2001

The Pursuit Of A Sustainable Peace In Sudan

Zarina Rahman Harding

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The Pursuit of a Sustainable Peace in Sudan

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The roots of conflict are many, ranging from reasons that go back to pre-colonial antagonisms, disparity in treatment of different ethnic groups by colonial powers who adopted a policy of divide and rule, inequitable access to and distribution of wealth and resources, to the present day winner takes all nature of the political climate in sub-Saharan Africa. They encompass the internal character of the country as well as the nature of the international political system, which regards state sovereignty as a paramount maxim and where raison d'etat rules. However, there is consensus that the presence of certain factors, which alone may not result in the permanent resolution of a conflict, together might just present the right formula for peace. These factors include international political will to act timely to prevent conflict, or, in the event of an ongoing war, to work towards its conclusion and the reinstatement of peace. Furthermore, a genuine desire among the protagonists of the conflict to negotiate in good faith for peace and implement the agreed upon terms of peace agreements is necessary. Perhaps most importantly, the conditions must be ripe for peace. At times this means a stalemate in the fighting where it is obvious that a decisive victory for either side is not forthcoming. At other times, it may mean a population that is tired of war and clamoring for peace. A study of the civil war in Sudan will bear out the many complex issues that are faced by various sub-Saharan African countries in conflict. It will also show the importance of the presence of the certain conditions to the pursuit of sustainable peace.
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Chapter 1: The Topic; An Introduction

The Global Context

The last decade of the 20th century was marked by the implosion and explosion of a great many states. Internal conflict has broken out in Asia, South America, Europe, and Africa; many states have collapsed such that the notions of state sovereignty itself, once sacrosanct, have been called into question by international theorists. These conflicts have caused a revisiting of various concerns, namely causes of conflict, conflict resolution theory, humanitarian aid, external intervention in domestic disputes, peacekeeping and peace building to name but a few. However, while there is extensive literature available on these issues, an investigation of the reasons for which conflict seems to stubbornly recur despite various expensive and time intensive efforts at achieving peace accords is lacking. Current literature on conflict resolution focuses the reasons why conflict takes place prior to peace agreement or the ingredients necessary for sustained peace. Relatively little, however, has been written about why peace agreements fail. Given the transboundary impact of these conflicts; the destabilizing potential of refugee outflows alone; this apparent lack of attention to the occurrence and recurrence of internal conflict is worrisome and more importantly foolhardy. Indeed, the conflicts in the Horn of Africa, Sudan, and Rwanda for example, have created flows of refugees and armed combatants across national borders. This thesis seeks to fill the gap left by the dearth of information and assessment in this area by addressing the apparent failure of peace settlements to contribute to a lasting peace.

In attempting to address the issue of conflict recurrence, this thesis will examine two themes. The first theme will be a brief assessment of the reasons for which
successes achieved in ameliorating conflict have often been short-lived, resulting in further outbreaks of violence after peace agreements are signed. The second theme revolves around a study of the factors that need to be present in any conflict resolution mechanism and without which peace, the ultimate end state desired from extensive negotiations for peace accords, will not triumph.

The African Context

This thesis will focus especially on the African continent. It will discuss conflicts in other parts of the world. There are several reasons for my choosing Africa as the subject of the analyses. Firstly, experiences in Congressman Donald Payne's office and my later involvement with the Congressional Research Service impressed upon me repeatedly that for much of the 20th century the African continent seems to have been embroiled in one type of conflict or another. It is both troubling and intriguing that civil wars seem to be endemic in Africa. Furthermore, that a continent with such abundance and potential is languishing in squalor, misery, depravation, and chaos is, unforgivable.3

At the time of writing this thesis, there are at least eight ongoing conflicts on the continent, in Angola, Somalia, Sierra Leone, the Great Lakes region -- which comprises the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda -- Cote D'Ivoire, Sudan, Nigeria, and between Ethiopia and Eritrea, all of which seem to have defied efforts at resolution. While conflict of one form or another is not unknown to other parts of the world, most do not result in the outbreak of violence. Certainly no other part of the world is so rife with dissension.

Second, the limitations of this thesis prohibit an extensive examination of conflict in all parts of the world. Third, while the specifics of conflict resolution mechanisms are
particular to the different conflicts, certain mandatory factors must be present in order for discord to be ameliorated and peace to prevail. Thus, while I may be focusing on Africa, the conclusions that I come to are by no means restricted to African countries alone. For this reason, this paper may provide some idea as to the reasons for failure of peace accords and the ingredients that must be present for a sustainable peace in other parts of the world. However, since conflict should be assessed on a case-by-case basis because of its very specific nature, it is important to emphasize that the deductions arrived at in this thesis are not prescriptive for every conflict.

Having limited the scope of this thesis to the African continent, further limitation is necessary. The diversity of the continent, coupled with the various idiosyncrasies of its states, would make an in-depth study of all sub-Saharan African countries in conflict virtually impossible. Sudan, located in the Horn of Africa, will be my case study for this thesis. There are several reasons why choosing to discuss Sudan’s condition is appropriate. First, it is the largest country in Africa and the scene of the longest running civil war in Africa; an intermittent war that has spanned four decades, with an estimated death toll of over 2 million, and millions more displaced. Its geographic location makes it interesting, as it represents the confluence of Arab Africa and black Africa, Muslim Africa and Christian or animist Africa, northern Africa and sub-Saharan Africa. As such, it encapsulates all the diversity of the African continent and represents all the concerns and problems faced by peace processes in Africa. Thus, any analysis of reasons for which peace agreements fail to hold in Sudan and any models recommended for successful resolution of conflict in the country can be applied more easily to the peace processes in other parts of the continent.
The Chapters

Any dialogue on conflict resolution in Africa will be voluminous. As such, delimitations are needed. Chapter 1 will serve as an introduction to the thesis topic, lay its boundaries by defining its parameters, and provide a brief summary of this thesis and the conclusions arrived at and recommendations made. Chapter 1 will also provide definitions for various terms that will be used throughout this thesis.

Chapter 2 will briefly examine the literature available on conflict resolution so as to facilitate a later discussion of components that should form part of any peace accord. Furthermore, this chapter will also briefly examine the roots of conflict in sub-Saharan Africa to provide the context in which an analysis of the factors necessary to peace accords can be studied.

An analysis of international elements whose presence are imperative in ensuring a sustainable peace will form the first half of Chapter 3, while the second half will be an investigation of internal aspects indispensable to the success of peace agreements. Chapter 4 will trace the history of conflict in Sudan since its independence from Anglo-Egyptian rule in 1956. Particular attention will be paid to the 1972 Addis Ababa, 1986 Kokoda Dam Declaration, 1992 to 1993 Abuja conferences, and the ongoing negotiations by the Intergovernmental Authority on Development (IGAD). As such Chapter 4 will form the basis for the discussion, in Chapter 5, of roots of conflict in Sudan. This will then facilitate a discussion, in Chapter 6, of the elements necessary for a sustained period of peace in the country. A definition Sudanese political parties and their positions will be provided in the glossary.
**Defining the parameters**

In analyzing the success of peace agreements, I will be focusing almost exclusively on intra-state conflicts or civil wars as opposed to inter-state conflicts. By intra-state, I mean a conflict that has “generated at least 1,000 battle deaths per year, where the national government was one of the parties to the conflict, where there was effective resistance on the part of both the government and its adversaries during the course of the conflict, and which occurred within a defined political unit”.\(^5\)

What is meant by a 'sustainable peace'? There are many definitions of sustainable peace. Since the thesis is examining situations where civil conflict keeps recurring, sustainable peace becomes an important notion as opposed to temporary peace. Sustainable peace implies a situation where peace takes root and internal conflict does not erupt again. For this thesis, I will take it to mean situations where civil war does not break out again for at least five years. The reason for this is that during this time, “countries might typically be expected to hold their first set of post settlement elections”.\(^6\) Successfully passing through these elections means that a milestone has been reached in the context of stability.\(^7\)

An analysis of conflict and its resolution in the context of African civil wars will require examination of two main categories, the international community and the internal dynamics of the state, which includes civil society. For the purposes of this paper, the international community is taken to encompass international state and non-state actors. This includes international non-governmental organizations, and other states that make up the international systems as well as international organizations and donor agencies. Internal dynamics of the country include the history of the country taking into account the possible roots for conflict, the political, economic, and social infrastructure available, as
well as the culture of the country, which encompasses the leadership culture. Civil society is taken to embrace all other members of society not included in the state's apparatus. This includes minority groups, traditional elders, local non-governmental organizations, and women's groups.

The Elusive Peace, A Summary

The roots of conflict are many. Briefly, they range from reasons that go back to precolonial antagonisms, disparity in treatment of different ethnic groups by colonial powers who adopted a policy of divide and rule, inequitable access to and distribution of wealth and resources, to the present day winner takes all nature of the political climate in sub-Saharan Africa. They encompass the internal character of the country as well as the nature of the international political system, which regards state sovereignty as a paramount maxim and where raison d'etat rules. Given the difficulties that surround any attempt to identify causes of conflict, it is not surprising that coming up with a prescription for its resolution is no mean feat.

However, there is consensus that the presence of certain factors, which by themselves may not result in the permanent resolution of a conflict, together might just present the right formula for peace. These factors include international political will to act timely to prevent conflict, or, in the event of an ongoing war, to work towards its conclusion and the reinstatement of peace. Furthermore, there needs to be a genuine desire among the protagonists of the conflict to negotiate in good faith for peace and implement the agreed upon terms of peace agreements. Perhaps most importantly, the conditions must be ripe for peace. At times this means a stalemate in the fighting where it is obvious that a decisive victory for either side is not forthcoming. At other times, it
may mean a population that is tired of war and clamoring for peace. A study of the civil war in Sudan will bear out the many complex issues that are faced by various sub-Saharan African countries in conflict. It will also show how important the presence of the certain conditions are to the pursuit of a sustainable peace.

**Summary and Recommendations**

In this thesis, several reasons as to the causes of violence and recommendations to bring about the resolution of conflict are made both with regard to the general situation in Africa and more specifically, Sudan. Reasons for the outbreak of hostilities include a lack of clear understanding of the causes of conflict within the international community, the lack of political will and staying power among the international community to remain involved in Africa, problems with the system of aid disbursement, a prevailing internal security dilemma, and an inequitable system of resource distribution. Some factors that can contribute to the construction of a long-standing peace include accurate assessments of causes of conflict by the international community, incorporating African solutions in internationally brokered peace agreements, creating the political will among the world community to remain involved, reconceptualizing aid, internal political reconfiguration, reconstruction of the economy and civil society, equitable distribution of wealth and access to resources, and in the long term, rethinking current notions of sovereignty and domestic jurisdiction. These reasons for violence can be applied to the conflict in Sudan. Similarly, the factors for long term resolution of conflict is applicable to Sudan.
Chapter 2: Causes of Conflict

A study of the factors which trigger the outbreak of conflict is essential in any discussion on conflict resolution since without a complete understanding of these factors which represent the reasons for the eruption of violence, there will be little success in bringing an end to the hostilities and instituting lasting peace.

International dynamics contributing to conflict

There have been many criticisms about the way the international community conducts itself with respect to internal conflicts in Africa. Perhaps the most often heard one and certainly the one with the most damning consequences is the improper or incomplete understanding that the international community has of the roots of internal conflict in Africa. Without a proper and complete understanding of causes of conflict, the international community will be hard pressed to provide effective aid to stamp the pattern of cyclical domestic violence on the continent and could instead prolong conflicts or exacerbate them.

Clear Understanding of Causes of Conflict

Among the problems African countries face include chronic underdevelopment and poverty, inequitable economic opportunity and access to resources, debt burdens, and imbalances in trade relations, all of which exacerbate economic conditions for the people. On the political front, "governance is highly centralized and personalized," with insufficient accountability and transparency. "Political victory assumes a winner-takes-all form with respect to wealth and resources, patronage and the prestige and prerogatives of office." On the social front, inter-ethnic conflict is prevalent partly due to the arbitrary nature of boundaries imposed by colonial powers and colonial policies of divide and rule which tended to exploit cleavages within society, by concentrating
bureaucratic, military, educational, commercial, industrial, communications sectors within a small, privileged white-led urban core, further creating a chasm among the different ethnic groups.\textsuperscript{12} Oftentimes, these socio-economic and political factors interact to create an expanding core and a relatively disadvantaged periphery. A lack of understanding of how these factors interplay and contribute to conflict is disastrous for any third party intervention effort aimed at achieving peace.

There are many examples of this truism. Sierra Leone is a good case in point. Current attempts to solve the Sierra Leonean problem fail to understand the extent of disenchantment of ordinary Sierra Leoneans with the internationally sponsored peace process that culminated in the Lome Accords and the disaffectation of the people towards the government. Internationally sanctioning rebel leader Foday Sankoh does not do much other than to harden his position into non-compliance. Clearly, in this case the international community “failed because its conceptualization of violent conflict in peripheral societies was inadequate. Because of this, it was unable to attain its principal objective: the replacement of violent factional fighting with non-violent democratic processes.”\textsuperscript{13} Another instance where this maxim was proven true was in Somalia. The international community intervened in Somalia with the intention of dispensing aid to the Somali people, without realizing that in a country where clan affiliations were paramount, such a people did not exist. Thus, the failure to understand the actual causes of conflict has led the international community to exacerbate violence rather than resolve internal disputes and forms one of the reasons for the prevalence of conflict in Africa.

\textit{Political Will and Staying Power}

There also seems to be a systemic lack of international political will to ‘do the right thing’. Part of the reason for this lack of will is the nature of the international
system itself. The United Nations, under whose auspices the international community often acts, is made up of member states operating on consensus. Coupled with this is the United Nations charter, which upholds the inviolability of state sovereignty and norms of domestic jurisdiction, and which espouses non-intervention in domestic issues. There is thus a reluctance to act in the face of internal conflict even when the violence represents a threat to international peace or a crime against humanity. The United Nations has often been said to be “quicker with words than with deeds.” Coercive diplomacy requires that one make threats of sufficient credibility and sufficient potency to persuade an adversary to cease or desist from an objectionable course of action. Thus, the more that is demanded of the adversary, the stronger his resistance will be and the more potent the threat of force must be to persuade him. Furthermore, the threat of force must be backed by a willingness to use force. Evidence that this logical assumption is not being carried out is seen in the way in which sanctions are imposed half-heartedly and are being undercut by states “acting as ‘black knights’, or spoilers. The proliferation of the diamond industry with illicit diamonds from Sierra Leone, Angola, and the Democratic Republic of the Congo are examples of such sanctions busting.

