

THE ROAD TO PEACE IN SUDAN: PROSPECTS FOR PLURALISM IN NORTHERN SUDAN

This paper will focus on two issues that must be resolved if there is to be a comprehensive settlement in Sudan. The first issue is the marginalised areas in the North and in particular the Nuba Mountains. The Nuba is the sole issue in Northern Sudan over which the international community has clear responsibilities and some political leverage. The Nuba Mountains is an issue that must be tackled firmly, promptly and skilfully. The second issue is political pluralism in Northern Sudan. This is more complicated, and is an area over which there is little international leverage.

The paper concludes with an examination of options for the international community.

I. Options for the Nuba and other marginalised peoples in the North

Although the war in the South has received most international attention, the war in the marginalised areas of the North is equally significant. In particular, the SPLM/SPLA has had a presence in the Nuba Mountains since 1985, and a functioning civil administration since 1989, and a regional assembly that meets regularly and legislates on major issues since 1992. More than a quarter of SPLA troops are Nuba. The Southern Blue Nile (SBN) case has many similarities, in that the people there have a similar long history of marginalisation and discrimination, and the SPLA has had a presence, albeit intermittent, since the late 1980s. The SPLM/SPLA will strenuously resist any moves for a peace in Southern Sudan alone that leaves the Nuba struggle to continue against massively increased odds; it will be seen as no more than a stratagem for splitting the Movement and defeating its constituent parts one by one.

Options for the Nuba

The position of the Nuba has never been clarified within the IGAD peace process or indeed the OLS. Although IGAD has a mandate to end the war, and the Nuba Mountains are a major war zone, attention to the Nuba issue has been uneven. The mandate of OLS is also for war affected regions, and OLS member agencies are active in the Nuba Mountains (South Kordofan) on the government-controlled side, but they have never gone to the SPLM-administered areas. (Some international NGOs support the work of the indigenous NGO, the Nub Relief, Rehabilitation and Development Society, but this is very small compared to the needs.) On 10 May 1998, UN Secretary General Kofi Annan obtained a promise from the Sudan Government that the UN would be permitted humanitarian access to the SPLM-controlled areas of the Nuba Mountains. Eight months on that promise has not been honoured and the UN has not insisted.

The Sudan Government insists that the Nuba Mountains be considered as part of the North and not subject to any agreement on self-determination. The SPLM position presented in the November 1997 IGAD talks was that the 'New Sudan' confederal state should include the Nuba and SBN along with the South.

Recently, the SPLM has clarified its position on the Nuba Mountains, in consultation with a wide range of Nuba leaders. This can be called a 'separate but parallel' proposal for

self-determination for the Nuba. This proposal has similarities with the Ethiopian constitutional model for the treatment of Ethiopian nationalities, each of which has the right to a large degree of self-government including the right of self-determination, although there is no realistic prospect of any of Ethiopia's regions leaving the Federation.

The Nuba-SPLM proposal is that:

- The Nuba Mountains should enjoy the right of self-determination alongside Southern Sudan, but separately.
- During the Transitional period there should be an interim administration of the Nuba along similar lines to what is agreed in Southern Sudan.
- The Nuba would then exercise their right of self-determination. As every Nuba leader and the overwhelming majority of Nuba, in fact probably every one of them, is a unionist, this should not be seen as a charter for secession, but rather as an assertion of Nuba dignity and rights within a united Sudan.
- The Nuba will then demand regional self-government including respect for their religions, cultures and languages, the right to own their own land, and other civil and political rights. This would be compatible with a federal system of government.
- The Nuba case is implicitly extended to SBN as well.

The advantages of the emergent Nuba proposal are:

- It is a proposal that has emerged from the Nuba community itself, inside and outside Sudan, within the SPLM and outside the SPLM.
- It is a realistic and workable proposal that will be acceptable to all the Nuba.
- It removes any potential conflict of interest between Nuba and Southerners and helps to maintain the unity of the SPLM.
- It removes one of the major obstacles to a peace settlement in the South.

The challenges facing this proposal are:

- It will require strong international guarantees to make it work. Currently the credibility of the international community and especially the UN is extremely low with the Nuba SPLM. The international community will need to make some strong gestures to the Nuba, starting with the delivery of humanitarian aid to the region and the extension of Southern ceasefires to the region, before there is any chance of any such proposal being credible with the Nuba SPLM.
- The Sudan Government and many in the Northern opposition are already sufficiently frightened by the idea of self-determination for Southern Sudan, and extending the idea to a minority in the North runs the risk of frightening them to the point of rejection.
- The same consideration applies to Egypt and many member countries of the OAU that are already averse to even discussing border changes and self-determination for national minorities.

