to the U.S. to meet with SLA members and others involved in the AU talks.

Even if an IGAD agreement is signed, Darfur and the consequent diversion of attention will make implementation much more difficult. This leads some in the SPLA -- still a minority -- to consider the military option, sensing that the government is divided and perhaps vulnerable. The SPLA needs the threat of a return to war as leverage to bring Khartoum back to the table. However, the common line in the South has been that the war is over. Indeed, Garang may have oversold the deal on his June tour. "He sold it as though it was a done deal", said an SPLA member. "Mentally, people are ready for peace. Nobody wants to go back to war right now".<sup>34</sup> It is a sign of the times

<sup>31</sup> The quotation is from Pagan Amum, in "Turabi's party calls for a 'peaceful popular uprising' and Garang's movement warns against the extension of war to Khartoum", *al-Hayat* (in Arabic), 21 September 2004.

<sup>32</sup> ICG interviews, September 2004.

<sup>33</sup> ICG interview, September 2004.

<sup>34</sup> ICG interview, 2 September 2004. "The delays are leading to backlash and anger", noted another SPLA member. ICG

that this could be considered negative, but another SPLA member noted: "Nobody trusted the government to deliver what it signed anyway. We want peace, but a return to war has always been in the back of our minds".<sup>35</sup> Garang has staked his political future on a peace deal. Failure to deliver would be costly.

## B. THE GOVERNMENT

The regime faced one of the most serious challenges of its fifteen-year existence in the second half of 2004, when its actions in Darfur were exposed. It shifted to crisis mode and aggressively sought to regain the initiative externally and internally. It tried to moderate European pressure and divide the EU from Washington by sending parliamentarians and other officials in September to explain, especially to legislators in France, the UK, and other European parliaments, that proposed EU sanctions or other heavy external pressure would be counterproductive and could even lead to internal collapse, which would open the door for more radical forces to take control.<sup>36</sup>

As early as March 2004, members of the government delegation at the IGAD talks were saying there would be no deal before 2005, so Khartoum could get a sense of the priorities of the next U.S. administration.<sup>37</sup> While this seemed unrealistic at the time, given the apparent momentum for a final agreement, it appears rather more realistic today -- and the question whether the government remains committed to a deal at all is very much open.

Sudanese ministerial delegations have visited Arab and African governments seeking understanding for Khartoum's position on Darfur and questioning its critics' motives.<sup>38</sup> The Arab League spoke out against

foreign intervention and urged cooperation, not confrontation, with the government. Its experience from earlier periods when outside attention has briefly been focused on Sudan, and from recent UN Security Council resolutions that have been strong rhetorically but without much specific action, has persuaded the government it can weather the storm without altering its behaviour significantly or paying a high price. Its strategy has been to tie up the international community with multiple, overlapping agreements on humanitarian and security issues in Darfur,<sup>39</sup> while avoiding dealing with the root causes of the conflict. It has also sought to regain the political initiative internally without making genuine concessions to other political forces.

The current situation actually offers the government some tangible advantages. "No war, no peace" in the South allows Khartoum to collect oil revenues without having to share them. The freeze in the IGAD process allows it to take pre-emptive steps aimed at securing its hold on power for the day when the SPLA and the northern opposition may eventually have to be taken in to the broader national government envisaged in the signed protocols. Indicative of this tactic was manipulation in mid-August of Medical Association and Journalists' Union elections so that members loyal to the Islamist movement would control these politically influential bodies. Legally required steps for setting elections and registration deadlines, candidate nomination and vetting, and balloting dates were implemented so that only regime supporters with advance knowledge would be present for the vote.<sup>40</sup>

However, the same techniques failed to reverse a worrying trend for the regime in the important student movement. NDA students, often in alliance with the

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interview, 21 September 2004.

<sup>35</sup> ICG interview, 10 September 2004.

<sup>36</sup> Dr Gutbi Elmahdi, political adviser to President al-Bashir, led one such delegation and also met with ICG, 27 September 2004.

<sup>37</sup> ICG interviews, March 2004.