Coupled with this lack of political will, the international community seems to be suffering from a form of attention deficit disorder. Oftentimes, international attention to the problems facing African countries coming out of conflict situations is short-lived and confined to the provision of the more sexy emergency aid rather than the duller and more boring rehabilitative and reconstructive aid. As J. G. Porto succinctly commented, “the international community is mobilized mainly around symptoms.” It is almost as if by providing humanitarian assistance, the international community expects that the
underlying causes of conflict will disappear and thus, no further action will be necessary. Examples of this phenomenon is clearly visible in the manner in which food aid was dispensed in Somalia without so much as an attempt to address or even understand the underlying causes of conflict, which was the ideology of warlordism.

Given that the United States is the foremost member of the international community, the lack of political will or staying power on its part results in similar lacking in these areas from other governments. The failure of the international community in this respect is seen in the statement made by Somali warlord Mohammed Farah Aideed to Ambassador Robert Oakley, United States Special Envoy to Somalia, “We have studied Vietnam and Lebanon and know how to get rid of Americans, by killing them so that public opinion will put an end to things.”19 The United States needs to be aware that in entering dangerous situations such as Somalia, lives are bound to be lost. Running scared the minute American servicemen die cannot attain a lasting peace. The same criticism can be made of the other troop contributing nations who are unwilling to put their peacekeepers in harm’s way and thus refuse to confront flagrant violations of ceasefire agreements and peace accords.

Aid Disbursement

Finally, there are severe conceptual limitations with regard to aid disbursement and aid programs. A lack of understanding of the needs of African countries resounds here, as Africa’s development plans are drawn “thousands of miles away in the corridors of the International Monetary Fund and World Bank.”20 Thus such, advice given is often irrelevant. Furthermore, the notion that such aid is going to help the African people is often erroneous since much aid goes to African leaders who are the problem, with their culture of corruption and cronyism.21
Furthermore, the system of aid disbursement is problematic. This system, plagued with “slow disbursement of pledged funds, weak mechanisms for pledging and mobilizing assistance, inadequate devices for tracking aid flows, inappropriate forms of aid conditionality, poor articulation between relief and development efforts, [and] weak coordination within the donor community,”\textsuperscript{22} result in the demoralization of recovering societies who eventually realize that much of the aid pledged and needed will not arrive. The reality of this is seen once again in Sierra Leone where pledges of financial aid by the international community pledges for the demilitarization, demobilization, and reintegration of former combatants did not fully materialize.

Furthermore, the pledging process itself is faulty. Aid amounts pledged at donor conferences are often inflated by double counting amounts previously promised, or promising amounts they cannot deliver. This tendency raises unrealistic expectations on the part of the receiving country and increases the likelihood of subsequent disillusionment and cynicism, especially if, as in the case of post conflict countries, the recipient government is inexperienced.\textsuperscript{23} The recurrence of violence in Sierra Leone in the wake of the Lome accords, caused in no small part by the lack of funds to pay for the demilitarization, demobilization, and reintegration process, is an illustration of this truism.

Aid conditionality is often inappropriate or irreconcilable, and reflects the lack of coordination within the donor community, namely the cleavage between the goals of international financial institutions and that of other donors. Concerns over economic rigor among the former often collide with concern for peace building imperatives among the latter.\textsuperscript{24} Furthermore, initiatives are often focused on specific operations. As a result,
“they lack the coherent, integrated framework needed for realistic sustainable macroeconomic and household livelihood rehabilitation.”^25

“Post conflict reconstruction generally commences with the signature of peace accords and lasts until a degree of political normalcy is restored… Recovery typically involves a ‘triple transition’: from war to peace; from a controlled to a market economy; and from authoritarianism to democracy, [a time intensive process…. However,] there is a tendency for donors to disengage once the conflict has receded from public attention”^26

As such, many rehabilitation programs are little more than efforts at crisis management interventions. The international community’s short-lived initiative in Somalia is an example of this.

**Internal causes of conflict**

Perhaps the most important element of all internally is the willingness among various warring factions to actually work towards a sustainable peace. Without a genuine interest in peace among these factions, any attempt at achieving long-term harmony in countries where groups have historically been at each other’s throats will fail.^27 Angola bears testimony to this statement. The unwillingness of Jonas Savimbi, leader of the rebel organization National Union for the Total Independence of Angola (UNITA), to accept results of elections, which he lost, threw the country back into a vicious civil war.^28 However, while a commitment to peace within various factions is important, it does not explain why they are so willing to return to the destruction and mayhem of war. In explaining this phenomenon, the security dilemma concept provides much insight.

**Security Dilemma**

The security dilemma concept proposes that domestic adversaries reject settlements because they are unsure of how relations with each other will evolve, with
regard to the changing rules of the game imposed by a peace accord, especially in the context of potentially dangerous disarmament. All these uncertainties leave the different groups “too anxious and distrustful to cooperate and thus leave them with no choice but to continue the war.”29 This security dilemma occurs on three fronts; actual physical security, political security, and economic security, that is the fear that “one’s opponent may gain control of the coercive apparatus of the ‘new’ state, one’s opponent may gain an advantage in the allocation of political power within the ‘new’ state, [and] one’s opponent may gain an economic advantage within the ‘new’ state.”30 (This is the classic case of the prisoner’s dilemma at play, where the dynamics of internal politics represents a zero-sum game.) Since the political, physical, and economic arenas of the African state are all intertwined, uncertainties in any one of these areas are exponentially magnified. It is thus not surprising that the 1994 genocide in Rwanda of the Tutsis by the Hutus, as vile as it was, took place. The Hutus saw their physical, political, and economic security, especially in a region with a history of genocidal violence, at stake in the face of Tutsi ascension to power.31 Continued insurgence in the Great Lakes region is an extension of these security concerns. The Democratic Republic of the Congo’s Kabila’s ignoring of the security concerns of his neighbors, Rwanda and Burundi, has resulted in cross border incursions, destabilizing the entire region.32

**State Collapse**

In addition to the security dilemma, the post conflict state is also faced with a paradoxical collapse of the existing state. This collapsed state can no longer perform its basic functions: the provision of law and order, the delivery of services, and the ensuring of security.33 As the bureaucratic and administrative capacity of the existing state disappears, so does its ability to hold society together. This vacuum in the authority
structure promotes the rise of conflicting interest groups, which exacerbates the security
dilemma forcing the various groups into civil war. Unsurprisingly, thus the Democratic
Republic of the Congo seems to be overrun by various factions rather than by President
Kabila.

Inequitable Resource Distribution
The inequitable distribution of resources is also a sore point for many groups in
post conflict Africa. Situations of abject poverty tend to be more volatile and explosive
than other situations. In these situations too, gross misappropriation of funds and
resources by the ruling elite are much more visible and create a chasm between the
government at the center and the people at the periphery. In Sierra Leone for example,
the original reason for the insurgency in the country was the inequitable distribution of
wealth gained from the nations diamond mines. Diamonds are central to conflict in
Sierra Leone since control of the diamond mines mean control of the main source of
revenue for Sierra Leone. For many years after independence from the British, diamonds
were being illegally smuggled out of the country, presumably to ensure that profits from
the sale of the diamonds remained in the hands of the ruling elite, diamond traders from
Lebanon, and supposedly Charles Taylor of Liberia. That country’s porous borders with
Sierra Leone facilitated and still facilitate the smuggling of these illicit diamonds. None
of the country’s diamond wealth benefited ordinary Sierra Leoneans. 34 This lack of the
distribution of wealth by the government meant that Sierra Leone was devoid of any
infrastructure: roads, schools, or public utilities outside Freetown. Sierra Leone was
fertile ground for discontent. Foday Sankoh; “a cashiered army officer” 35 was able to
exploit this situation and organize the Revolutionary United Front (RUF) starting a
rebellion in the diamond-rich region around Kailahun, near the border of Liberia. This
represented the beginning of systemic violence in Sierra Leone, particularly in rural
diamond-rich areas of northeastern Sierra Leone.\textsuperscript{36} The Lome peace accords attempted to
redress this situation by appointing Foday Sankoh as Minister of Mines and Vice
President of Sierra Leone. However, it dismally failed because the underlying security
dilemma was so pervasive.

Socially, a country that has been embroiled in civil war for as long as the states in
Africa have been rarely has a population familiar with known peace. In Somalia, where
civil war has raged for decades and the average age of a Somali is seventeen, much of the
population has known nothing but war. The culture of war prevails for these young
children.\textsuperscript{37} The preponderance of war in countries like Somalia also mean that physical
infrastructure is virtually absent. Similarly, local markets for economic activity have also
been disrupted. Traditional structures of authority and conflict resolution mechanisms
are annihilated, a casualty of violence. Hundreds of thousands are internally displaced.
With a lack of infrastructure and order of any kind, the fabric of society breaks down and
the result is anarchy, which again provides fertile ground for war. In situations like this,
civil society as we know it is non-existent and if present it is usually engaged in
malevolent actions. (For example, Interahamwe of Rwanda has been virulently
conducting anti Tutsi attacks from the Congo.)\textsuperscript{38} African leaders facing threats from the
absence of authority and order thus use coercive power to protect themselves and play up
ethnic animosities. Civil war results.\textsuperscript{39}

These international and internal dynamics provide a prime environment for the
development of conflictual situations, pitting ethnic groups, social classes, and religious
groups against each other. The question thus is how to rise above these conflict situations and create the conditions for a sustained peace.
Chapter 3: Towards a Sustainable Peace; Some Factors

In examining the above reasons for which overtures for peace fail, it seems as if peace stands a very dismal chance of ever taking root in Africa. However, the seeds for hope and a sustainable peace can be found in the seemingly insurmountable problems faced by any peace process in Africa. This section will propose changes to the current mindset regarding state sovereignty and domestic jurisdiction as well as concepts of rehabilitation and humanitarian intervention. It will look at ways to improve the process of international aid disbursement and it advocates the in-depth study of each conflict situation, while at the same time emphasizing the need for political will to 'do the right thing' and to have staying power in the face of overwhelming odds. This section will also provide recommendations for reconfiguring the internal dynamics of African politics through efforts at decentralization and power sharing, institution building, more equitable distribution of wealth and access to resources, the rehabilitation of basic yet critical infrastructure, and the mobilization of civil society towards peaceful ends.

Reconfiguring International Response

Current responses to conflict from the international community needs to be reexamined and altered. This section will provide ideas on how international response can be reshaped. Although certain prescriptions in this section border on the idealistic and are perhaps impossible to achieve in the near future, ultimately, such a change needs to occur to ensure lasting peace.

Sovereignty and Domestic Jurisdiction

Current notions of sovereignty and domestic jurisdiction, which while initially were upheld to safe guard the right to self-determination, are now seen to be increasingly
at odds with this right. While in the immediate future a reworking of these notions is highly unlikely and perhaps impossible, given the nature of states to perpetuate themselves, a modification of these ideas is nonetheless important because in intrastate conflict it is often difficult to determine who the state’s sovereign power should be vested in. This poses several problems. Should the international community dispense aid to governments who then use this aid to fill their coffers? What about governments who use indiscriminate violence against their own citizens? Do these governments give up the right to act on behalf of the sovereign state? Should the international community intervene in matters of domestic jurisdiction when non-intervention means gross violation of human rights? Who decides whether the international community should intervene or not? My opinion is current notions of sovereignty and domestic jurisdiction are outdated. Therefore, a revisiting of such norms that form the basis of international law is necessary. A shift away from state centric models of conflict resolution, as well as a change in the “traditional tendency to consider domestic conflict within the sovereign sphere of the state” is necessary. The ensuing discussion will present some ways in which this shift and a modification of norms of sovereignty and domestic jurisdiction can be brought about.

**Accurate Assessment of Causes of Conflict**

There should be a correct assessment of the causes for conflict. Without such an assessment, any strategy for conflict resolution will be based on a false premise and thus will be destined to fail. Next, there is a need to ensure that each conflict is assessed on its own merits and that solutions are conflict specific, especially since conflicts have very distinct characteristics and take on very different forms. Currently the holding of ‘free and fair’ elections is considered the panacea for all ills in Africa. However, the zero-sum
game of such elections is often ill suited to conditions in Africa. This is partly because government as it is understood in the West does not exist. The security dilemma makes the winner-take-all nature of elections advocated by the West very unattractive as the winner uses government institutions to preserve the interests of the ruling class. Instead the international community should support power-sharing arrangements where government posts are distributed across political parties or groupings as a means of increasing physical, economic, and political security.\textsuperscript{42} The international community can increase the likelihood that these power-sharing arrangements last by providing outside security guarantees. These security guarantees should be provided until it has been determined that the citizenry and the politicians of the country have an adequate understanding of and respect for the rule of law.

\textit{African Solutions for African Problems}

It must, however, be recognized that the conflict resolution process should include Africans and integrate African proposals not be entirely imposed by the international community from without.\textsuperscript{43} To this end, the development and strengthening of “strong regional, multilateral organizations within Africa which will then be able to engage in conflict resolution should be encouraged.\textsuperscript{44} These organizations, it is hoped, will have better insight into the intricacies of the African experience and would thus be very valuable to the conflict resolution process - guiding these processes forward and working with local disputants to bring about reconciliation. Additionally, the international community could provide mediation services. For example, the United States is currently providing such services to mediate the border conflict between Ethiopia and Eritrea. Such services could be extended to other conflict situations in Africa.
International Political Will

The emphasis on African solutions for African problems should not, however, come at the expense of third party involvement in conflict resolution. While African countries should take the lead in resolving their internal conflicts, the international community does have a secondary role to play in facilitating peace. While maintaining involvement in African, the international community should be careful not to undermine African efforts at resolving conflict.

The political will of third parties to be engaged and remain engaged in Africa is of paramount importance ensuring long lasting peace. International involvement is important in providing the outside guarantees that would transcend the security dilemma. Political will comes in many forms; in the willingness to provide aid for the reintegration of former combatants, to ensure the implementation of African engineered peace accords, and to provide aid for the reconstruction of infrastructure and civil society.

Unfortunately, up to this point, the international community has displayed willingness only to vacillate when it comes to Africa. In this age of interconnectedness and interdependence, such vacillation can only affect interests of members of the international community since continued civil conflict in resource rich Africa will impact the international community economically.