Given the unionist sentiments among the Nuba, their position within Sudan is unlikely to be jeopardised. But it is essential that a proposed constitutional system for Sudan is based

upon federation or at the very minimum a guaranteed devolution of power, with the Nuba enjoying a high degree of self-government.

Options for South Blue Nile

The Nuba proposal applies implicitly to Southern Blue Nile, where the SPLM already has a presence. Should such a proposal be acceptable for the Nuba, there should be few difficulties in extending it to SBN.

The SBN case has one additional complication, namely the presence of Sudan Alliance Forces in a substantial area of SBN north-east of the Blue Nile river. There are political differences between SAF and the SPLM, and SAF does not support the proposal of self-determination for SBN, being firmly unionist. Other political forces including the Umma Liberation Army also have a minor presence in the area.

Any interim administration of SBN would therefore have to be multiple, with the presence of SAF and other NDA forces.

The Beja

The Beja case is different from both of the above. Although the SPLA has forces in eastern Sudan it has no significant political constituency there. The Beja are primarily represented in the Beja Congress and also in other NDA parties including the DUP and SAF. They are unionist. Their demand is not for self-determination but equal treatment within a united Sudan, in which their distinct culture and political tradition will be granted the autonomy it requires. A federal constitution, or at the very least an arrangement that devolves major powers to a regional government, will be the Beja minimum demand.

Darfur

The problem of Darfur is commonly ignored because it is remote and does not have a single united resistance movement that controls significant territory. But it would be a mistake to overlook the grievances of the Darfur people in the search for a settlement in Sudan. There is a serious danger that the current unrest in Darfur, which fluctuates from place to place and year to year, may either deteriorate into widespread lawlessness or flare up into a concerted insurrection. The Sudan Federal Democratic Alliance is active in mobilising certain constituencies there with such an insurrection in mind. As the SFDA's name implies, it is seeking a federal and democratic political system for Sudan.

Conclusion

All these cases must be settled. But the Nuba/SBN case is the most pressing because there cannot be a workable deal on the South that is not negotiated and implemented in parallel with an agreement for the Nuba/SBN.

II. Options for pluralism in Northern Sudan

The peace process for the Nuba/SBN is essentially an extension of the peace process for the South, in which IGAD and the international community use the leverage of their existing mandates and the involvement of the SPLM in order to win acceptable concessions from the Sudan Government.

Within the rest of Northern Sudan, however, the situation is very different. The only external powers that can wield significant influence are Egypt and the United States. The process of democratisation and reconciliation in Northern Sudan, to the extent that it occurs at all, will take place almost wholly through internal political processes.

The best hope is that the current, modest and tactical measures towards liberalisation in Khartoum develop a momentum of their own. Authoritarian states always make concessions in the belief that this will enable them to hold on to power. But history shows that once these concessions are made, reform can gain an unstoppable momentum of its own, as opposition forces gain morale and momentum, and the authoritarian government becomes demoralised and divided. Reform can be a slippery slope: once a government has taken one step down the slope, it may slide all the way to the bottom.

In the Sudanese context, it is possible but not certain, that a peace deal with the SPLA will help provide much of the momentum down this slippery slope. Once there is peace, the rationale for much repression and authoritarianism will disappear. The credibility of a government which has for so long fought, and sacrificed the lives of its citizens, in the name of a unity that it itself has abandoned, may be dealt a fatal blow. In short, peace in the South may disarm extremism in the North.

But the danger of a violent reaction by extremist elements, particularly those that have control over some of the security forces, cannot be ruled out. Such dangers run as far as assassination of political opponents, destabilisation of the peace settlement and transition to pluralism, or even attempted coup d'état.

Sudan has a very strong tradition of political tolerance and pluralism which can help to counteract these dangers. Elements of that tradition are resurfacing at present. Another major asset is a strong tradition of free and fair elections. In the aftermath of previous military regimes, free and fair elections have been rapidly organised. Even under the current regime, which did not present voters with real choices, there were no complaints of electoral fraud. It follows that a truly fair and competitive multi-party election could be organised in Northern Sudan in short order.

Of the many challenges that will face democratic forces in Sudan if there is any credible transition to pluralism, this paper will focus on three.

