

The Triumph of African-Led Negotiations? Brokering Peace in Sudan

By Stephen Wundu, Sudan People's Liberation Movement

1.0 Introduction

I must thank those who organized this conference. In addition to its primary objective, it has the additional benefit of providing many of us the opportunity to meet friends who have been separated from each other for a long time and to see personalities whose names we have always known but whom we have not had the opportunity to meet.

2.0 Why we are Negotiating

We have been asked to explain the motives underlying our motivation to reach a negotiated settlement this time. The conventional wisdom is that the Sudan conflict will soon be behind us. Developments in the last 72 hours suggest that the prospects for a peace agreement are receding fast. But for the purposes of this conference, I am more than happy to hide in the crowd.

Frankly, I doubt the Sudan Government's readiness to publicly and candidly explain why it finally agreed to negotiate seriously, if they are indeed negotiating seriously at long last. The true answer is not obvious. It will take several years of studies and enquiries for answers to emerge. I expect some findings to contradict each other.

2.1 Strategic Policy

As for the SPLM-SPLA¹, a negotiated settlement has always been the strategic policy. Since 1983, we have been calling for an all party national constitutional conference to resolve the contradictions in Sudanese body politic. The armed struggle was launched as a means to achieve a political objective. The decision to fight was to press the point that there were anomalies in the socio-political architecture of the Sudan that had to be addressed and redressed. For reasons I cannot discern, the governments in Khartoum disparaged our call and pursued a relentless scorched-earth campaign in the South. When the current government decided in 1990 to declare jihad² on the African and non Muslim Sudanese, we found ourselves fighting for our physical survival. We confronted a modern mechanized infantry and air force with little more than tooth and nail. Few expected us to survive this long. Inviting us to a peace conference in 1991, then Nigerian president Ibrahim Babangida bluntly stated that he wanted to save us from humiliation in the battle field. We also benefited from the advice of the government delegation to the Nigerian talks in 1992-1993, that we could only free ourselves through the barrel of the gun³.

¹ Sudan Peoples' Liberation Movement and Sudan Peoples' Liberation Army.

² Islamic warriors.

³ Colonel Mohamed el Amin Khalifa; leader of delegation to the Abuja conferences.

**Sudan at the Crossroads at The Fletcher School
Presentation on March 11, 2004
To reproduce material, conference website must be cited.**

Sudan government troops kill with passion. They make no distinction between armed opponents and unarmed men, women and children. They take no prisoners. They are indoctrinated in their training that they would be rewarded in heaven with a mansion and six virgin wives if they are 'martyred' in the battlefield.

On our part, we had to fight back because we had no alternative means to ensure our survival. We spared defeated enemy combatants. Over the years, we have released thousands of prisoners of war [POWs]. At this very moment, we are releasing the last batch of POWs to the International Committee of the Red Cross [ICRC]. We will do so even if the peace process stalled on collapsed.

2.2 Advocates of Peace

Lately, we discovered that there are elements in the regime who favor a negotiated settlement. That is why in December 2003 we made the pilgrimage, not the manger in Bethlehem, but to the 'Ghost House'⁴ in Khartoum. We went to Khartoum to reinforce the advocates of peace. If the mujahidin⁵ are now persuaded to stop the crusade, we have everything to gain from ending the war. We save our own lives.

2.3 Social Benefits

A post conflict era would return our people home, reunite families, enroll more children in school, reestablish health care services, rejuvenate agriculture, phase out food aid and reinstate our dignity. It restores our right to live in accordance with our own cultural norms and values.

2.4 Economic Benefits.

We negotiate seriously because a genuine peace settlement would herald a new era of economic opportunities for ourselves and our neighbors. We are anxious to become an economic asset and a partner in the development of our region. We are centuries behind human advancements in technology and commerce.

2.5 International Guarantees

We are encouraged by promises of international guarantees for the implementation of a peace agreement. The history of north-south relationship is littered with deception, betrayal and blatant disregard for solemn covenants. There is no good faith, no trust, and no good will. Between us, there is suspicion, mistrust, fear, fear, fear! We can only sign a peace agreement that stands a good chance of being implemented. Such an agreement can only be one that includes arrangements for international involvement in the process of implementation. In this regard, we are encouraged by the positive response of the Secretary General of the United Nations.

However, we are deeply troubled by the Sudan government's objection to an international peace keeping force. It heightens our fears and raises red flags in all the corners of the playing field. It reminds us of the treachery at the Juba Conference of 1947

⁴ Ghost Houses are secret prisons used by government security agents to lynch suspected opponents.

⁵ Islamic warriors.

when our leaders were manipulated and coerced to endorse a political process they opposed. It races our mind back to 1954 when the promise of a federated Sudan was arrogantly discarded. It refreshes our memory of the day in 1983 when they ripped the Addis Ababa Agreement⁶.