Evidence has shown that when an international coalition has had the will to impose the full range of economic and financial sanctions, instead of just bilateral sanctions\textsuperscript{45}, in the event of a violation of terms of peace accords, for a sustained period of time, such action has achieved positive results.\textsuperscript{46} Short-lived, bilateral sanctions only achieve mixed results. However, in order to obtain positive results from sanctions cooperation from neighboring countries, major trading partners of the belligerent state, as
well as major aid donors must be secured. With the political will to garner such support, as well as a willingness to keep sanctions in place until success is achieved, sanctions can do much to ensure peace and stability. An example of such success is the effect that economic sanctions had on dismantling apartheid in South Africa. Thus, offering economic, political, and security inducements can also be highly effective in deterring the recurrence of conflict.47

With regard to staying power, there needs to be a realization among international actors that anything that is worth starting is worth completing. Reconstructing peace in countries that have faced violent civil wars is a painstakingly slow process. To maintain engagement in peace building, governments can use the media to sustain public interest in conflicts in Africa. Although the media is well known for its short attention span, activists on Africa within the government can do much to ensure that conflict situations in Africa remain at the forefront of media coverage. Furthermore, enlisting the support of famous actors and actresses as well as other well-known personalities will keep the issues of intra-state conflict in the media spotlight. Governments must also understand the possibility of loss of lives among their nationals and not hastily exit a conflict situation if they sincerely wish to ensure the survival of peace. Short-lived humanitarian aid and intervention of any kind, without any commitment to addressing the underlying causes of conflict only serve to exacerbate conflict situations by relieving African governments of the responsibility of providing for the basic needs of their populations and by prolonging conflict, for example in Sudan. The international community of states, non-governmental and international organizations, and donor agencies need to go beyond merely dispensing emergency aid in order to reap the benefits of long-term peace on the African continent.
Aid Reconceptualization

In fragile post conflict societies, the donor community cannot afford to design aid packages as if conflict never occurred. Due attention should be given to the issues that are facing countries that are undergoing rehabilitation. Also at present, there is a lack of aid for rehabilitation and reconstruction, which represents the middle ground between humanitarian relief and development. The Expanded Consolidated Inter-Agency Appeal (ECAP), a United Nations fund raising organization, is designed to mobilize resources for reconstruction activities, but it has not been successful. Much more needs to be done in this arena.

The current system of aid disbursement should be revamped to increase accountability for and traceability of pledges. Greater coordination among various aid agencies and the adoption of an integrated strategic framework for political, social, and economic rehabilitation in post conflict countries will help to reduce the confusion that currently surrounds aid disbursement. A Global Post Conflict Reconstruction Fund, which will act as a depository for aid, much along the same lines as the Global Environment Fund should be considered. This will enable the international community to bargain more effectively with the warring party than if they were to act independently of each other. To eradicate the problem of inappropriate aid conditionality as well as to ensure that pledges correspond to realistic needs of the recipient state, donor agencies should encourage each African country to develop its own structural adjustment plan, which will then be sent to them for approval. At this point the international community can impose conditions on good governance so that aid becomes dependent on democratic reform.
As far as the United States is concerned, it has taken the lead step in ensuring that Africa’s reconstruction goes underway. With the passage of the African Growth and Opportunity Act in 2000, which provides non-tariff access of African products to American markets, America sets an example for the rest of the world to follow with respect to long-term involvement and commitment to development in Africa. The United States can also take the lead in providing third party guarantees to peace agreements to reduce the security dilemma for previously warring factions and increase the likelihood that provisions of agreements, such as disarmament, demobilization, and reintegration, will be enforced and peace prevail.

Revamping Internal Dynamics

Internal rehabilitation centers on political, economic, and social issues. On the political front, decentralization and power sharing takes center stage since successful civil war settlements must “integrate previously warring factions into a single state, build a new government capable of accommodating their interests, and create a new non-partisan national military force.”

Political Reconfiguration

Decentralization, which refers to the distribution of power away from the urban political center to the rural community, plays an important part in increasing the likelihood of a continued peace by ensuring an inclusive and participative political process, lessening the “stakes and thus the motivation for violent struggle, as well as compartmentalizing potential confrontation away from the capital city.” Genuine decentralization also means regional autonomy and this reduces the incidence of resentment against an “unaccountable, foreign government in a distant city.” Power sharing arrangements include proportional representation in all arms of government, the
judiciary, the executive arm, as well as the legislative arm and would greatly enhance the prospects of long term peace in a post conflict situation. Furthermore, a system of checks and balances, formalized in a constitution, comprising a strong independent judiciary, and an apolitical military will further contribute to the sustainability of peace by providing for greater accountability and transparency. In addition, institutions, which set rules and boundaries, encourage compliance, and punish transgressions, inject predictability into the competitive process. This will dismantle defacto apartheid systems and install democratic systems that allow open participation by those who have hereto been excluded, while at the same time rooting out corruption and cronyism.57 The popularity of decentralization and power sharing is reflected in the strong constituency it has had in the Democratic Republic of the Congo since the fall former President Mobutu.58

Economic Issues

There is a need for the state to provide basic necessities and infrastructure such as the viable road networks, clean water, and public amenities, to reestablish local markets disrupted by civil war, and to combat ethnic isolation through support for regional schools. Such initiatives are being implemented in the Rwanda as part of a common-areas strategy.59

Broad based economic development is also necessary and with it the equitable distribution of wealth and resources. In attempting to do this, post conflict governments should consider a “limited time, affirmative action policy in favor of disadvantaged groups.”60 Underdeveloped areas can be targeted by directing investment to such areas. This has the spill over effect of reducing tensions and increasing interest in diffusing conflict. Efforts should also be made to reintegrate former combatants so that they become productive members of the economy. Laws, regulations, administrative rules,
court orders and other public interventions to provide other public and private goods must
govern admissions into schools and colleges, jobs, promotions, and business loans.61

_Civil Society_

Civil society represents an important component contributing to the stability of
negotiated settlements as it "broadens participation, engenders debate, enhances
accountability, and provides excluded groups with a political voice."62 However, in
most situations such civil society is virtually non-existent having been disrupted by years
of conflict. The question is how do we rebuild civil society so that it can once again
provide encourage peace. Donor agencies can play a large part in supporting civil
society. For example, American agencies, the National Democratic Institute (NDI) and
its Republican counterpart, the International Republican Institute (IRI), funded by
Congress, play a large part in institution building and educating society as to democratic
processes.

Civil society is also important as they represent traditional sources of authority
and traditional conflict resolution mechanisms. In Rwanda, for example, the traditional
dispute resolution mechanism, the gacaca, is mobilized in deciding the fate of those
accused of lesser crimes, addressing reconciliation objectives, and involving the
population in the disposition of justice.63 Civil society also often represents the channels
through which an awareness of and a regard for human rights and democracy is created
and increased. Through its advocacy for open media and support for peace media, civil
society can increase consciousness of democratic principles while at the same time
increasing accountability to the people, reducing corruption and overall tensions, and
promoting free speech. The development of civic consciousness through civil society
rewaves the fabric of community and contributes much to enabling former enemies to live together and to cooperate in reconstructing a functional state.
Chapter 4: Sudan, A Case Study

A Brief History
This section will trace Sudan’s history from its independence from British rule to the present to provide the basis for a later discussion of the reasons for conflict in Sudan and the possible courses of action that can be taken for its resolution. A brief illustration of the differences between the North and the South will also be articulated here and will be further explored in Chapter 5.

Sudan Since Independence
Sudan, in 1956, became the first independent country in sub-Saharan Africa. However, since its independence this east African country has been the site of sporadic conflict. Its current government includes a President, Lieutenant General Umar Hassan Ahmad al-Bashir, who is both the chief of state and head of the government and who came to power in October 1989. There are two vice presidents, the first, Ali Uthman Muhammad Taha, who ascended his position in February 1998. The cabinet is appointed by the president and is dominated by members of Sudan’s National Islamic Front (NIF), a fundamentalist political organization formed out of the Muslim Brotherhood. This government is accused of carrying out a program of forced Arabization of the South, imposing Arab language and customs, as well as the Muslim religion on its African and non Muslim population.

Soon after independence, political power shifted to a coalition between the Umma Party and the People’s Democratic Party (PDP). In a 1958 parliamentary election, the Umma –PDP coalition maintained their majority. Dissatisfaction within the military with the civilian coalition prompted General Aboud to lead a military coup against the civilian government elected in 1958. The northern government in Khartoum ruled without any
consideration to the needs of the south. Civil war began in the south in 1962, led by the Anya Nya movement over their treatment as second-class citizens and intensified throughout the rest of the year and into 1963. In 1964, popular demonstrations led by professional groups of doctors and lawyers called the ‘October Revolution’ overthrew the Aboud regime and elections for a new parliament were held. An Umma-National Unionist Party (NUP) coalition won. 1968 saw another election, which resulted in the Umma party forming a government. This government did not last long, however. In 1969, a military coup led by Jaafar Nimeri called the ‘May Revolution’ overthrew the elected government. Nimeri then became president. Political parties were banned and socialism was adopted, with banks and businesses being nationalized. Facing dissension from communists in 1970, Nimeri responded by jailing, purging, and executing communists and other opposition elements. Political and economic ties were reestablished with outside powers and Sudan became the largest recipient of aid from the United States in sub-Saharan Africa.

Realizing the futility of the continued civil war, Nimeri negotiated a peace agreement with the rebel Anya Nya movement. Under the Addis Ababa peace agreement signed in 1972 between the government and the Anya Nya movement, conflict between the north and the south ended and the South became a self-governing region. The peace lasted approximately eleven years. A 1976 attempted coup by the Mahdists led to secret talks between Nimeri’s government and the Mahdists. The coup, which was almost successful, resulted in the introduction of Islamic reforms by Nimeri between 1977 and 1983, in a bid to pacify the opposition and consolidate his power base. This culminated in the 1983 ‘September Laws’ that extended Islamic law or shariah to all areas of life.
throughout the country. This represented the reassertion of northern domination of the south. To compound this further, the discovery of oil in Bentiu in southern Sudan in 1978 brought about a local government reorganization which divides the autonomous southern region into three separate regions leading to the abrogation of the 1972 Addis Ababa agreement. Thus, questions arose over the control of the oil fields.

With the introduction of *shariah* and the abrogation of the Addis Ababa agreement, the South, led by John Garang, organized itself into the Sudan People's Liberation Movement (SPLM), whose military arm was the Sudan People's Liberation Army (SPLA), to the fight for southern self-determination and the reinstatement of autonomy. This and the economic woes of the last decade, which had left the economy in shambles, and a devastating drought in 1984, resulted in widespread popular unrest and Nimeri was deposed by a group of officers in 1985. A Transitional Military Council was set up to rule the country for a year. After parliamentary elections in 1986, a coalition government was formed, with Sadiq Al-Mahdi, leader of the Umma party, as prime minister. The civil war, however, continued. An agreement, the Koko Dam agreement was signed in 1988 between opposition party, the Democratic Unionist Party (DUP) and the SPLA in Addis Ababa, calling for an end to the 'September Laws' and forcing the government to enter into talks with the SPLA.

Faced with the possibility of reduced power and the rescinding of the 'September Laws', Omar Al-Bashir of the National Islamic Front (NIF), launched a successful military coup pre-empting the announcement of the agreement to end the 'September Laws' and the possibility of the war in the south. Hassan Al-Turabi, leader of the NIF, emerged as the leader of the regime, although unofficially, while Bashir became the
chairman of the Revolutionary Command Council for National Salvation (RCC), serving concurrently as chief of state, chairman of the RCC, prime minister, and minister of defense. The new government then announced its intention to establish an Islamic state, supported Iraq during the Gulf War, and lost the backing of Saudi Arabia and other Arab States. Meanwhile the SPLA split into factions, which began fighting each other as well as the government.

Bashir dissolved the RCC and devolved its executive and legislative powers to the president and the Transitional National Assembly (TNA), an appointed legislative body. Civil war continued over the establishment of an Islamic state and southern autonomy. In 1995, a ceasefire lasting four months was declared by all sides to allow medical personnel to deal with a variety of diseases present in the south. At the same time, there were mass arrests of dissidents including the former prime minister, al-Mahdi. 69

Presidential and national assembly elections were held in March 1999 on a non-party basis. Bashir was elected to a five-year term garnering 75.5% of the vote with forty other candidates sharing 24.3%. Turabi became speaker of the National Assembly. The National Congress Party, the Movement for National Salvation, and the NIF dominated the government. A new constitution drafted by the presidential committee went into effect in 1998 after being approved by over 96% of voters in a nationwide referendum. Further constitutional amendments in 1999 allowed for the formation of political parties or ‘associations’. In the same year, oil exploration began on a limited basis with several foreign partners. The Islamization process intensified and culminated in September 2000 with a decree by the governor of Khartoum barring women from working in public places.
Bashir, later in 1999, declared a state of emergency for three months and dissolved parliament, citing internal and external threats to stability and unity of Sudan and following a power struggle with Turabi. Bashir’s decision came a days before parliament was scheduled to vote on a constitutional amendment that would have shifted power from the president to parliament. Bashir’s unsuccessful attempt to prevent the vote was an important factor in his declaration of the state of emergency. His one time powerful ally and Speaker of Parliament, Turabi, declared the state of emergency a coup and unconstitutional. This resulted in Bashir supporters sacking Turabi as the secretary general of the ruling party. In protest, Turabi headed up the Popular National Congress.

In a bid to consolidate his power base prior to elections in December 2000, Bashir met, for the first time, leaders of the opposition National Democratic Alliance (NDA) in Asmara. Consequently, Bashir was reelected for another five years with 86.5% of the vote while his major challenger, former president, Nimeri, received 9.5% of the vote. In parliamentary elections following, the ruling National Congress, of which Bashir was the head, won 270 seats in a 360-seat parliament.

The crackdown then begins with police arresting six members of the NDA while they were meeting with an American diplomat. In February 2001, Turabi was arrested a day after his party, the PNC, signed a memorandum of understanding with the SPLA. Representatives of the two movements signed the agreement in Switzerland. The minister of information described the PNC and SPLM agreement as a “declaration of a political alliance to fight the government, an alliance which does not use legalized methods and an alliance with a military movement that continues to fight the state and the Sudanese people and whose agendas and principles are known. By late February, more
than 100 members of the PNC were arrested. Such arrests continued through April 2001 and are continuing today.70

Sudan: The North and South

The divisions between northern and southern Sudan are characterized by religious, ethnic, and cultural differences. The north is Arab and Muslim, while the south is African and largely Christian or animist. The northern Muslim government is insistent upon forcibly Islamizing and Arabizing the south. Furthermore, the northern cultural practice of enslaving southerners to provide them with indentured service no doubt contributes to the chasm between north and south. Apart from this, the economic potential of the south in terms of its vast reserves of oil have made the north ever more determined to keep the south under Khartoum’s control. All these factors, which will be explored in greater detail in Chapter 5, have created the wide divide between the north and the south, which has made conflict intractable in Sudan.