<sup>38</sup> For a typical sample of this argumentation, see "Sudan's Minister of Interior: U.S. elections playing a role in exaggeration of Darfur's problem to gain the sympathy of Black voters", *Al-Sharq al-Awsat* (in Arabic), 6 September 2004. Khartoum has also spoken frequently about the designs of imperialist and Zionist powers on Sudan's natural resources and their dislike for the country's religious and pan-Arab convictions. See, for example, "Bashir's first Vice-President: Sudan facing a broad Zionist aggression through the Darfur crisis; assigns responsibility to the PC for the Darfur events

and security destabilisation", news article in Arabic, posted at [www.Sudaneseonline.com](http://www.Sudaneseonline.com), 14 September 2004.

<sup>39</sup> Such as the AU Ceasefire agreement of 8 April 2004; the 3 July 2004 Communiqué signed with the UN; the UN Plan of Action of 5 August 2004 (to be monitored by the AU); the 21 August 2004 agreement with the International Organisation for Migration (IOM) on voluntary returns; and the humanitarian protocol agreed but not yet signed between the government and the Darfur rebels in Abuja under AU auspices. Each has a separate mechanism to monitor implementation.

<sup>40</sup> The elections for the Journalists' Association were announced one day before the voting date, prompting an overwhelming majority of members to boycott in protest. See "Sudanese journalists boycott the elections of their association", Middle East News Agency (in Arabic), 12 August, 2004.

Umma Party and leftist and southern student groups, have in recent years voted Islamists out of student union offices in several universities and other institutions. Student union elections are closely watched in Sudan as a sign of broader opinion trends. The defeat of Islamist candidates in 2003 at the prestigious University of Khartoum and the configuration of broad political alliances that the elections generated were interpreted as indicative of what would happen in the free elections anticipated during the interim period following a peace agreement.

The regime's preferred approach for regaining the initiative domestically remains to co-opt political forces rather than permit genuinely broader political participation. By presenting Sudan as besieged by hostile forces, it hopes patriotism will stimulate the opposition and the public to rally to it. To lessen the risk that its foes might coalesce, it has maintained separate tracks in contacts with them: IGAD process for the SPLA; the AU for the Darfur rebels; and Egyptian-facilitated meetings in Cairo for the NDA. Within the boundaries of Sudan, it has insisted on separate sets of bilateral talks with the Umma Party and other opposition parties.

This divide and rule strategy was illustrated when it rejected the request of the SLA to be present in late September when the NDA, of which it is a member, was to meet with the government. Nafie Ali Nafie, Minister of Federal Affairs, replied: "It is clear to us as government that the forum for Darfur is that of the African Union. We will never discuss [the] Darfur issue in any other forum".<sup>41</sup>

This is not quite true. In its search for allies, the government has turned to the opposition NDA. Pursuant to the agreement signed in Jeddah in December 2003 between Vice President Taha and DUP and NDA Chairman Mirghani, a delegation led by Nafie met with a high level NDA delegation in Cairo in August 2004 to set the agenda for a "summit" meeting between Taha and Mirghani, expected to be held in October. It was agreed that the agenda would include not only Darfur but also the IGAD protocols and the situation in eastern Sudan.<sup>42</sup>

The government wants to keep Darfur's rebels isolated and, while dividing his movement, win over Mirghani and some other northern political parties. It plays on fears that the IGAD protocols gave the South too much and appeals to nationalism by emphasising the prospect of foreign intervention. "The government is afraid of losing the North", said an NDA delegate. "It's lost the Nuba Mountains and Southern Blue Nile, and now they may lose Darfur. It wants to secure its support in the North before concluding IGAD or the Darfur processes".<sup>43</sup>

The regime will offer the northern opposition posts on terms it can control.<sup>44</sup> This means holding on to the security organs and the oil sector and limiting them in any national unity government to less sensitive portfolios, as it has already done with splinter factions from the Umma Party and DUP.<sup>45</sup> Yet, it must also pay attention to increasing criticism of the IGAD process from within its own ruling National Congress Party (NCP). Delaying conclusion of the agreement pleases many regime hardliners and northern intellectuals who are unhappy about the concessions it contains<sup>46</sup> and may hope the entire agreement can be unravelled.