2.6 Return to Democracy

We are negotiating a settlement that would eventually return Sudan to democratic governance. In the long run, this would lead to the transformation of the country from its current self misperception, to the true reflection of its identity. If we get this right, we lay the foundation for a proud, powerful and prosperous Sudanese society.

3.0 The Peaks and Troughs of the IGAD Process

There have been several achievements and drawbacks in the long profile of the IGAD peace process.

3.1 The Declaration of Principles [DOP]

The first breakthrough in the IGAD peace process occurred in the spring of 1994 when the mediators issued a draft declaration of principles [DOP] which proposed a united secular decentralized Sudan during an interim period to be followed by an internationally supervised referendum for the people of the south to decide between unity based on the interim arrangements and the establishment of an independent state of their own. The SPLM immediately endorsed the draft DOP as a basis for negotiations. The GOS delegation led by Colonel Mohammed el Amin Khalifa issued a statement that almost endorsed the DOP. But when the talks resumed in the summer, the new leader of delegation, Dr Ghazi Salah el Din Atabani told the mediators that the Islamization of Africa had been interrupted by European colonialism; and that it was their God anointed mandate to secure, not only southern Sudan but the rest of Africa and the world, from 'satanic paganism'. On that note, the regime walked away to mount yet another series of 'final offensives'.

In October 1995, the SPLA went on the offensive in Eastern Equatoria and pushed the government army to the outskirts of Torit and Juba. In May 1997, the SPLA mounted 'Operation Thunder Bolt' which rolled the frontier of the Khartoum-ruled Sudan from the Uganda and Congo borders all the way to northern Bahr el Ghazal. In September they returned to IGAD and accepted the DOP.

3.2 The Machakos Protocol

Despite numerous meetings, four years went by without any progress in the IGAD peace process. It was not until July 2002 that the Machakos protocol was signed. The gist of Machakos has two provisions. The SPLM dropped its insistence on a secular constitution for the whole of Sudan and agreed that northern states, if they so wished, could adopt Islamic Sharia law. The government of Sudan [GOS] reciprocated by acceding to the South's right to self determination as proposed in the DOP.

⁶ The Addis Ababa Agreement was signed in 1972 to end the first war that started in 1955.

**Sudan at the Crossroads at The Fletcher School
Presentation on March 11, 2004
To reproduce material, conference website must be cited.**

This agreement was hailed by most observers as the critical turning point in the peace process. In the weeks that followed, everybody thought that all else would henceforth be plain sailing.

During the recess, the SPLA liberated Kapoeta for the second time, ten years since it was lost during the Abuja talks in 1992. The GOS responded by assembling a massive concentration of troops and armour in Torit with the clear intention of mounting an offensive against SPLA strong holds in Eastern Equatoria. The GOS needed a military argument in favor of a ceasefire. The SPLA mounted a preemptive attack and Torit was liberated with huge losses on the government side. Khartoum was furious and walked away from Machakos. The triumph of July dimmed. In the weeks that followed, the government army threw everything on Torit and the SPLA withdrew.

The government then insisted that the parties sign a ceasefire agreement to provide a conducive atmosphere for negotiations. The SPLM had used the same argument at the Abuja talks in 1992 but the regime had rejected it. In 2002, the SPLM quoted from the Abuja book. However, we eventually relented and agreed to a 'cessation of hostilities' in October 2002. It has been routinely renewed many times since. The current one expires on April Fools' Day.

3.3. The Lost Year

No one could have guessed that despite the achievements of Machakos, the resolution of the Torit debacle and the cessation of hostilities, twelve months would pass before a comprehensive agreement would be concluded.

Meetings held at Lake Bogoria and Mount Kenya yielded no results. The decision was then taken that the mediators, with the support of their technical teams should draft a comprehensive agreement for the parties to consider. The logic was that all that could be said had been said. The parties had presented numerous written and verbal representations on all the outstanding issues. It was time for the mediators to transform themselves to arbiters.

Kenya was facing a transition at the time. President Daniel arap Moi, the chairman of the IGAD committee on Sudan was retiring. An election campaign was under way. The peace process had to be frozen.

Soon after taking office on December 30th 2002, the newly elected president Mr. Mwai Kibaki reshuffled his military command. General Lazarous Sumbeiywo lost his powerful position as commander of the army. He was however retained as presidential envoy on Sudan, a position that ensured his continued leadership in the IGAD peace process. But it was not until July 2003 that the newly elected government was able to reconvene the Sudan peace talks at Lake Nakuru Lodge.