The Peace Processes

There have been many failed attempts to end the civil war in southern Sudan, including efforts by Nigeria, Kenya, Ethiopia, former president Jimmy Carter, and the United States. This section will look at four of these efforts, namely the 1972 Addis Ababa agreement, the 1986 Koko Dam Declaration, the Abuja peace processes, and the IGAD peace processes, as they represent watersheds in the quest for peace in Sudan.

The Addis Ababa Peace Agreement

The 1972 agreement established self-government in the south, making it a distinct entity with its own High Executive Council (HEC) and Regional Assembly. The agreement was incorporated into the new Sudanese constitution and was promulgated in 1973. Under the agreement, the Regional Assembly had the power to “legislate for the
preservation of public order, internal security, efficient administration, and the
development of the southern region in cultural, economic, and social fields."
Furthermore, the southern region would be represented in the National Assembly in
proportion to its population. The agreement, by providing for equality of all citizens
before the law, of opportunity without discrimination on the basis of race, national origin,
birth, language, gender, or economic status, Islamic law and customary law, thus
affirmed Sudan’s dual cultural, religious, and racial identity.

The south gained authority over education, police, and cultural development in
the southern region. Although Arabic remained the official language of Sudan, English
was designated the principle language of the southern region without prejudice to the use
of any other languages. Southern indigenous languages could be used in official
communications and elementary schools were allowed to use and teach these languages.
The regional government had an independent budget, whose revenue was to come from
local taxes, fees, natural resources, and special allocations and grants-in-aid from the
central government.

The agreement also guaranteed physical security for the southerners by ensuring
that troops in the region would include equal numbers of northerners and southerners and
be under the control of a southern political leader. More importantly, the Anya Nya
guerilla forces that had fought the civil war would comprise half the troops stationed in
the south and all of the police, prison guards, and game wardens.

However, the agreement was never implemented fully and the exercising of
southern autonomy was not allowed. The Nimeri government did not allow democratic
self-rule in Sudan as a whole and therefore sought to manipulate and control southern
political life. Moreover, Nimeri agreed to a rapprochement with Islamic oriented political movements in 1977 and 1978, which allowed them to regain prominence in Khartoum. Turabi was given the key position of attorney general and used his position to extend Islamic and Arab influence in the government. This new development and their diminishing role in the central government alarmed southern politicians and war broke out again in earnest in 1981 when the Addis Ababa agreement was abrogated by the Nimeri government because of pressure from hard-line Muslims who opposed southern autonomy and because of the discovery of oil in the south.

*The Koko Dam Declaration*

The Koko Dam Declaration, the result of a dialogue between the National Alliance of trade unions and political parties that led the uprising against Nimeri and the SPLM in Koko Dam, Ethiopia, and which included all the political parties and unions except the DUP and the NIF, called for the creation of a new Sudan free of racism, tribalism, and sectarianism. The declaration signed in 1986 was to institute a system that would eliminate the causes of discrimination and regional economic disparities. As such, the national constitutional conference to define the new Sudan would address the problems of Sudan and not just the problems of the south. The declaration sought the repealing of Islamic decrees and the restoration of the secular constitution that was in place at the time of independence. The government was also called upon to lift the state of emergency and abrogate military pacts with foreign countries that infringed on the sovereignty of Sudan. Upon achieving that, both sides would declare and enforce a ceasefire. The Declaration represented a pioneering step toward refining the political and cultural identity of Sudan and indicated that political alliances could be made that cut across the north south divide.
However, the Koko Dam Declaration, like its predecessor, the Addis Ababa Accords, was not implemented. The non-participation of the DUP and the NIF, coupled with the timing of the conference (it was held in the last month of the transitional government and just before the parliamentary elections of April 1986), reduced its political impact. The elections, which resulted in Mahdi of the Umma Party forming a coalition with the DUP, meant that southern politicians received unimportant ministerial portfolios. The elections also gave the NIF 20% of the seats in the assembly and this enabled them to foil any attempt to slow down the program of Islamization. As a result, the south was severely underrepresented in the assembly and was unable to assert its interests in the parliamentary arena. This experience reinforced SPLM perceptions of unfair treatment by the northern government.

*Abuja I & II (1992 – 1993)*

Abuja I reaffirmed that the Sudan conflict could only be resolved through peaceful negotiation. Like the Koko Dam Declaration, the communiqué signed in Abuja recognized the multi-ethnic, multi-lingual, and multi-religious nature of Sudan’s society. The parties devised some confidence building measures by agreeing to work towards an interim arrangement aimed at allaying the fears of the component parts of Sudan, building confidence, and ensuring devolution of powers to enable the component parts to develop in an atmosphere of relative peace and security. Abuja I also suggested the establishment of a Revenue Allocation Commission to oversee the equitable distribution of wealth.

The second Abuja peace conference was held in 1993 was largely a reconfirmation of the principles upheld in the communiqué signed at Abuja I. Abuja II, however, attempted to discuss the issue of state and religion, concerns regarding a proper
devolution of power between the central and state governments, and ceasefire agreements. The more substantive nature of Abuja II meant that it ran into problems as neither the north nor the south were willing to compromise on these issues.

The IGAD Process
Alarm by the deepening crisis and multiple failed attempts by outside mediators, members of the Intergovernmental Authority on Drought and Development (IGADD), later renamed IGAD, formed a mediation committee consisting of two organs, a summit committee of heads of state from Ethiopia, Kenya, Eritrea, and Uganda, and a standing committee composed of their mediators to end the civil war in Sudan. The members of IGAD considered the Sudan conflict to have serious repercussions in the region and sought to deal with the roots of the conflict. Conditions were ripe for talks as both sides were exhausted from years of conflict. Furthermore, relations between the NIF government and IGAD member states, with the exception of Uganda, were good. The SPLM for their part accepted the mediators.

Preliminary talks were held in November 1993 and January 1994, with formal negotiations beginning in March and May 1994. The Declaration of Principles (DOP) presented at the May meeting was adopted by both the SPLA and the government, albeit reluctantly. It included the following provisions: the right of self-determination with national unity remaining a high priority, separation of religion and state (secularism), a system of government based on multiparty democracy, decentralization through a loose federation or a confederacy, respect for human rights, and a referendum to be held in the south with secession an option. The SPLM saw the DOP as constructive and a good framework for negotiation, while the NIF was particularly opposed to the principles of self-determination and secularism.
Serious opposition to the DOP emerged in 1994, the most contentious issues being self-determination and secularism, which Khartoum refused to concede. In July 1994, the polarization of the two sides intensified after the Khartoum government appointed a hard-line NIF member to its delegation, professed the government’s commitment to Islamic law as part of a religious and moral obligation to promote Islam in Sudan and throughout the continent, and refused self-determination as a ploy to split the country. Kenya’s president Moi then convened a meeting of the committees of heads of state, Bashir and SPLA leader Garang to bridge this gap. The NIF government walked out of these peace talks rejecting the DOP and in 1995 began looking for other mediators in an effort to undermine the IGAD peace talks, arguing that the mediators were hostile to them. No further negotiations were held by IGAD until Khartoum returned to the peace process, once again embracing the DOP in July 1997, forced to do so by loss of military ground, intense international pressure, and its failure to attract other mediators. Both parties then signed a joint communiqué in September stating their acceptance of the IGAD framework for peace negotiations.

Further meetings in 1997 and 1998 narrowed the gap between the two sides. The main points of contention remained the issues of self-determination for the south and secularism, with the SPLA demanding the end of Islamic law and the establishment of a confederation and Khartoum insisting on a federal arrangement with power remaining at the capital. The second round of talks to be held in April 1998 were cancelled to allow both sides more time to resolve their differences. The government, eager for a ceasefire agreement agreed to concessions it had previously rejected. However, the NIF attempt at securing a ceasefire was rejected by both the SPLA and IGAD as insufficient.
At the third session held in Nairobi in May 1998, the NIF government, faced with increased military pressure in the east along the Eritrean-Sudan border and a siege at Juba, the regional capital, finally agreed to self-determination for the south. Disagreements arose, however, over which territories were considered the south. Khartoum defined the south as the provinces of Bahr el Ghazal, Equatoria, and the Upper Nile recognized as such during the 1956 independence and under the 1972 Addis Ababa agreement, while the SPLM included Southern Kordofan and Southern Blue Nile, along with other marginalized areas as part of the south. The question of separation of religion and state was not resolved and neither were issues relating to the duration of the interim period and interim arrangements.

A follow up meeting in Addis Ababa in August 1998 ended with talks collapsing due to differences in views of the role of religion in politics and the territorial definition of southern Sudan for the purpose of the referendum. Talks scheduled for mid April 1999 were cancelled because of the government's decision to allow time to review a peace proposal offered by a former southern politician. In February and April 2000, parties met in Nairobi, but failed to make progress. Parties met again in 2001 in a conference that produced no advancement towards peace.
Chapter 5: Sudan; The Anatomy of a Conflict

The sources of the conflict in Sudan are deeper and more complicated that the claims of political leaders and some observers. As articulated above, there have been many failed attempts to end the civil war in southern Sudan, including efforts by Nigeria, Kenya, Ethiopia, former president Jimmy Carter, and the United States. Apart from a brief period of about ten years succeeding the 1972 Addis Ababa agreement, conflict, it seems, is intractable in Sudan. A study of the underlying causes of conflict will perhaps facilitate an understanding of the dynamics of the conflict and the reasons for the failure of successive peace agreements to take root.

Internal Aspects
It can be argued that the internal dynamics of Sudan predisposed it to conflict. In Sudan, we see the amalgamation of so many different aspects of the African continent. Unfortunately, many of the characteristics of Sudan are incompatible. Conflict in such a situation is almost predestined and peace is unnatural and difficult to achieve.

Religious and Cultural Divisions
It has been argued that the bitter fighting in the south is rooted in sharp ethnic and religious differences. Of the estimated Sudanese population of more than 32.6 million, Sunni Muslims comprise 70%, animists 25%, and Christians 5%, northern Sudan is predominantly Arab and Muslim; the south is predominantly African and follows Christian or traditional faiths. Governments in Khartoum, whether democratically elected or assuming power through a coup, emphasized the Muslim and Arab identity of Sudan.
The northern NIF government was no different in this respect. It viewed itself as the protector of all Muslims in Sudan. Government policies promoted Islam as the state religion and made non-Muslims unwelcome. Though the government declared its respect for all religions, giving churches more freedom under the 1994 Societies Registration Act, according to the United States State Department, harassment and arrests of citizens because of their religious beliefs and practices was rampant. Additionally, the law prevented the building of new churches or proselytizing by non-Muslims. Missionaries claim to be harassed continually and were prevented from doing their work. Moreover, political opponents were viewed as anti-Islam and the civil war in the south considered a holy war or *jihad*.71

The government’s basic position stemmed from the opinion that the majority living in the north had the democratic right to be governed by *shariah*. This attitude posed problems, as although Sudan can be perceived as having a Muslim religious majority, ethnically, it comprises mostly Africans. Thus African peoples who are divided into Muslims, Christians, and adherents of traditional faiths challenge the assertion of Muslim Arabs of their right as a majority.

The attorney general’s view that the separation of religion and state was impossible in Islam, served to alienate the non-Muslim population. His insistence was that business law, land law, tax law, company law, and public health law were universal by nature and must apply to all citizens. Thus, *hudud* (punishments sanctioned by Islamic jurisprudence) punishments for profits and capital were applied to non-Muslims if they deal in business. The Khartoum government pointed out that it was impossible to exempt individuals from the law as laws are national in scope and apply to territory and
not to persons. As a result non-Muslims living in Khartoum cannot be exempt from
*syariah*. This was unacceptable to non-Muslims.

Furthermore, under an increasingly dogmatic Islamic regime, efforts to forcibly
proselytize southerners were intensified. Through a government plan of "forced
acculturation," thousands of children [were] abducted and forcibly converted to Islam or
face harsh beatings and torture. According to Christian Solidarity International, youth
captured by northern army troops were sent to ‘peace camps’ where they were forced to
attend Quranic schools, change their names, and where they were indoctrinated in Arab
culture and Islam and sometimes sent out to wage a *jihad* against their own people.
Human rights groups and the State Department also reported that Islamic non-
governmental organizations deny food and assistance to non-Muslims who refused to
convert to Islam.\(^\text{72}\)

The northern process of forced Arabization as seen in its imposition of Arabic as
the official language with English being a second language heightened the sense
marginalization among the southern peoples, namely the Dinkas and the Nuer. A
stratification of Sudanese society arose with Arabs in the north being first-class citizens,
African Muslims second-class citizens, refugees from Somalia, Eritrea, and Ethiopia
third-class citizens, and finally Africans of other religions fourth-class citizens.\(^\text{73}\) The
south was effectively not seen as an integral part of the country. As fourth-class citizens,
southern Sudanese belonging to the Dinka and Nuer tribes were not provided with health
care, education opportunities, and other protections under the state, heightening the
perception among these tribes of being colonized by the Arab north.\(^\text{74}\)
For the SPLM, the war was to free southerners from political domination and religious persecution. The SPLM charged the northern government with imposing the Arab nation, the Arab culture, and the Islamic religion on those who live within the juridical boundaries of Sudan. The promulgation of *syariah* according to the SPLM made the southern Sudanese unequal to northerners by law. At best they became objects of pity, compassion, and benevolent concessions in an Islamic state.\(^7^5\)

**Unwillingness to work for peace**

Whether or not a peace agreement proves to be sustainable is dependent on the degree of willingness of the various protagonists of the conflict to negotiate in good faith and to genuinely work for peace. All current indications point to an unwillingness to do either. The NIF government’s insistence on the implementation of *syariah* and their reluctance to allow for southern self-determination is in direct opposition to the southern demand for a secular state and the opportunity for self-determination according to DOP guidelines. These positions have only hardened and become more defined in over a decade of fighting.\(^7^6\)

Northern politicians, realizing that agreeing to a secular state would be tantamount to political suicide, claim that *syariah* would only be applicable to Muslims as a justification for the incorporating Islamic law in the penal code. The south, wary after years of having *syariah* imposed on their non-Muslim populations, (non-Muslim women selling alcohol were regularly jailed as Islamic law prohibited the sale of intoxicants) found this concession unacceptable.\(^7^7\) In a recent briefing to the Africa Subcommittee of the House International Relations Committee, Steven Wondu, the SPLM representative to Washington D.C. said there was a straightforward solution to the
conflict. The north should either repeal the September laws that had imposed *syariah* on Sudan and draw up a “constitution that guarantees freedom of religion, so that religion will be covered by articles in the constitution”\(^{78}\) or allow the south the opportunity for self-determination.\(^{79}\)

Indeed as articulated by Dr. John Garang, “confederation is a direct response to the NIF refusal to separate religion from the state. It is the other side of the same coin, you cannot have your cake and eat it at the same time.”\(^{80}\) In order for there to be a religion for the state and unity of the state, there has to be a confederal arrangement.