While reaching out for support on its own terms, the government has relentlessly cracked down on the PC, Turabi's opposition Islamist movement, alleging its implication in three coup attempts in the past year, two of them in September 2004.<sup>47</sup> The allegations are meant to divert attention from Darfur and to reinforce the message that the Justice and Equality Movement (JEM), the militarily smaller but politically more potent of the rebel groups, is the armed wing of the PC. Using this argument, the government in late September informed the AU it has reservations about JEM's participation in the October round of Abuja negotiations.<sup>48</sup>

<sup>41</sup> ICG interview, 10 September 2004.

<sup>44</sup> ICG interview, 7 September 2004.

<sup>45</sup> Ibid.

<sup>46</sup> ICG interviews, July and August 2004.

<sup>47</sup> Vice President Taha led the charge by accusing the PC of responsibility for Darfur, see "Bashir's first Vice-President: Sudan facing a broad Zionist aggression through the Darfur crisis", op. cit. According to Taha, the PC has been implementing an Israeli and Zionist agenda that seeks a Greater Israel from the Euphrates to the Nile.

<sup>48</sup> "The government expresses reservations about JEM participation in Abuja", *al-Ray al-Aam* (in Arabic), 29 September 2004.

<sup>41</sup> "Minister of Federal Affairs to al-Sharq al-Awast: talk of Bashir's abandoning Darfur's dossier to his deputy is nonsensical", *Al-Sharq al-Awast* (in Arabic), 5 September 2004.

<sup>42</sup> ICG interview, 10 September 2004.

Searches in Khartoum uncovered small arms, RPGs, munitions, and uniforms intended for squads of saboteurs.<sup>49</sup> Nonetheless, the public reacted with scepticism to the accusations because only a handful of military personnel, mostly retired officers, were detained each time the government announced a failed coup. Probably to diffuse such doubts, the government and the media gave publicity to the PC's legal secretary, who declared he was suspending his membership because some members planned to use force against the government without party approval.<sup>50</sup> Dozens of activists were detained, and Turabi was returned from house arrest to prison. According to reports, some detainees were beaten and tortured in safe houses to extract confessions. The government confirmed the death of two PC activists in detention and in response to a public outcry set up two commissions of inquiry to investigate the circumstances of their deaths.<sup>51</sup>

The PC accused the government of a scare campaign to justify the crackdown and called on the public and all political and armed groups opposed to the regime to join in a peaceful popular uprising to topple it. Dr. Ali al-Haj, the PC secretary general, assured the SPLA that the party was committed to implementing the IGAD protocols if the regime was ousted.<sup>52</sup>

### C. THE OPPOSITION

After being excluded from the IGAD talks for more than two years, the NDA seeks to ascertain through bilateral contacts with the government what its role could be in a post-peace agreement Sudan. At a July 2004 leadership meeting in Asmara, it authorised talks in Cairo to review the IGAD protocols and obtain guarantees for its participation in a government of national unity.<sup>53</sup>

With the SLA now a member, the NDA position on Darfur is uncertain. On eastern Sudan, it has set up a

<sup>49</sup> "Government announces finding a new arms cache and accuses Turabi", Agence France-Presse (in Arabic), 13 September 2004.

<sup>50</sup> "Mohamed al-Hassan al-Amin reveals explosive secrets and positions of the Popular Congress", *Akhbar al-Youm* (in Arabic), 22 September 2004.

<sup>51</sup> ICG electronic communication, received on 28 September 2004; see also "Twin committees probe deaths of two detainees held in connection with coup attempt", *al-Ray al-Aam* (in Arabic), 29 September 2003.

<sup>52</sup> *Al-Hayat*, op. cit.

<sup>53</sup> "Prospects for Peace", *Justice Africa*, 30 July 2004. ICG interviews, August-September 2004.

committee to determine the Beja Congress' demands, which it will press with the government.<sup>54</sup> In August 2004, the leadership of the NDA's armed opposition groups from the east (the Rashaida Free Lions and the Fatah Lions as well as the Beja Congress) endorsed a peaceful solution through the Jeddah Agreement process.<sup>55</sup> Reports from the east over the past three months, however, suggest new fighting unless a political solution can be reached quickly.<sup>56</sup> The government-NDA talks may be the best way to pacify what could otherwise become Sudan's next violent revolt. The SPLA will watch the talks closely.