The mediators issued what they called the Nakuru Framework agreement. The Nakuru draft covered all the outstanding agenda, including power sharing, wealth sharing, security arrangements, the three disputed areas (Abyei, Nuba Mountains, Southern Blue

**Sudan at the Crossroads at The Fletcher School
Presentation on March 11, 2004
To reproduce material, conference website must be cited.**

Nile), and ceasefire. The SPLM accepted the Nakuru draft as a reasonable basis for further negotiations. The government rejected it in totality, walked out of the talks and mounted a campaign against the leadership and person of General Sumbeiywo. President Omer Beshir proposed that the General should dissolve the draft in water, drink it and go to hell. The peace process was in a crisis. Talks did resume at Mount Kenya in August 2003, but the parties continued their disagreement over the Nakuru Framework. The session adjourned with an agreement to disagree.

3.4. Security Arrangements

Khartoum then came up with the demand that the leader of the SPLM/SPLA, Dr. John Garang should personally participate in the peace talks. At first we did not like the idea because it would mean that the SPLM/SPLA delegation would have no higher authority to refer difficulties to. But in the end, Dr. John Garang took up the challenge and traveled to Naivasha for a man-to-man with Vice President Ali Osman Taha. After a grueling month of tackle, an agreement on security arrangements was reached on September 25, 2003 in which both the SPLA and the government army would co-exist separately as wings of the Sudan national army. The government forces in the south would re-deploy to the north. SPLA forces in the north would re-deploy to the South. As a symbol of national unity a token joint force composed of equal numbers from each side would be constituted. Ironically, the substance of the security arrangements that the parties finally signed did not differ materially from the Nakuru Framework.

3.5. Wealth Sharing

The security agreement was celebrated even more than the Machakos Protocol. The SPLM/SPLA declared the peace process 'irreversible'. Both Ali Taha and John Garang returned home to massive public welcome and praise. When they returned in October 2003 to complete the 'little' work remaining, they discovered that they had grossly underestimated the complexities of the multi-faceted economic question on the table. The technical draft addressed, not only percentages of revenue allocation, but intricate matters like land ownership, banking and currency, fiscal devolution, foreign grants, and the national debt. The mountain was higher, much higher, than it was perceivable from the distance.

The United States Secretary of State Colin Powell graced the session with a visit on October 22nd. He was promised an agreement before the end of the year. We notified the incoming presidency of the European Union, Ireland, to expect a peace agreement before Christmas. Unfortunately, the parties failed to bridge the wide gap that separated their respective positions on the economic questions. In November, the SPLM leader traveled to the United States with the message to both the government and the United Nations that he was nevertheless expecting a peace agreement by the end of the year.

Talks resumed in early December. This time President Bush himself called president Omer Beshir and Dr. John Garang encouraging them to reach an agreement expeditiously. He even extended an invitation to the White House for a signing ceremony.

**Sudan at the Crossroads at The Fletcher School
Presentation on March 11, 2004
To reproduce material, conference website must be cited.**

Christmas is a very important date in the Christian calendar. In Southern Sudan and Kenya, it has an added social significance. An agreement before Christmas would have added more spice on the festival. Unfortunately, the Christmas deadline could not be met. The deadline was adjusted to December 31st. That too passed without an agreement.

It was not until January 7th that an agreement on wealth sharing was finally signed. Again, one could not see much variance from the Nakuru Framework. If the Machakos Protocol and the agreement on Security Arrangements can be viewed as balanced compromises, the wealth sharing agreement was skewed in favor of the Khartoum government. They not only secured 50% of the oil and non-oil revenues of the South, they also retained 100% of all the revenues of the north.

3.6. The Three Areas

Now, with Mount Wealth behind us, surely, the rest should be easy. In any case, there was already a tacit understanding that Abyei would be transferred to the South through an administrative order and the other two areas would enjoy an autonomous status in the north with a provision for democratic consultation on their future status. All that remained was for the secretariat to do the punctuation of the text. A new target, January 20th, the date of the American president's State of the Union address was informally set. Again, it could not be met.

When talks reconvened on February 18th, the GOS surprised everybody with the announcement that they had withdrawn from the January understanding on the issue of Abyei. Their new claim was that Abyei has since antiquity been part of the north and that the Dinka inhabitants were guests of their Arab neighbors. The truth is that during the recess, new geological information revealed that Abyei is floating on a lake of oil.

The SPLM ignored the distortion and insisted that Abyei be transferred to Bahr el Ghazal by an administrative order reversing the one of 1905 that temporarily annexed Abyei to Khordofan for colonial convenience. On February 4th, the SPLM offered the GOS the lion's share of Abyei's pasture, water and oil revenue during the interim period. Vice president Ali Taha left Kenya on Sunday 7th for consultations in Khartoum where they have been holding long sessions since Monday. Vice President Taha was supposed to return to Kenya with their decision today. This was postponed to tomorrow, Thursday. We have just been notified that he will not be showing up until Friday.