However, the issue of self-determination for southern Sudan proved to be of full of problems. First, the territories that make up southern Sudan are themselves disputed. For the north, southern Sudan comprised the three provinces of Equatoria, Upper Nile, and Bahr el Ghazal, territories delineated as such at the time of independence in 1956. This view was further reinforced by the 1972 Addis Ababa accords. However, the southern opposition groups included territories further north such as the Nuba Mountains and the Blue Nile in their definition of the south. The argument made here is that the lines dividing the north and the south were artificial ones drawn by former colonial power, the British. The people of the Nuba Mountains and the Blue Nile, members of the SPLM allege, are ethnically African, although they had been administered under the British as part of the north. As such, the SPLM position in the IGAD talks was that the territories of the Nuba and the Southern Blue Nile should be included in any demarcation of the south and should be part of the south in configuring the ‘New Sudan’ confederal state.\(^{81}\) However, the northern Sudanese government continually insists that the Nuba Mountains be considered part of the north and was not subject to any agreement on self-
determination. The communiqué issued by IGAD noted the complexity of this problem when it said, “the definition of south Sudan [as well as the interim arrangement that is to precede an internationally supervised referendum] would be the subject of future negotiations.”

The notion of self-determination itself is problematic. The north is very much insistent on keeping the south under Khartoum’s central control and administration. The discovery of oil in the south and the continual detection of more reserves further and further south means that it is unlikely that Khartoum would ever agree to any agreement that would give the south real autonomy, regardless of their agreement to the DOP principles or other indications to the contrary. It could be argued that oil was the reason for which Nimeri abrogated the Addis Ababa agreement and revoked southern autonomy. Some observers note that because of revenue derived from oil sales, the government may not be interested to negotiate seriously to end the war. Indeed, one Sudanese cabinet minister went as far as to say, “What prevents us from fighting while we possess oil that supports this battle even if it lasts a century?”

Southern leaders, after decades under successive civilian and military governments in the north where the political elites in the north have made only superficial attempts to address grievances of the south without compromising the north’s dominant economic, political, and social status, are unwilling to countenance anything less that a confederal arrangement in which power will be decentralized and the south autonomous. Furthermore, “although in recent years former political leaders of the north, now in opposition to the current government concede that mistakes have been made and that they are prepared to correct them, political mood in the south has hardened to the desire for
separation from the north. Indeed when one compares southern willingness to accept autonomy under the 1972 agreement and their current insistence on a confederal structure of government, the hardening of southern positions is revealed. For example, the SPLM/A categorically stated they "would not accept another effort to devolve powers along the lines of the Addis Ababa agreement, because the agreement treated the South like a ... slave whose autonomy could be withdrawn by the master.... The SPLM/A concluded that the country would inevitably break up ... if the north insisted on dominating other Sudanese." The SPLM/A demand was for each state to be independent and sovereign with its own constitution and legal system.

It is a well-known fact that the government of Sudan has approached at least three countries to take over the mediation process from IGAD, indicating that it will only accept peace on its own terms. This, together with the current government’s unwillingness to decouple religion from the state and vacillation on the issue of self-determination seen in their resolve to pursue military resolution to conflict, and coupled with the SPLM’s conviction that the northerners cannot be trusted and their desire for self-determination, all display a disinclination to negotiate in good faith for peace. With such a mindset, therefore, it is hardly surprising that peace processes, to date, have failed.

**Security Dilemma**

Using game theory, the lack of trust between the northern government and the southern forces can be described best by the prisoner's dilemma. After years of abuse by the central government in Khartoum, southerners are reluctant to trust northern political parties. The abrogation of the 1972 agreement and the subsequent atrocities committed by successive regimes, which include the "enslavement of women and children by
government allied militias, incessant bombings of the civilian targets in the south, disruption and destabilization of the communities, widespread persecution on account of race, ethnicity, and religion, use of starvation as a weapon of destruction, as well as a divide and destroy strategy of pitting ethnic groups against each other, all have served to heighten the distrust among the SPLA towards the north. According to John Garang, leader of the SPLM/A, “the Sudan we know from 1956 on has been based on ethnic and religious chauvinism.” Southerners had virtually no role in the pre-independence machinations that led to a newly formed government in Khartoum that was given power over the entire Sudan.

The Government of Sudan and Slavery
The Sudanese government permitted its forces and militias to continue to kidnap and enslave women and children in the South, as part of its policy of keeping the spoils of war. According to UNICEF officials in Khartoum, in early January 2001, government sponsored militias raided the villages in Bahr el Ghazal abducting 122 women and children. The United States State Department estimates that between 12,000 and 15,000 women and children, mostly Dinka, remain in captivity. “Since 1995, an estimated 40,000 slaves have been redeemed by Christian Solidarity International.” This program of enslavement was carried out to sustain the Arab practice of having two to three slaves per household. On a strategic level, the government supported slavery in order to gain the backing of northern militias in the struggle against the south. The Sudanese government is reluctant to cooperate with international human rights agencies monitoring this situation.
The Government of Sudan and Food Aid

In 1996, a World Food Program assessment team, working in conjunction with the UN’s Operation Lifeline Sudan (OLS) estimated that at least 2.1 million Sudanese would require food aid during that year. However, the Sudanese minister of agriculture claimed that international food aid was unnecessary as the country produced enough food to feed the population and thus rejected the UN assessment, displaying a lack of regard for the imminent starvation faced by the southern Sudanese population.

Attacks on civilian food production and supplies, stealing of food and livestock, and obstructions to international relief efforts are all part of the government’s use of starvation as a strategic weapon in this conflict. The Sudanese government continues to deny access for humanitarian relief distribution, particularly in Western Upper Nile, through its control over relief flights pursuant to its agreement with OLS. In early August 2000, the Sudanese government informed the UN that all aid flights to the south would have to depart from Khartoum in a bid to control the flow of aid to the south. This denial of access threatens the lives of many in the region that face critical food shortages.93

It is hardly surprising that the SPLM/A is wary of trusting the north. The north’s willingness to use military force to pursue its dominance over the south politically, economically, and religiously is a much-remembered fact. This reality is best articulated by Steven Wondu of the SPLM, who pointed out that each time northern governments were faced with the possibility of losing their hold over the south, the leadership called on the military to reinstall the supremacy.94
Inequitable Distribution of Wealth and Access to Resources

Northern encroachment and exploitation of resources of the south is one of the most important factors of civil conflict in Sudan. Most of the vast resources of Sudan lie in the lands of the people in the south, which have always been coveted by the various governments in Khartoum. Under the Addis Ababa accord, the south was to have control over its resources to fund its own development. Yet, power has always rested in the north. The NIF government in Khartoum, as well as preceding governments, has consistently used this power exploit the resources of the south.

When oil was discovered in Southern Kordofan region in 1979, the north decided to use its political and military power to change the boundary lines to include southern territories within northern boundaries and take the southern resources for themselves. The wealth derived from these resources was then used to set up the ideal Islamic state, which excluded the non-Muslim populations of the south. To concentrate this oil wealth in the north, the government built a pipeline to bring oil to Port Sudan instead of setting up refining facilities in the south, thus starving the south of much needed development.

Oil and Genocide

In order to secure the oil fields of the south and to ensure that the proceeds of the development of the oil industry remained in the north, a campaign of terror was conducted around the oil fields. Local militias known as murahaleen as well as splinter factions of warlords, heavily armed by Khartoum, were sanctioned to raid these areas and cause widespread displacement of any ethnic groups considered to be potentially hostile to the government.
In addition, a government scorch-earth policy was and still is being carried out to remove civilians from areas around oil installations. Government forces have used ground attacks, helicopter gunships, and indiscriminate high-altitude bombardment to clear these areas. For instance, as documented by the United States Commission on International Religious Freedom, in 2000, there were more than 150 incidents of civilian bombings by government forces. These targets include hospitals, schools, churches, markets, relief organization compounds, and other clearly civilian and humanitarian installations.

The effects are thus the genocide and massive displacement of peoples, the suspension of aid activities, the disruption of social and economic life, as well as the terrorization of local populations, contributing to the collapse of coping mechanisms and state structures in the south. Currently, there are about 4 million internally displaced Sudanese. This amounts to the largest displaced population in the world. These bombings have continued despite international awareness of the problem and public assurances by Bashir that such bombings would cease.

Oil and Arms

To compound the situation, the hard currency received from oil sales has given the government the means to purchase new weapons. There have been accounts of the government of Sudan is increasingly using more accurate and sophisticated and thus more deadly and damaging weapons. According to press reports and the International Monetary Fund (IMF), these weapons were purchased by oil revenue by a government that has doubled its military budget since it began exporting oil. For example, “on the day of the export of the first 600,000 barrels of oil, [a corresponding] import shipment of 20 Polish T-55 tanks arrived in Port Sudan, [in violation of a long standing UN arms
embargo on the Sudanese government]." These arms purchases are clearly to ensure that oil wealth remain in the hands of the government.

**International Community**

The international community is not blameless in the Sudan conflict. Indeed, it has contributed to the creation of animosities among the north and the south. This section will examine the part that the international community has played in causing and sustaining the Sudanese civil war.

**The Colonial Legacy**

Tensions in Sudan long predate independence going back to the colonial rule of the Anglo-Egyptian Condominium and can be traced back to the slave raids into the south by Muslims from the north as well as by foreigners. Those raids were prevalent during the Turco-Egyptian rule of the country, which began with its conquering the territory in the 1820s. Muhammad Ali, the ruler at that time, followed a practice of capturing non-Muslims to be used as soldiers. This custom was institutionalized through the century as domestic slavery grew in the north and northern governments sought to expand their authority southwards.

The British, when they seized power in Khartoum through the Anglo-Egyptian conquest in 1898, sealed off the south and the Nuba mountains from the rest of the country after facing uprisings in that region and in the far west lasting well into the 1920s. They then devised a system of separate administration for the north and the south. To consolidate this policy, a Passports and Permits Ordinance was promulgated in 1922, which required the use of passports and permits for travel between the north and south. The British then prevented Muslim Arab traders from dominating the southern economy.
by using the Closed District Ordinance of 1922, and the Permits to Trade Order of 1925. This law required northern Sudanese to obtain permits to conduct trade with the south. Finally, a Language Policy was developed and enforced in south Sudan in 1928, which adopted English as the official language of south Sudan and which also approved the use of local languages. Arabic was categorically rejected as a language in the south. The cumulative effect of these immigration, trade and language laws was to maintain the south as a separate country, block the propagation of Islam, the use of Arabic, and the cultural mixing of the African and Arab peoples.102

Although these efforts were designed to protect the southern peoples from northern domination, they separated the north and the south and served to exacerbate their differences. This separation became a significant grievance in the north, leading to demands in the north to unite the country both politically and culturally. Many southerners, on the other hand, were relieved to be protected from their northern adversaries and to have the opportunity to develop along African lines.

Muslim Arab politicians from the north succeeded, in the late 1940s in persuading key southern leaders to join and form one country. South Sudan was handed over to the north in the Juba conference of 1947. Once independence was achieved, the northern leaders sought to erase cultural differences, which they perceived as unnatural and largely due to the British policy. Political marginalization of the south through underepresentation, discrimination, and other restrictions occurred. Additionally, the north used their majority status in parliament to replace the secular constitution with a constitution based on shariah. Civil war resulted with northern intensification of Arabization and Islamization efforts.
Lack of Understanding

As articulated by Mel Middleton of Freedom Quest International in a September 1999 report, “the world continues to dole out approximately a million dollars a day in humanitarian aid to deal with the effects … of the humanitarian catastrophe in the south - the day to day logistics of feeding hundreds of thousands of displaced and victimized people” that little attention is paid to the root of the suffering. Given that an accurate understanding of the roots of conflict forms the basis of any attempt to rectify the civil war situation in Sudan, such treatment of symptoms as causes focuses attention away from the actual reasons of suffering.

The civil war has been described in many terms; as black Africans against Arabs, northerners against southerners, Muslims against Christians and animists, conflict over the control of resources; including water, agriculture, cattle, and most recently oil. It would perhaps be more accurate to say that taken alone neither one of the reasons provide an adequate explanation for the persistence of conflict in Sudan. Rather, the best elucidation for the civil war is a combination of all the above reasons.

Political Will

This dealing with merely the symptoms of the conflict by the international community displays a lack of political will to address the “status quo of injustice in Sudan [and] suggests an unwritten policy of ‘strategic indifference’ at play …. Reports of slavery and crimes against humanity have been around for years.” “Since 1994, the internally displaced people from the oilfields, Nuba Mountains, and other areas where genocide is taking place have been telling their stories to the United Nations and NGOs working in Sudan…. Yet, it was not until [1999 that the United Nations agency, United Nations Children’s Fund (UNICEF) finally acknowledged [this]
publicly…. [Furthermore], knowledge that the NIF is waging a [holy war or jihad] against its own people, and embarking on a program of forced Islamization and Arabization [is widespread]…. The problem is not that those who have the power to do something about them do not believe these reports [but that there is] clearly a lack of political will to act…. Thus, it is dangerous to assume that when it comes to Africa, authorities in international circles will act on the basis of “moral imperatives” or with the “welfare of the innocent in mind.”105 As in the words of Eric Reeves, Sudan activist and a professor at Smith College, “one would think that in the face of relentlessly destructive aerial bombardment of civilian and humanitarian targets by the NIF regime in Khartoum, all civilized nations would mount a chorus of the harshest condemnation. But the voice speaking for Sudan too often has only an American accent.”106 SPLM’s Commissioner for Information and Culture, Dr. Samson Kwaje, recognized such a lack of political will when he charged the international community with not feeling “the urge to go beyond feeble condemnations of Khartoum.”107

Oil and the Complicity of the International Community

History has demonstrated that when human life is measured against the corporate bottom line, it is easy to lose sight of justice. This is clearly demonstrated by the attitude articulated by Canadian oil giant, Talisman Energy Inc., that if the “Canadians [were not] there, the Germans, Dutch, or Italians, or someone else would be there, so Canadian companies may as well cash in on the deal.”108 The complicity of these companies has been documented by various organizations and can be seen in the allegations that government forces routinely used oil facilities, such as airstrips and roads, in staging military operations.
The lack of political will to ‘do the right thing’ has become increasingly obvious, as despite growing international awareness of the connection between oil and genocide, oil development has attracted significant foreign investment in Sudan. The United States Department of Energy reports that the following are active in Sudan’s oil and gas industry: Talisman Energy Corporation (Canada), TotalFinaElf (France), Royal Dutch Shell and Traficura Beheer B.V. (Netherlands), AGIP (Italy), Ludin Oil Corporation (Sweden), OMVN (Austria), China National Petroleum Corporation (People’s Republic of China), Petrotlam Nasional Berhad (Malaysia), Gulf Petroleum Corporation (Qatar), and National Iranian Gas Company (Iran). In addition, in February 2001, Russian oil companies reportedly signed a memorandum of understanding with the Sudanese government regarding exploration and export of oil from two areas of the country. Such international recognition by oil companies, who often act with the backing of their countries, of a government engaged in a genocidal war against its own people demonstrates the supremacy of investment concerns over humanitarian ones and typifies the lack of political will among the international community to protect the interest of the southern Sudanese.