The Umma Party, which left the NDA in 2000, is also concerned with its place in the government, following an IGAD agreement. The government has succeeded in dividing the Umma Party since former President Sadiq al-Mahdi returned it to Khartoum. It signed an agreement with a splinter faction led by Mubarak al-Fadl al-Mahdi in 2002. With its traditional support base in Darfur and Kordofan, the Umma Party has been desperately trying to keep itself relevant to the Darfur conflict. Sadiq has been one of the most vocal critics in Khartoum of government policies, presenting multiple proposals on the crisis over the past six months. The most recent, sent to Nigerian President Obasanjo ahead of the August AU talks in Abuja, called for immediate confidence building measures, including a complete change of personnel in the three Darfur state administrations and an all-inclusive conference to address the root causes of the conflict.<sup>57</sup> Although no formal negotiations have begun, Sadiq must eventually talk with the government, either bilaterally or alongside the NDA, about the Umma Party post-peace role.

### V. DARFUR'S EFFECT ON THE IGAD TALKS

The signing of the Nairobi Declaration on 5 June 2004 was only symbolic but it sent a message that a peace agreement was certain. "We were tricked", said an international observer. "Everyone thought it was finished, but we needed the continued pressure on the

<sup>54</sup> ICG interview, 10 September 2004.

<sup>55</sup> Al-Fatah, Beja Congress, and the Free Lions Eastern Sudan Opposition Forces, "Communiqué on the Sudan's Current State of Affairs", 13 August 2004.

<sup>56</sup> ICG interviews, July-September 2004.

<sup>57</sup> ICG interview, 31 August 2004.

parties to conclude the agreement".<sup>58</sup> International interest in the Darfur crisis, which began to increase substantially in March when the departing UN Resident Coordinator in Sudan, Mukesh Kapila, drew a parallel with the Rwandan genocide,<sup>59</sup> became all-consuming to the degree that the IGAD Secretariat was in danger of running out of funding.<sup>60</sup>

Darfur deserves all the attention it is receiving. But just as it was a mistake largely to ignore it for more than a year in the hope it would not disrupt the IGAD talks, so too is it a mistake to concentrate on it now to the virtual exclusion of other Sudan issues. The danger is growing that the gains provisionally made in the IGAD talks will be lost, thus plunging the country back into war and undermining the stability the international community seeks. Because they are understandably increasingly sceptical of government intentions in view of Darfur, the U.S. and EU have put on hold promises of large development funding and "peace dividends". Confidence is waning in the IGAD process, and confusion is growing about the way forward.

The IGAD and AU mediation teams have complementary goals but little coordination. The AU in particular has resisted linkages despite the benefits it could draw from tapping into the IGAD Secretariat's experience of negotiating with Khartoum. As a result, the processes exist in complete isolation from each other.

With attention shifted to Darfur, Khartoum's strategy appears to have shifted with it -- to tie an IGAD agreement to a cessation of the support it says the SPLA gives the rebels and de-escalation of sanction threats.<sup>61</sup> Officials and legislators insist the government remains committed to an agreement, which they say can still be achieved in 2004. But they say they must persuade their constituencies again of the benefits, which have been called into question by the Darfur rebellion and international reaction, and which heavy pressure can make this impossible.<sup>62</sup>

## VI. NEXT STEPS TOWARDS A FINAL IGAD AGREEMENT

The Darfur crisis has complicated the quest for peace and added new dimensions to the calculations of all parties. It shows that not all Sudan's problems can be resolved by North-South talks. The regime's brutal handling of the crisis has shaken confidence that it wants a peace deal. Rapid conclusion of the IGAD agreement remains the most promising way to peace but it requires new thinking and coordinated pressure for a comprehensive solution.

An IGAD agreement promises immediate benefits. First, it would trigger implementation of the protocols on wealth and power sharing and security arrangements, including a new national structure with a timeline for democratic elections. Secondly, it would offer models that could be used to advance a political solution for Darfur and other marginalised areas, such as the agreement for state autonomy on the Nuba Mountains and Southern Blue Nile. Thirdly, bringing the SPLA and other opposition groups into government would likely force a change on Darfur policy that could lead to more serious negotiations.