I would not be surprised if he did not return. This is one of those rare occasions when one would like to be proven wrong; but my instincts are warning me that the regime has probably decided to concoct the dispute over Abyei as a pretext to nullify the gains achieved so far and launch a 'final offensive'.

4.0 The Role of the Mediators and Observers

4.1. Consistency

The most significant difference between the IGAD process and all the others before it is that it remained in the same hands for ten years. It had the time necessary for it to metamorphose from egg to larva, pupa and finally adult⁷. The GOS initially intended the IGAD process to buy time to develop the oil industry and create the military muscle necessary for a clear conquest. The IGAD of the 1990s was supposed to be a public relations platform that would be dismantled as soon as it showed signs of getting too serious. That is why after the issue of the draft declaration of principles in 1994; the government went round the continent and beyond looking for yet another mediator. They approached presidents Robert Mugabe, Nelson Mandela, and Bakili Muluzi, among many others. That scheme did not succeed because President Moi would not let go. The African heads of State had no answer to his plain question; who among you know Sudan better than I do? None was prepared to contradict the elderly senior statesman. Moreover, the international community decided to support IGAD. They formed a consortium called 'Friends of IGAD'. This was later transformed to 'IGAD Peace Forum'. Khartoum was locked in. The fact that the peace process was forced to remain under the same organization played a significant role in its survival and achievements.

4.2. September

The IGAD of the 2000s moved faster than that of the 1990s. All the substantive agreements occurred in 2002 and 2003. The peace process, while under the able management of the governments of IGAD, became truly multinational. During the 1990s, the regime had dragged our country to the fringe of 'the axis of evil'⁸. The tragedy of September 11, 2001 inverted the regime's 'divine mission'.

4.3. Team work

All the IGAD member countries [except Somalia] are permanently represented at the talks. Together they give the chief mediator incalculable support. Similarly, the IGAD heads of state are continually helping the president of Kenya in making the decisions he has to make from time to time. Whenever things hit the bottom, they would assemble in Nairobi, sometimes inviting the Sudanese principals, to reaffirm their determination to continue the peace process.

4.4. The 'Troika'

The United States, United Kingdom and Norway represent the will of the international community which over the last twenty years has shouldered the burden of feeding a large section of the Sudanese people. Over the years, the world had come to understand the magnitude of the Sudanese catastrophe. The government of Sudan could no longer continue waging war against the Sudanese people with the impunity of the past. The world has quit playing ostrich over the Sudan crisis.

⁷ Biology textbook s' information on the life cycle of the fly.

⁸ President George Bush's nick name for state sponsors of international terrorism.

4.5. Technical Experts

IGAD is blessed with a team of resource persons well versed in conflict resolution, constitutional law, and all the other dimensions of the peace process. The experts availed their technical support to the IGAD mediators and the Sudanese delegations. This way, they demonstrated their impeachable impartiality and won the confidence of the parties.

4.6. Flexibility

The mediators have been flexible in their management of the proceedings. They used all conceivable formats and techniques in handling different aspects of the negotiations. Here are some of the techniques used:

- Plenary for the parties to exchange ideas, opinions, complaints, history etc.
- Proximity tactics where they listened to one party at a time.
- Written position papers on specific issues.
- Unsupervised committees of the parties.
- Suggested compromises on divergent positions.
- Informal conversations in social settings.

4.7. Surgery

The mediators succeeded in breaking down the conflict into specific components; each of which was isolated and attacked. They ensured that whenever a consensus was reached on a particular item, the parties signed a protocol. That file would then be closed and a new one opened for the next topic. They applied General Sumbeiywo's military experience and the mathematical Queuing Model⁹ with amazing skill.

4.8. Sudanism

The Sudanese personality has a confusing duality. Despite our enmity at home, we exhibit courtesy towards each other in the corridors of the negotiations. During the exchanges at the table, we avoid vitriol, table banging and use of the fist. There is an apparent culture of tolerance that can be harnessed in the search for reconciliation. Although this sometimes betrays the hypocrisy in our relationship, it also serves as an encouragement to the mediators and observers.

5.0 Conclusion

Many may designate IGAD's success as a triumph for Africa because it would give content to the slogan of African solutions to African problems. The neighborhood has always been a reliable institution for fixing delinquents. But it should never be forgotten that the rest of humanity also made great contributions in the search for peace. Therefore, the success at IGAD must be recorded as a triumph, not only of the African mediators, but of the global neighborhood in our shrinking planet.

Thank you all for the great honor!

=====SPLM-SPLA=====

⁹ Optimal sequencing of tasks.