*Food Aid and the International Community*

Under the agreement signed by the UN, SPLM, and the NIF regime, OLS operations have to be approved by both the SPLM and the government before they can be carried out, giving both the SPLM and the government the power to veto these operations. The government of Sudan on many occasions to prevent OLS delivery of aid to the south, to SPLA controlled areas, has used this veto power. Again, here international community reticence is prominent. This community seems fearful of angering the Sudanese government and has repeatedly acquiesced in Khartoum’s
squeezing down on the fragile lifeline of humanitarian aid. Such regard the international community appears to give to the NIF can only be the result of an unwillingness to act justly in the interest of the southern people who are suffering. Some may argue that this unwillingness to break Khartoum’s stranglehold on the delivery capabilities of OLS is attributable to security concerns since although the SPLM have ground control over these areas, the government has undisputable control of the airspace. It is incomprehensible that the community that managed to provide security to Kosovo and Bosnia is held ransom by the Sudanese government.\textsuperscript{110}

\textit{Sudan in the UNHCR}

The recent ascension of Sudan to the United Nations High Commission for Refugees (UNHCR) and the removal of the United States from the same organization is another illustration of how the international community seems to be unwilling to address the human rights violations of the government of Sudan. In this instance, the international community seems to have lost its senses. The UN, to which Sudan belongs, in its charter, requires member states, to “promote universal respect for and observance of, human rights and fundamental freedoms for all.”\textsuperscript{111} According to international humanitarian law, states are required to respect fundamental human rights such as the right to life; including the prohibition of genocide, of arbitrary or summary executions, and of indiscriminate and disproportionate attacks on civilian population in situations of armed conflict. The government of Sudan has definitely and repeatedly violated these laws. Yet, the international community saw it fit to include this government in its human rights commission as a guardian of those rights.
Sudan and International Humanitarian Law

International humanitarian law also prohibits the displacement of civilian populations and should such displacement occur, all possible measures have to be taken to ensure satisfactory conditions for the displaced. The government of Sudan has repeatedly violated this law and customary international law codified in Article 13(2) of Protocol II(15), which prohibits making civilians the object of direct attacks, the primary purpose of which is to spread terror among the civilian population.\textsuperscript{112} In addition, Principle 6 of the Guiding Principles on Internal Displacement provides that people shall have the right to be protected against being arbitrarily displaced from their habitual residence. The article also prohibits displacement in situations of armed conflict.

Principle 8 requires that displacement shall not be carried out in a manner that violate the rights to life, dignity, liberty, or security of those affected. Principle13 prohibits the recruitment of displaced children into the hostilities. Sudan has ratified the treaties governing these principles. However, the government is in violation of every single principle listed above. Still the international community, with the exception of the United States, is silent. This silence, coupled with the international community’s support of foreign companies operating in Sudan, bespeaks a lack of political will to rectify the situation.

Short attention span

The Sudanese government has repeatedly stated that it was changing its behavior, reforming its policies, and improving its human rights record.\textsuperscript{113} The international community in its haste to accept the government’s pronouncement seems to have forgiven and forgotten the fact that this was a government that waged war on its own people. Instead of verifying the truth of statements made by the NIF government, the
international community has taken their words at face value. Instead of prosecuting the members of this government for such atrocities that they have committed, the international community has sought to maintain the territorial integrity of Sudan and has welcomed with open arms the Khartoum regime, even electing it to the UNHCR. This apparently short attention span of world leaders has inappropriately elevated the Sudanese government’s diplomatic position.

Moreover, governments of the members of the Organization of African Unity (OAU) seem to forget that they too were once downtrodden by colonial powers. The regime in Khartoum is just that – a colonial one, with similar aims as other colonial administrations, that is to exploit the wealth and resources of the countries they colonize and export their way of life to those countries. Fearful that their own countries, with colonial boundaries artificially drawn, would split should they profess support for the self-determination efforts of the SPLM, OAU members resist any support of the southern rebel forces.114

The short attention span of the international community is best seen in the way in which the members of that community unabashedly act in the interest of their states, according a rogue NIF regime diplomatic recognition in return for access to oil fields in the south to which, under the 1972 Addis Ababa agreement, this very regime does not have a claim. Countries with stakes in the oil fields in Sudan are apparently willing to forsake their conscience and enter into alliance with a genocidal regime simply on the basis of a profit motive.

The factors articulated above no doubt contribute largely to the ongoing crisis in Sudan. They also form the basis of any attempt to attain long-term peace in Sudan. As
such, an intimate understanding of them will go a long way to resolving the internal conflict in Sudan.
Chapter 6: Sudan; Models for Ending the War

Despite the existence of deep and protracted conflict between the northern led Sudanese government and the southern based guerillas, there is a consensus among Sudan observers that the prevalence of certain preconditions can contribute greatly to the resolution of conflict and alleviation of suffering in the country. As articulated by Steven Wondu, the road to peace in the Sudan is an obvious and simple one: the renouncement of *syariah* by the Khartoum government or failing that, the opportunity for self-determination for the southern territories. The question thus is how to get the conflicting parties to a point where either of the options becomes both acceptable and a reality.

There are both internal and international factors that can contribute to creating a situation where there is a negotiated political resolution to the conflict in Sudan. Indeed, lasting peace in Sudan can only be achieved through a negotiated settlement, and not a military one. Each of these internal and international factors alone cannot bring about much-desired peace to the country. Rather these factors have to work in concert with each other for peace agreements to be achieved and for peace to prevail.

*Internal Aspects*

It can be and has been argued that whether or not peace prevails is entirely dependent on the internal conditions of the country. The international community can promote and facilitate this peace, but if the conditions within a country are not favorable to peace, there is precious little the international community can do to reverse the situation.
A situation ripe for peace

Whether or not the situation is ripe for peace is the most important factor affecting the search for an end to the fighting in Sudan. By this it means asking the question if the "parties consider a negotiated settlement a better option than continued military engagement." A willingness of protagonists of the Sudanese conflict to earnestly negotiate for a peace agreement is a prerequisite for the establishment of such a situation and consequently, the birth of a lasting peace agreement. There are several conditions that can create a political will among the various components of Sudanese society to sue for peace.

Balance of Power

The balance of power in Sudan is currently in favor of the SPLM. While the northern government may have control of oil fields in the south and may benefit from investments with its foreign partners, it has yet to receive much in the way of oil revenue. Additionally, much of the revenue it does receive goes into the purchase of arms to fight the SPLA and to secure the oil fields. Precious little of the money is being reinvested to develop the economy or the infrastructure of the country. The people of the north thus see the war as costly and bringing about little benefit. It is a matter of time before the northerners become dissatisfied with the current regime and clamor for an end to the war.

The leadership of the NIF is also in danger of splintering. For more than a year, Bashir and Turabi have been fighting for control of the ruling party. The world first received notice of this internal feud when Bashir dissolved parliament and declared a state of emergency, which Turabi described as unconstitutional and which resulted in his being removed from his leadership position in both the party and parliament. Some observers argued that this was a creeping coup orchestrated by NIF members, including
long time Turabi rival and current vice president, Osman Ali Taha. Turabi was arrested on charges of sedition after his party the PNC signed an agreement with the SPLM. Within the army, as well, divisions are apparent. There appear to be three factions within the army, a Bashir faction, a Turabi faction, and a faction opposed to both. Turabi supporters dominate the Popular Defense Forces (PDF), as well as the security forces. Factionalism in the north, therefore, seems to be an eventuality.

While such divisions are also present within the opposition, its leadership has been forced to deal with them much earlier on. The SPLM first split in August 1999, eight days before the Naser Declaration, when one of Garang’s top commanders, Riek Machar, a Nuer, declared that he was taking over control of the party. However, in recent months there has been a rapprochement of both wings of southern leadership. Thus, while Khartoum seems to be stumbling around trying to find a resolution to its leadership crisis, the south seems to have resolved theirs. Furthermore, under the NDA, northern and southern opposition parties are consolidating their power, working out their differences, and banding together in order to provide a viable alternative to the NIF government.

Oil reservoirs are also being discovered further and further south, in areas that are increasingly difficult for the government to access and secure. These southern areas are under the firm control of the SPLA, the military arm of the SPLM, clearly giving them the upper hand; all they have to do is defend these areas from government attacks. Furthermore, with the SPLA regarding all oil facilities as legitimate military targets, the security risks of even operating facilities currently in production may prove to be too great for oil companies to continue investing in Sudan. Moreover, the SPLM is also
gaining ground in the Nuba mountains and the southern Blue Nile, whose population, after years of mistreatment, identify themselves more with the African south than the Arab north, thus increasing the SPLM support base. As of May 2001, the SPLA had captured a town just 1,000 kilometers outside Khartoum.

Thus on all fronts, the political, military, and strategic, the balance of power is shifting in favor of the opposition. The government’s repeated failure to deliver on promises of development has only served to make it increasingly unpopular among its northern population. This change in balance of power could prompt the north to enter into peace negotiations with the south.

**Military Stalemate**

The development of a mutually hurting stalemate can go a long way to creating a willingness to negotiate for peace. Although, the balance of power is currently shifting in favor of the south, the reality is that militarily, both parties to the conflict cannot secure a military victory. Coupled with this is the hardened political positions of the north and south that were so entrenched that there resulted an impasse. At present, the northern leadership who still believes that a military victory is imminent does not accept this notion. The key is thus to persuade the northern leadership that notions of military victory over the south and subjugation of southern peoples is a lofty goal that cannot be achieved.

**Clearly Identifiable Bargaining Parties**

In recent years, a clearly identifiable opposition under the NDA umbrella has emerged. This umbrella serves to unite all northern and southern opposition elements to present a unified front against the northern regime. Although the north seems to be splintering, the NIF regime is still firmly in charge and has sought to consolidate its
power and quell dissension within party ranks by eliminating elements hostile to it. Thus, the result is the materialization of two distinct parties in control of their constituents, which makes negotiations easier.

**Elimination of the security dilemma**

Part of the reason for continued conflict in Sudan is the existence of a security dilemma, which presents itself in the form of mistrust between the parties to the conflict. This is hardly surprising given the intensity of the civil war and the non-negotiable demands and counter demands of the government and the SPLM. Thus, the elimination of this security dilemma would go a long way to creating a situation conducive to long-term peace.

To eliminate the security dilemma, self-determination for the south must “be stipulated as the genuine goal to which all the parties must sincerely and transparently commit themselves.” 117 There is evidence that the SPLM/A leadership’s goal does not represent the aspirations to self-determination of the majority of the southern peoples. Thus, there must be a reaffirmation of the unequivocal commitment to self-determination of the south by both the government and the SPLM/A.

Secondly, self-determination should not be viewed as synonymous with secession, but instead, should be seen as offering a genuine choice between unity and secession. This should motivate those desirous of national unity to strive harder to create conditions favorable to the option of unity in the referendum on self-determination, including the provision of extensive autonomy for the south and national power sharing.
Increasing Confidence of Warring Parties

To demonstrate an actual willingness to negotiate in good faith, both the government of Sudan and the SPLM/A should publicly condemn human rights violations committed against civilians, rather than pretending such violations do not occur. Furthermore, active measures should be taken to bring human rights violators from both sides to justice in accordance with international standards for fair trial. An international criminal tribunal such as the one that has been set up in Rwanda to try the perpetrators of the Rwandan genocide can be set up to bring these violators to justice. Unrestricted access should also be given to humanitarian agencies and independent human rights monitors, such as Amnesty International for verification of human rights situation in the country. United Nations special rapporteurs should also be appointed to perform this function.

Decentralization and Power sharing

To facilitate power sharing, a confederal system of government with both the northern and southern territories independent and sovereign with their own constitutions and legal systems, as well as armed forces, consisting of an army, a navy, and an air force, should be set up. Both territorial units would then cooperate in external defense, foreign affairs, mutual economic activities, and technical issues. Foreign policy would be coordinated by occasional meetings of the two states’ presidents. Each state would contribute equally to the budget of the confederation. At the central level, the two presidents would form Supreme Council and would alternate annually as president of the confederation. This council would control the Confederal Armed Forces to which each state would contribute personnel and thus would provide the check and balance necessary to prevent abuse of the armed forces.\textsuperscript{118}
Power sharing arrangements are based on proportional representation in all arms of government, the judiciary, the executive arm, as well as the legislative arm. With a system of checks and balances institutionalized in a constitution, greater accountability and transparency will be encouraged. The constitution will also set rules and boundaries, encourage compliance, and punish transgressions, injecting predictability into the competitive process. An apolitical military will be provided for in this constitution, which in Sudan will mean the removal of military elements from political power. This effectively means the Bashir’s government would have to pass into civilian hands. These actions will lead to the dismantling of defacto apartheid systems and installation of democratic systems that allow open participation by those who have hereto been excluded, while at the same time rooting out corruption and cronyism. Laws, regulations, administrative rules, court orders, and other public interventions must govern the provision of public and private goods as well as admissions into schools and colleges, jobs, promotions, and business loans. Organizations such as the congressionally mandated National Endowment for Democracy (NED) actually institute programs training parliamentarians in countries like Sudan such democratic processes.

**Equitable distribution of resources and wealth**

Since the unequal of distribution of wealth is a significant cause of the conflict in Sudan, coming up with a system that ensures the equitable distribution of wealth would remove a significant grievance of the south. Instead of constructing a pipeline costing millions of dollars to transport oil for refining at Port Sudan, the NIF regime could have set up refineries in the south, thus bringing development to the south. Even if the northern regime has insisted on transporting oil via pipeline for efficiency reasons, it
could have used some of its oil revenue to build the infrastructure and economy of the south, thereby elevating the level of prosperity for the entire country while at the same time maintaining control of the south by denying support to rebel movements like the SPLM. Unfortunately however, Khartoum was not this forward-looking. Thus, if Sudan is to remain united, a commission has to be set up to ensure the equitable distribution of wealth and access to resources. Revenue from the sale of oil and other resources have to be pumped into the south for the establishment of an education system, commercial markets, the provision of basic necessities such as clean water, hospitals, housing, and electricity. Ethnic isolation of the southern peoples has to be combated through support for regional schools. Efforts must be made to reintegrate former combatants so that they become productive members of the economy.