These benefits are not guaranteed. Implementation will be complicated, especially while the Darfur crisis lasts.<sup>63</sup> The inevitable -- and correct -- withholding of aid to the government until Darfur is resolved means the expectations many have for peace benefits will need to be postponed. Nevertheless, the international community should use resumption of Garang-Taha talks on 7 October to re-engage as intensely as before the Nairobi Declaration. It should push the parties to stay at the table until there is agreement and encourage Garang and Taha also to discuss a Darfur political solution.

Khartoum argues that the more outside pressure is applied on it at this sensitive time, the likelier it will be counterproductive. It asks for understanding of its delicate situation and trust in its intentions. The argument has attraction to governments, as shown by the cautious way the UN Security Council has moved.<sup>64</sup> The consistent record over many years,

<sup>58</sup> ICG interview, September 2004.

<sup>59</sup> "Sudan's Darfur war recalls Rwandan bloodshed - UN", Reuters, 19 March 2004.

<sup>60</sup> ICG interview, 4 August 2004.

<sup>61</sup> "SPLM accuses Government of buying time; Gutbi: resuming Naivasha subject to SPLA keeping its hands off Darfur", *Al-Ayam* (in Arabic), 8 September 2004.

<sup>62</sup> ICG discussions, Brussels, September 2004.

<sup>63</sup> See ICG Report, *Darfur Deadline*, op. cit.

<sup>64</sup> U.S. Secretary of State Colin Powell expressed the ambivalence of many statesmen when he told interviewers, "Khartoum certainly has to do a lot more. It's a very difficult thing to calibrate and I have to deal with this every day. How much pressure can you apply without the pressure starting to

however, is that the regime turns toward constructive cooperation rather than attempts to impose unilateral solutions when the international community puts before it choices with real costs.<sup>65</sup>

That is why the Security Council should begin immediately to deploy the International Commission of Inquiry it recently established.<sup>66</sup> The International Criminal Court (ICC), now investigating LRA atrocities in northern Uganda, could also usefully threaten accountability by expressing an intention to look into the support the Sudanese government and senior officials have given the LRA leadership. If substantial progress toward meeting the demands of its several Darfur resolutions -- especially deployment of a significant AU force -- is not made by the end of October, the Council should impose an arms embargo on the government, an assets freeze on companies abroad owned by the NCP, and a travel ban on senior Sudanese officials. Similarly, if the IGAD talks are not pursued seriously when they resume on 7 October, and there is no final agreement by the end of the year, the Council will need to draw conclusions about responsibility and take appropriate action.

Without such concrete measures of international resolve, Khartoum is likely to continue to play off the peace process in Darfur against the IGAD process and the NDA talks, dividing its opposition but producing more conflict and suffering.

## VII. CONCLUSION

Khartoum has opened three separate negotiating tracks -- with the Darfur rebels, the SPLA and the NDA. At the core of each are similar issues: a fairer share of decision-making and national resources, and devolution of power to sub-national institutions. However, it is apparently intent upon delaying indefinitely commitments on any of the tracks. Whether it even wants to finalise the IGAD (Naivasha) process remains an open question.

The international community ignored Darfur for too long, letting it rage out of control. More recently, it has focused attention entirely on that crisis, to the detriment of the IGAD process. It needs now to pursue a comprehensive strategy that addresses the interrelated problems equally. Without letting up on Darfur -- in fact to improve prospects for resolution of the crisis there -- it should return its sights also to finalising the IGAD agreement, as the best opportunity for peace and avoiding return to full-scale war. It must also insist that Khartoum follow-up the commitment it has made to use the power and wealth sharing models in the IGAD document to address the grievances of other marginalised regions in the country where deep and chronic disparities in political power and national wealth demand attention.

**Nairobi/Brussels, 5 October 2004**

become counterproductive because the regime in Khartoum says, 'Okay. We're not going to do anymore. Darfur is all yours. No[w], you do it'. Or do you just keep applying pressure to make them respond?" Interview by the *Cincinnati Enquirer* editorial board, 16 August 2004.

<sup>65</sup> See in particular the discussion in ICG Report, *Darfur Deadline*, op. cit.

<sup>66</sup> UN Security Council Resolution 1564, 18 September 2004.