Islam versus Secularism

The current Islamic constitution has several problems that make it an improbable foundation of genuine pluralism. The central difficulty is the supremacy of Islamic law, and the role played by the supreme court as custodian of the constitution. This arrangement places ultimate authority in the hands of a theocratic elite, who are empowered to dismiss legislation as unconstitutional because it is incompatible with their interpretation of Islam. The GoS likes to compare its supreme court to the US supreme court which is similarly the custodian of the constitution. However, the difference is more important: the American supreme court makes its rulings based on a constitution and bill of rights that encompass universal human rights legislation, while the Sudanese version is inherently non-universal in that it is based on the interpretation of Islamic sources.

While this constitutional provision remains, Sudan cannot exist as a united country and cannot enjoy genuine pluralism.

Rejecting the exclusive foundation of the constitution in Islam does not entail rejecting any role for Islam in public life. The civil code and aspects of the criminal code can, for Moslems who choose to exercise this option, still be bound by Islamic precepts.

Centralism versus devolution or federalism

The NIF and the regional forces ranged against it agree that Sudan should have a federal constitution. But the experience with devolution of power to the regions (under Nimeiri) or states (under NIF) has not been positive. Real power has remained at the centre. One of the fundamental reasons for this has been the centralisation of economic power in Khartoum and the fact that regional or state governments have virtually no resources of their own, instead relying entirely on subventions from Khartoum.

A genuine devolution of power can work only if there is devolution of control over resources (notably land) and a restructuring of the basis of the Sudanese economy. This is an ambitious and long-term project. International assistance can play a key role in this project.

Problem of militias and security services

The success or otherwise of any transition to peace and democracy in Sudan is likely to stand or fall on the question of security services, armies and militias. The experience of Africa, including Sudan, is that incomplete or mismanaged disarmament and demobilisation is the most likely cause of a resumption of war. The demilitarisation of Sudanese society and politics is a particular challenge because there are so many armed groups with ethnic, political, religious and commercial loyalties in the country.

It is not difficult to envision scenarios in which a hopeful transition turns sour because of a mutiny among to-be-absorbed or to-be-demobilised former combatants, inter-ethnic conflict by militias, or a campaign of intimidation and destabilisation by a quasi-autonomous security service with affiliations to the extremist wing of the NIF. Military groups from either side could hold the transition hostage to their agendas. A transitional government that can steer between these dangers without lapsing into authoritarianism or anarchy will demand considerable skill, legitimacy and ability to direct resources.

Conclusion

The prospects for success in dealing with these issues depends crucially on the unity in the opposition. On major political issues, the NDA is not united. However, there is a possibility that the NDA may be ready to set down its minimum demands for abandoning the armed struggle and working politically from within. These minimum demands could be human rights demands rather than directly political agendas. They are likely to include:

- An amnesty for those accused of political offences by the current GoS;
- Investigations into major human rights abuses during the current regime;
- Reform of the judiciary and law enforcement institutions;
- Guarantees on free speech, free association etc;
- Guarantees on freedom of religion.

Sudanese human rights organisations representing various constituencies in Sudan have been recently working together on a range of policy issues and options, in a process that has the possibility of enabling the external opposition to specify its minimum conditions for collective participation in the peaceful political process. The principal aim of this political process is likely to be the convening of a constitutional convention.

III. What leverage does the international community have?

The outcome of any transition to peace and democracy in Northern Sudan will ultimately depend on the skill and commitment of Sudanese political leaders dedicated to peace. But there are important roles for the international community, including IGAD, the US and the wider array of donors.

For the Nuba and SBN

IGAD and OLS have a mandate for the Nuba Mountains and SBN. They have leverage because of (i) humanitarian assistance provided to the GoS side in these areas, (ii) the GoS commitment made to the UN Secretary General in May 1998, and (iii) because the SPLA is present in these areas as well as in the South. So far this leverage has not been exercised: it is time for it to be used. If there is a will to work for peace in the South, it is only meaningful if it extends to the adjacent areas.

For other areas of the North

The international community has little leverage or influence over what happens in other areas of the North. There is no internationally-supported peace process that brings together the NDA, or its constituent elements, with the GoS.

The international community can perform several roles in support of the political process.

- It can help facilitate the external opposition in formulating its minimum demands for participation in the non-violent political process in Sudan. Setting minimum human rights conditions for this is primarily the responsibility of Sudanese organisations and parties, but international recognition of this process, and monitoring of it, would add to its credibility.
- It can build human rights components into its assistance to Sudan.
- It can provide assistance and expertise to assist with the disarmament, demobilisation and reintegration of former combatants and members of security services.

In summary, there is no blueprint for a settlement in Northern Sudan, but rather an inherently unpredictable political process, which can nonetheless be encouraged towards success.