Without the provision of these necessities, increasing numbers of Sudanese, devoid of hope for a decent life in Sudan and out of fear for their security, will search for better lives elsewhere, contributing further to the drain of capable people who could otherwise administer the country effectively. The realization thus must be made that a country cannot prosper if an entire region is underdeveloped or section of its population is poor, exploited, and downtrodden.

**Strengthening of Civil Society**

As in every war torn country, civil society has a part to play in healing the wounds of war. The case of Sudan is no different. The Sudanese Women's Peace Initiative is an example of efforts by civil society to bring about the reconciliation process. Their goal, as articulated in the preamble of the Maastricht Declaration, is "conscience raising among Sudanese women on their roles and responsibilities in the
peace process, at all levels of society and in particular within conflicting parties."¹²³

Thus, these groups attempt to bridge cultural, ethnic, and political differences to bring about a just end to the war. The potential of civil society to strengthen the awareness of human rights and democracy within the Sudanese community is tremendous. Such players have often won the respect of key players and can be instrumental in bridging the gap between the local and national levels.¹²⁴ Furthermore, traditional structures of Sudanese communities as can be found among the Dinka show that democratic rule is not foreign to the Sudanese. As such, these traditional structures can also be drawn upon to provide the framework for peace in Sudan.

**International Community**

While the international community efforts seem secondary in the resolution of the conflict in Sudan, its involvement in the peace process is nevertheless of paramount importance. While resolution of the civil war is heavily dependent on the will of parties to the conflict to compromise and adhere to and implement a peace agreement, the international community can exert their influence to promote the search for a sustainable peace.

**Accurate assessment of causes of conflict**

Prior to the IGAD peace process, there had not been any attention paid to causes of conflict in Sudan. Thus, it is not surprising that peace efforts prior to IGAD have not succeeded. There is a myriad of interlocking reasons for the ongoing violence. Any peace process would therefore have to address each of these causes of conflict. Without an accurate assessment of conflict, the danger is that actions taken will be ill suited to
conflict resolution and may even facilitate the fighting. The current preoccupation of the international community with treating the effects of civil war, which range from starvation, to displacement of populations, to burgeoning refugee outflows, does little to put a stop to conflict. Thus although the actions of Christian Solidarity International are to be commended, they do not solve the problem of enslavement of southern Sudanese by northern groups. The need is to address the unequal distribution of wealth, lack of infrastructure, development, and basic necessities, proportionate representation in politics, equal opportunities and treatment, development of democratic structures of government, and respect for human rights. As such a multi track peace package incorporating institution and capacity building, power sharing arrangements, infrastructure development, and guarantees for equal treatment of all peoples is necessary.

Reconceptualization of aid

The problem with aid disbursement is that donors often design aid packages as if the recipient country is conflict free. If this were true, there would be no need for aid. To eradicate this problem, the international community can impose conditions on good governance so that aid becomes dependent on democratic reform. A good example of the failure to do this is the allocation of food aid through the OLS framework. The OLS dependence on the Sudanese government’s permission to go deliver food aid to the needy gives the government legitimacy it should not be accorded. The fact that this government prevents the delivery of food to southern populations in need means that food aid should be provided for outside the OLS framework. The United States, to its credit, has
increased the percentage of aid provided outside the OLS system from 14 percent in fiscal year 1997 to 34 percent in fiscal year 2000.\textsuperscript{126}

In addition, food delivery should not be the only form of aid given to the Sudanese.\textsuperscript{127} Developmental aid and financial assistance is needed to create capacity building structures to raise the awareness of human rights and democracy in the country. Aid is also needed for building infrastructure and schools and for creating a market place. Such aid can be in the form of monetary grants or it can take the form of peace corp programs, such as the water projects undertaken in Mali and other African countries. Aid is also needed to finance demobilization programs for former combatants and to reintegrate them into the country.

Currently, the United States Agency for International Development (USAID) is providing developmental assistance through the Sudan Transition Assistance for Rehabilitation (STAR) program. This program aims at increasing participatory democracy and good governance practices in opposition-held areas of Sudan while reducing the heavy reliance on emergency relief. Small grants are also provided to stimulate local economic activity and to train local civil authorities, and rehabilitate local social services such as health, education, and the rule of law.\textsuperscript{128} The United States State Department is also giving US$3 million to the NDA to increase its capacity to participate in the peace process. This is in addition to US$10 million authorized in the Foreign Operations Bill for fiscal year 2000. Such aid is insufficient, though and the IGAD Partners Forum (IPF) should be prepared to fund civil society peace initiatives.\textsuperscript{129}

At present, there is a lack of aid for such rehabilitation and reconstruction activities, which represents the middle ground between humanitarian relief and
development. ECAP, which is designed to mobilize resources for reconstruction activities, is unsuccessful in Sudan. Much more needs to be done in the area of rehabilitative aid.

The current system of aid disbursement should be revamped to increase accountability for and traceability of pledges. Greater coordination among various aid agencies and the adoption of an integrated strategic framework for political, social, and economic rehabilitation in post conflict countries means that confusion surrounding aid disbursement will be reduced. Acting together, the international community will be able to bargain more effectively with the warring parties.

Willingness to do the right thing

The most effective tool that the international community to has in affecting northern policies is their willingness to exercise the leverage that they have to encourage Khartoum and its opposition to negotiate a sustainable peace.

U.S. Action

In this, the United States can and has led the way. However, much more can be done. Within the United States for instance, American oil companies are prohibited from investing in Sudan because oil revenue is used by Khartoum to buy weapons. However, foreign companies with investment interests in Sudan are currently permitted to raise capital in the United States, through public listings of their stock on the New York Stock Exchange. On 13 June 2001, the United States House of Representatives passed by an overwhelming vote the Bacchus amendment to the Sudan Peace Act which, should it be passed by the Senate, would result in the imposition of capital market sanctions on foreign oil companies operating in Sudan. This will have the effect of raising the cost of capital required finance operations in Sudan, making such operations more expensive and
thus less attractive. Current sanctions on the Sudanese government can and should be strengthened. For example, the United States government should cease the issuance of licenses permitting the importation of gum Arabic from Sudan. This will create financial pressure to bear on the Sudanese government. Currently, among legislation being introduced on Sudan includes Representative Tom Tancredo’s, a Republican from Colorado, bill that will require the President to report on oil revenues that finance the war.

The United States can also use its leverage as the world’s sole superpower and biggest market to put a diplomatic and public relations squeeze on Sudan’s oil partners. “Sweden’s government, which values its reputation for ethical foreign policy, can hardly be happy with Ludin’s contribution to Sudan’s misery.” Talisman’s share prices have already sharply fallen because activists have persuaded conscience-stricken retirement funds to dump its stock. China National’s Sudan involvement cost it billions when a related company listed its stock in New York last year and ran into well-organized boycotts. “Western corporations and emerging economies will think twice about investing in Sudan if they know the U.S. government will lead efforts to shame them.”

The Bush administration, if it makes a high profile attempt to pressure Sudan’s oil partners, will be able to gain leverage over the Khartoum regime and jumpstart the peace process as the northern government will realize that it cannot rely on oil to finance a military victory. To date, action taken include the United States Holocaust Museum has issuance of a genocide warning on Sudan.

The appointment of a prominent special envoy can give the Sudan question higher visibility than it has had so far. Using his office, the envoy can inform the American
public and enlist international opposition to the civil war and pressure the government of Sudan to come to the negotiating table in good faith. This envoy should have a clear mandate and direct access to the president and the secretary of state. His sole responsibility should be to bring about a peaceful and just settlement to the war in Sudan. Since the issues in the Sudan conflict cut across different regions of the world as well as international financial markets, this envoy should have both the stature and authority to work within and across U.S. government agencies, engage regional leaders and European allies at the highest diplomatic levels, and exert influence on the Sudanese government.

**International Action**

The UN, which has been dormant in the Sudan conflict, should take a more prominent role and appoint a full time special representative of the Secretary General to monitor the peace process and other developments in Sudan. In addition to this, the UN should pressure the government of Sudan as a member of the UN to respect all international conventions by bringing an end to slavery, terminating religious and cultural persecution and the denial of religious freedom, and stopping economic exclusion.

An international coalition with the will to impose the full range of economic and financial sanctions, instead of just bilateral sanctions, for a sustained period of time can achieve positive results. In order for sanctions to be successful, cooperation from neighboring countries, major trading partners of the belligerent state, as well as major aid donors must be secured. Sanctions will also have to be kept in place until success is achieved. Offering economic, political, and security inducements can also be highly effective in deterring the recurrence of conflict. The use linkages can add to the leverage that the international community has in maintaining peace. While the prescriptions so far may be called idealistic, they are nevertheless necessary for peace to be achieved and
maintained in Sudan. As such, every effort should be made to garner the necessary cooperation to ensure that multilateral sanctions remain in place until the objective of the sanctions have been achieved. Such an approach was successful in South Africa and can be successful in Sudan.

Western governments should also present a united front in exerting pressure upon corporations and governments involved in the exploration, extraction, production, and sale of Sudanese oil to take steps to ensure that their activities do not contribute to the escalation of the war, the deepening of human suffering, and the continued displacement of peoples from their homelands and ways of life. Furthermore, the international community should ensure that the corporations and government involved in Sudan investigate reports of human rights violations within their sphere of activity, provide adequate human rights training for any security personnel they employ, and refrain from employing those who have been responsible for human rights violations.

A strengthening of the IGAD peace initiative is necessary. As flawed as the process is, the IGAD initiative represents the only forum capable of bringing lasting peace to Sudan. Commitment to a single concerted peace initiative rather than a multitude of initiatives that detract from each other is needed. The long intervals between IGAD meetings, the need to bring together high-level ministers, the lack of a technical secretariat, and the different agendas of the mediators have, in the past, hampered the IGAD process and prevented it from moving forward. These problems have been rectified somewhat by the agreement in July 1999 by both the SPLM and the Sudanese government for the creation of an enhanced structure, the establishment of a permanent secretariat in Nairobi, Kenya, and the formation of technical committees to
work continuously on issues under negotiation. The time lag between negotiations has also been reduced significantly. However, the peace process under IGAD is still a cumbersome one. Although not part of IGAD, the Norwegians and the United States should spearhead this peace process.

OAU willingness to accept and support the right to self-determination of the south will also contribute much to bringing the northern regime to the negotiating table. Current distaste among OAU member governments to support this legitimate right is borne out of the fear that all other colonial borders will be similarly redrawn. However, this reticence only serves to give the NIF government a great deal of dominance over a people that they have no interest in treating as equals and citizens of Sudan.

**International guarantees**

In high stakes negotiations such as in the case between the northern NIF regime and the National Democratic Alliance (NDA), a group of northern opposition parties allied with the SPLM and which derives their military strength from the SPLA, there is a high level of distrust among the parties to the conflict borne out of years of betrayals and counter betrayals. In such situations, international guarantees are important for any agreement on a cessation of hostilities to be successful. Arguably, the higher the level of distrust among parties, the greater the need for international guarantees. Such guarantees include the provision of international observers to monitor human rights situations and document violations, a willingness of the international community to prosecute violators of the peace agreement, and the furnishing of financial assistance for a whole host of activities that range from the demobilization of combatants to the setting up of democratic structures of government.
Unfortunately, such international guarantees are not forthcoming. The government of Sudan, it appears, is being rewarded rather than sanctioned for its intransigence, with foreign governments, excepting the United States, engaging the NIF as a sovereign power. Even within the United States, elements supporting the government in spite of its gross violations of international law are vocal. For example, the supply of US$3 million in non-lethal logistical support, provided for in a bill approved by the 106th Congress, to enhance the political effectiveness of the NDA was opposed by certain elements in Washington D.C. The goal of this financial assistance was to strengthen the alliance’s position as it confronts the NIF government. Steve Morrison, Director for Africa at the Center for Strategic and International Studies and head of the Sudan Task Force the center advocated sideling the NDA in favor of the Khartoum government, saying that the “package feeds false hopes and expectations on the part of the southerners and sustains excessive paranoia in Khartoum.” Many Sudan activists, however, contend that the regime is impervious to diplomacy, using IGAD talks as a time to regroup and recoup their military strength. For example, after agreeing to the DOP in July 1997, Bashir immediately stated that it was not legally binding. In a memo to the executive and legislative branches of the United States government, Sudanese living in this country stated, “…the NIF regime lacks credibility.” They also called for support of the NDA in its struggle to bring about peace and democracy and build a new Sudan as a united, democratic, secular nation free of conflicts and discrimination.” It is clear that in the struggle between northern and southern Sudan, the NIF regime in Khartoum has the definite upper hand. In order for true self-determination to take place, the playing field has to be leveled. To achieve this, the NDA
needs to be strengthened. This might mean favoring the NDA over the NIF regime. Neutrality is not an option, since in remaining neutral sides are being taken.

Support for the NIF regime is strong both in Europe and within the Arab world. In Europe, this support is shown by the presence of European oil companies having business dealings with the government for oil exploration, under an umbrella company Sudapet, which the Sudanese government is part of. Consequently, these companies and their parent countries have a vested interest in the survival of the NIF regime. Thus, their support of international guarantees for a peace process that could lead to the establishment of a confederation is at best weak. Indeed, Egypt and the rest of the Arab world categorically stated that although they supported the quest for peace in Sudan, they were opposed to the setting up of a separate southern state.

Without international guarantees, any peace process is doomed to failure. As in the words of SPLM negotiator at Abuja, Steven Wondu, there is a high level of distrust in his movement of the Sudanese government, which can only be overcome if the international community is willing to ensure adherence of both parties to a peace agreement. "A lasting solution can only result from everyone’s commitment to protect the Sudanese people’s rights.” Unfortunately, the veracity of the international community, especially the UN, is currently extremely low with the SPLM and its allies, thus discrediting it as a neutral body that could safeguard any peace agreement between the north and the south.

For peace to prevail, credible international mechanisms to guarantee peace are important. The SPLM and the government of Sudan, including its southern allies, do not trust each other. As with many conflicts around the world, peace in Sudan will have to
be made with adversaries who have tried and will continue to try to outsmart and outmaneuver one another. No amount of technical detail negotiated at the IGAD forum will overcome the mutual suspicion between them. Thus a successful peace process in Sudan will need firm international guarantees. These guarantees include international monitors to ascertain that the provisions of the peace agreement are being implemented and preparations for the referendum are being conducted in a free and fair manner. The referendum, in which the choice will be between secession and the best unity package the government is prepared to offer without protracted negotiations, itself would have to be internationally supervised. International monitoring and peacekeeping presence will also be required immediately after the referendum to ensure that the results of the referendum are respected. Prior to the referendum, international guarantees will also be required for a sustainable ceasefire, negotiating an interim administration, and security arrangements in the south. During this time, a peacekeeping force with a mandate to oversee disarmament and demobilization, as well as maintain order in key centers will be needed. Along with this force, major international commitment to finance this program will be of paramount importance.

Final Remarks

Peace in Sudan is thus not impossible. It is however, very dependent on the willingness of the various parties involved in the peace process to seriously negotiate for peace. In conclusion, let us remember that intervention aimed at stopping killing can be done relatively cheaply with minimum commitment of time and forces, but these types of intervention will only be temporary as they do not solve the underlying problem of how to rebuild the state and truly find peace. Civil war resolution requires more than a simple
ceasefire, more than passive peacekeepers. It must entail good and properly functioning mechanisms for human rights protection, viable strategies for economic growth and wealth distribution, public participation, relative stability for growth and development, the freedom to argue peacefully and organize for change in government or political system, and a measure of self help. People who are better fed, clothed, and educated, with better access to food security and health services are likely to be less hostile to each other and to be willing to work together to expand these gains.\textsuperscript{143} It also needs to be remembered that all the elements mentioned above need to be integrated in a way that a comprehensive strategic framework, which addresses the specific concerns and underlying issues of each conflict, can be implemented in the search for continued peace among the various countries in Africa. Without this integrated approach, conflict resolution will remain characterized by disparate, ad-hoc actions that could cause more harm than good.
GLOSSARY

Alliance of the People's Working Force: Based in Khartoum. The leader is Gaafar Muhammad Nimeri. The acting Secretary General is Kamal ad-Din Muhammad Abdullah.

Anya Nya: The Anya Nya was a guerilla movement that began against the military regime of General Ibrahim Aboud (1958-1964) in the southern provinces of Bahr el Ghazal, Upper Nile, and Equatoria. During the second military dictatorship of General Jaafar Nimeri (1969-1985), Joseph Lagu, former leader of the guerilla and member of the minority tribe, Mandeli, was elected deputy in 1982.

Beja Congress: The Beja Congress, a signatory to the NDA's 1995 Asmara Declaration, effectively controls a swathe of eastern Sudan centred around Garoura and Hamshkoraib. The leader of the Beja Congress, Amin Shingrai, interviewed in the UAE newspaper al-Khaleej on 20 August, 1996, said his organisation had been fighting the Sudan Government on the eastern border since 1993, and its main target is to get rid of the current regime. The three million Beja tribespeople in the east are 'marginalised', he said, and they refuse to negotiate with the National Islamic Front. Not well-organised as a fighting force. This does not detract from their ferocity as opponents. Current leader - Shaykh/Imam Taha Ahmed Taha.

Democratic Unionist Party (DUP): Conservative in political outlook. Formed in the late 1960s by a merger between the National Unionist Party and the People's Democratic Party. Based on a religious order, the Khatmiyyah organization. Ever since the Khatmiyyah opposed the Mahdist movement in the 1880s, it has been a rival of the Ansar. Although the Khatmiyyah was more broadly based than the Ansar, it was generally less effective politically. Historically, the DUP and its predecessors were plagued by factionalism, stemming largely from the differing perspectives of secular-minded professionals in the party and the more traditional religious values of their Khatmiyyah supporters. The DUP leader and hereditary Khatmiyyah spiritual guide since 1968, Muhammad Uthman al-Mirghani, tried to keep these tensions in check by avoiding firm stances on controversial political issues. In particular, he refrained from public criticism of Nimeiri's September Laws so as not to alienate Khatmiyyah followers who approved of implementing the sharia. In the 1986 parliamentary elections, the DUP won the second largest number of seats and agreed to participate in Sadiq al-Mahdi's coalition government. Like Sadiq al-Mahdi, Mirghani felt uneasy about abrogating the syariah, as demanded by the SPLM, and supported the idea that the September Laws could be revised to expunge the "un-Islamic" content added by Nimeiri. By late 1988, however, other DUP leaders had persuaded Mirghani that the Islamic law issue was the main obstacle to a peaceful resolution of the civil war. Mirghani himself became convinced that the war posed a more serious danger to Sudan than did any compromise over the syariah. It was this attitude that prompted him to meet with Garang in Ethiopia where he negotiated a cease-fire agreement based on a commitment to abolish the September Laws. During the next six months leading up to the June 1989 coup, Mirghani worked to build support for the agreement, and in the process emerged as the most important
Muslim religious figure to advocate concessions on the implementation of the syariah. Following the coup, Mirghani fled into exile and he has remained in Egypt. Since 1989, the RCC-NS has attempted to exploit DUP factionalism by coopting party officials who contested Mirghani's leadership, but these efforts failed to weaken the DUP as an opposition group. DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. The DUP, however, contains a small faction, which remains under the name DUP but to most intents and purposes is a separate party. This faction is led by Zayn al-Abdin el-Hindi (also referred to respectfully as Sharif el-Hindi) and disagrees with the involvement of religion in the DUP and does not form a part of the NDA. The two factions enjoyed a certain degree of co-operation until the return of Sharif el-Hindi to Sudan in June 1997, following which the al-Mirghani DUP disowned him.

Free Sudanese National Party (FSNP): Officially registered as a political party on 13 April 1999. Leader - Philip Abbas.


Islamic Ummah Party (IUP): Officially registered as a political party on 13 April 1999. Leader - Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party.

Liberation Front for Southern Sudan (LFSS): A rival faction to the original SPLM.

Legitimate Command of the Sudanese Armed Forces (LC-SAF): Formed from dissident military officers from Sudan. It is a part of the NDA. Leader - Lt-Gen Abd al-Rahman Sa'id. Its members are normally military or ex-military officers of some rank.


Muslim Brotherhood: Based in Khartoum. Islamic fundamentalist. Leader - Dr Habir Nur ad-Din.

Muslim Brothers: This group split from the original Muslim Brotherhood. Leader – Sadig Abdallah Abdel Magid.


National Congress Party: Ruling political organisation - was known as the National Islamic Front until November 1998. The leader is President al-Bashir. Dissolved in 2000.
National Democratic Alliance (NDA): The NDA is not a political party but is an association of opposition political and rebel groups and is based in Asmara in Eritrea. Chairman - Osman al-Mirghani. Sec. Gen. Mubarak al-Mahdi. Member parties of the NDA include the Beja Congress, the Sudanese Communist Party, the Democratic Unionist Party, the Legitimate Command, the Sudan Alliance Forces, the Sudan Federal Democratic Alliance, the Sudan People's Liberation Movement and its military wing, the Sudan People's Liberation Army.

National Islamic Front (NIF): Based in Khartoum. Politico-religious organisation. Widely regarded as the power behind the current al-Bashir regime from 1989 to 1998. It was renamed the National Congress in November 1998. The Muslim Brotherhood, which originated in Egypt, has been active in Sudan since its formation there in 1949. It emerged from Muslim student groups that first began organizing in the universities during the 1940s, and its main support base has remained the college educated. The Muslim Brotherhood's objective in Sudan has been to institutionalize Islamic law throughout the country. Hassan Abdallah al Turabi, former dean of the School of Law at the University of Khartoum, had been the Muslim Brotherhood's secretary general since 1964. He began working with Nimeiri in the mid-1970s, and, as his attorney general in 1983, played a key role in the controversial introduction of the syariah. After the overthrow of Nimeiri, Turabi was instrumental in setting up the NIF, a Brotherhood-dominated organization that included several other small Islamic parties. Following the 1989 coup, the RCC-NS arrested Turabi, as well as the leaders of other political parties, and held him in solitary confinement for several months. Nevertheless, this action failed to dispel a pervasive belief in Sudan that Turabi and the NIF actively collaborated with the RCC-NS. NIF influence within the government was evident in its policies and in the presence of several NIF members in the cabinet.


Popular Masses' Alliance: Based in Khartoum. Founder - Faysal Muhahhamd Husayn.

Popular (or People's) National Congress (PNC): This is a new political party set up Hassan al-Turabi in June 2000 after he was expelled from the ruling National Congress.


Sudan Alliance Forces (SAF): Small armed opposition group, which appeared early in 1996, it operates out of camps in the Sudan-Eritrea border areas. Reportedly formed from Muslims expelled from the Sudanese army. Leader is Brig. Abdul Aziz Khalid. The SAF is banned and active members may be at risk in the Sudan. The Government clamped down heavily on officers and officials suspected of involvement with the SAF in 1996-97.
Sudan African National Union (SANU): Malakal; Southern Party; supports continuation of regional rule.

Sudanese African Congress (SAC): Based in Juba.

Sudanese African People's Congress (SACPO): Based in Juba.

Sudan Alliance Force: The Sudan Alliance Forces of ex-paratrooper AbdelAziz Khalid, a northerner, have been growing in strength on Sudan's eastern border since the early 1990s. SAF has played a major role in the opening of a new war front in the east since 1997, when together with the SPLA and smaller groups its forces began to pressure the strategically vital hydro-electric dam on the Blue Nile. It is regarded as politically progressive and secular.

Sudanese Central Movement: Based in Khartoum. Founder - Dr Muhammad Abu al-Qasim Haj Hamad.

Sudanese Communist Party (SCP): Secretary General - Mohamed Ibrahim Nugud - although numerically smaller than the traditional Sudanese parties (DUP and Umma) it exercises its power through the trades unions.

Sudanese Green Party: Based in Khartoum. Founder - Prof Zakaraia Bashir Imam.

Sudan Human Rights Organisation (SHRO): A well-known non-political independent human rights organisation. Its main aims are the promotion and defence of the human rights and freedoms of the Sudanese people. It was founded in 1984 by a group of Sudanese professionals and scholars as a branch of the Arab Human Rights Organisation. It was officially registered as a human rights organisation in 1985.


Sudanese People’s Liberation Movement (SPLM): The SPLA was formed in 1983 when Lieutenant Colonel John Garang of the SPAF was sent to quell a mutiny in Bor of 500 southern troops who were resisting orders to be rotated to the north. Instead of ending the mutiny, Garang encouraged mutinies in other garrisons and set himself at the head of the rebellion against the Khartoum government. Garang, a Dinka born into a Christian family, had studied at Grinnell College, Iowa, and later returned to the United States to
take a company commanders' course at Fort Benning, Georgia, and again to earn advanced economics degrees at Iowa State University. By 1986, the SPLA was estimated to have 12,500 adherents organized into twelve battalions and equipped with small arms and a few mortars. By 1989 the SPLA's strength had reached 20,000 to 30,000; by 1991, it was estimated at 50,000 to 60,000. Many members of the SPLA continued their civilian occupations, serving in individual campaigns when called upon. At least forty battalions had been formed, bearing such names as Tiger, Crocodile, Fire, Nile, Kalishnikov, Bee, Eagle, and Hippo.

Southern Sudanese Political Association (SSPA): Based in Juba, largest southern party; advocates unity of the Southern Region.

Sudan Victims of Torture Group: London-based victims of torture rights group.

Umma Party (UP): Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. During the last period of parliamentary democracy, the Umma Party was the largest in the country, and its leader, Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989. Originally founded in 1945, the Umma was the political organization of the Islamic Ansar movement. Its supporters followed the strict teachings of the Mahdi, who ruled Sudan in the 1880s. Although the Ansar were found throughout Sudan, most lived in rural areas of western Darfur and Kordofan. Since Sudan became independent in 1956, the Umma Party has experienced alternating periods of political prominence and persecution. Sadiq al Mahdi became head of the Umma and spiritual leader of the Ansar in 1970, following clashes with the Nimeiri government, during which about 3,000 Ansar were killed. Following a brief reconciliation with Nimeiri in the mid-1970s, Sadiq al Mahdi was imprisoned for his opposition to the government's foreign and domestic policies, including his 1983 denunciation of the September Laws as being un-Islamic. Despite Sadiq al Mahdi's criticisms of Nimeiri's efforts to exploit religious sentiments, the Umma was an Islamic party dedicated to achieving its own Muslim political agenda for Sudan. Sadiq al Mahdi had never objected to the syariah becoming the law of the land, but rather to the "un-Islamic" manner Nimeiri had used to implement the syariah through the September Laws. Thus, when Sadiq al Mahdi became prime minister in 1986, he was loath to become the leader who abolished the syariah in Sudan. Failing to appreciate the reasons for non-Muslim antipathy toward the syariah, Sadiq al Mahdi cooperated with his brother-in-law, NIF leader Turabi, to draft Islamic legal codes for the country. By the time Sadiq al Mahdi realized that ending the civil war and retaining the syariah were incompatible political goals, public confidence in his government had dissipated, setting the stage for military intervention. Following the June 1989 coup, Sadiq al Mahdi was arrested and kept in solitary confinement for several months. He was not released from prison until early 1991. Sadiq al Mahdi indicated approval of political positions adopted by the Umma Party during his detention, including joining with the SPLM and northern political parties in the National Democratic Alliance opposition grouping. The party was a member of the NDA until March 2000 when it withdrew its membership. The leader - Sadiq al-Mahdi - returned to Sudan in November 2000 after being in exile.

Union of Sudan African Parties (USAP): Leading figure - Samuel Aro Bol. Sympathises with the SPLA.
ENDNOTES


2 Ibid.

3 Atniyey, George B.


7 Ibid.


10 Ibid.

11 Ibid.

12 Ibid.


21 Ibid.
23 Ibid.
24 Ibid.
33 Ibid.
35 Ibid.


47 Financial sanctions are considered to be the freezing of assets of the belligerents and political aid conditionality. Economic sanctions include a combination of sanctions on aid and trade.


57 Ibid.


59 Ibid.

67. Ibid.
68. Ibid.
73. Interview with Ted Dagne, Congressional Research Service.
74. Ibid.
88. Statement of Jerry Fowler, Staff Director, Committee on Conscience, United States Holocaust Memorial Museum, Congressional Human Rights Caucus briefing, 26 April 2001.


Ibid. p.1106

Briefing by Steven Wondu at the Africa Subcommittee of the House International Relations Committee on 23 May 2001.


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122 Discussion with Ted Dagne, Congressional Research Service.
123 (2000, April) Sudanese Women’s Peace Initiative; Preamble.
134 Delegation of U.S. Catholic Bishops to Sudan March 2001
135 Amnesty International
138 Correspondence from Ann Lesch to David Spock on 11 January 1999, Consultation on Sudan.
139 Memo to the US Administration and US Congress from the Sudanese in US
140 Briefing by Steven Wondu at the Africa Subcommittee of the House International Relations Committee on 23 May 2001.