

DIALOGUE OR DESTRUCTION?

ORGANISING FOR PEACE
AS THE WAR IN SUDAN ESCALATES

27 June 2002



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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Sudan's civil war, already one of the deadliest conflicts since World War II, has entered its most destructive phase to date. Oil revenues have allowed the government to purchase increasingly lethal weapons, more effectively pursue population-clearing operations, and expand the use of its greatest comparative advantage, air power. The rebel Sudan People's Liberation Army (SPLA) has greater manpower to deploy on multiple fronts, has also acquired more sophisticated arms, and is engaging government forces in more intense conventional battles.

Given the state of its currently exploitable oil reserves and anticipated developments on international markets, the government must open new fields to production if it is at least to maintain current revenues. This requires pushing further south into the insurgents' stronghold. The major dry season offensive the government launched deeper into the oil fields and on two other fronts in January 2002 gained little territory and began to peter out as the rains started in late May. Though the SPLA withstood this assault, the test is now whether it can mount an effective counter offensive. If it cannot, the prospect is that its capacity to defend against the government's next dry season campaign, which will undoubtedly be backed by more and better weapons, will begin to erode.

Parallel to the combat escalation, what may be the decisive phase of the long running peace initiative pursued by the Intergovernmental Authority on

Development (IGAD) is beginning. Its chairman, Kenya's outgoing President Moi, wants to make a major push during the last half-year of his term. The U.S., UK and Norway have become observers in the process, working closely with the Kenyan Special Envoy, Lieutenant-General Lazarus Sumbeiywo.

Many issues divide the Sudanese parties, not the least of which are religion and the distribution of power. But self-determination for the South stands above the others for its potential to be the ultimate spoiler of the peace process. The commitment of those in the South – the core of the national insurgency – to achieving a referendum that offers them a choice of independence continues to grow. It is matched only by the government's opposition to any referendum that would include an option for the breakup of the country as an option.

With battle lines and negotiating positions so clearly drawn, the efforts to energise the IGAD peace process have so far been useful, but not sufficient. The window of opportunity for peace in Sudan is beginning to close. A much more robust effort must be undertaken both by the IGAD states and, in their support, by the international community if peace is to be made. In the first instance, this requires quick construction of a considerably more detailed peace strategy, including the organisation and deployment of serious leverage. Absent this, the Sudanese people will be condemned to increasing death and destruction, and a wide swathe of Africa will remain subject to the destabilising consequences.

RECOMMENDATIONS

TO THE GOVERNMENTS OF THE IGAD COUNTRIES:

1. Restructure more inclusively the negotiations that opened in Nairobi the week of 17 June 2002 in order to maximise buy-in by all elements of Sudanese society and support by all regional players. In particular:
 - (a) Associate more fully with the inner circle of negotiation (Appendix C) – the warring parties (Khartoum government and SPLA) and the IGAD Special Envoy representing Kenyan President Moi and the other members of the IGAD Sudan Sub-Committee: Eritrea, Ethiopia, and Uganda – the latter three countries, each of whom should appoint high ranking point persons with whom the Special Envoy should coordinate particularly closely to develop ideas and exercise leverage on the parties at important junctures.
 - (b) Work on a day-to-day basis with the troika of observers in the second of the negotiations' concentric circles (the U.S., the UK, and Norway), who should organise leverage and international strategy and act with the Special Envoy as catalysts.
 - (c) While most actual negotiation will occur in the above two circles, draw into a third circle of external leverage other countries important for applying pressures and offering incentives at key points of the process, especially Egypt; develop special mechanisms to ensure their maximum participation, for example, a daily restricted briefing and consultation, so that they can provide input to the Special Envoy and observers on substance and tactics and otherwise be well prepared to assist as needed.
 - (d) Establish a fourth circle for Sudanese consultation, to include the major political parties and groupings (e.g., National Democratic Alliance, Umma Party, etc.) and civil society organisations; provide regular briefings and opportunity for them to offer their input.
 - (e) Draw the main Track II initiatives (Max Planck Institute, African Renaissance Institute, World Bank Nile Basin Initiative)

into a fifth circle of briefing and consultation so that their parallel efforts at developing compromise ideas can be better integrated into the IGAD process.

TO THE GOVERNMENT OF THE UNITED STATES:

2. Work closely with Egypt, including directly with President Mubarak, in order to gain the vital support for the process of Sudan's most important neighbour, and lead efforts to organise multilateral leverage in support of the process.

TO THE GOVERNMENTS OF THE UNITED STATES, UNITED KINGDOM AND NORWAY:

3. Signal political commitment by devoting high-level political resources to the process, in particular by supplementing the day-to-day work of the troika observers at crucial junctures through joint and coordinated diplomatic interventions of senior policy makers.

Nairobi/Brussels, 27 June 2002

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I. INTRODUCTION

“The spilled blood of our grandfathers has become the oil in the ground”.

– rebel commander on the frontline in Sudan’s oilfields¹

After nearly two decades, the Sudanese civil war has reached its deadliest phase. Both sides have more lethal weapons and are fighting more conventional and frequent engagements, which kill greater numbers of soldiers and produce more extensive collateral damage. The government has adopted more brutal tactics with which to clear civilians out of oil areas. The bloodiest battles of a conflict that has already lasted nineteen years and left two million dead were fought during this past dry season from January to June 2002. Small skirmishes with AK-47s have been replaced by slugfests with heavy modern weaponry.² In particular, the Khartoum government continues to increase the use of its most significant and deadly comparative advantage, air power. Both sides are preparing to escalate further on multiple fronts in southern, central and eastern Sudan. The war has long since moved beyond the old North-South stereotype.

The government must continue to expand oil production to sustain revenues. It needs, therefore, to open new areas for exploitation further and further south within the rebel heartland. It launched a massive dry season offensive in the oilfields at the beginning of this year. This was aided, ironically, by the ceasefire the U.S. Special Envoy, John Danforth, negotiated in the Nuba Mountains for humanitarian purposes and to test both sides’ readiness for peace, but which allowed Khartoum to switch thousands of soldiers to the new front. By clearing civilian populations out of Western Upper Nile through scorched earth attacks and starvation,³ the government intended primarily to secure both existing and potential new oil fields.

The Sudan People’s Liberation Army (SPLA) held its ground at a heavy cost in manpower and resources. The government sustained even greater losses.⁴ Unless the SPLA can mount a significant counter offensive in the current rainy season, however, its capacity to resist the government’s dry season offensive in 2003 – with more and better heavy weapons – will begin to erode.

¹ ICG interview, June 2002.

² The escalating lethality of weapons on both sides increases collateral damage when conventional battles occur. “There are lots more victims in each attack”, claimed a relief official in southern Sudan. “We are seeing more severe wounds now also. The hospitals and clinics are filled to capacity”. ICG interview, June 2002.

³ See Diane de Guzman, “Depopulating Sudan’s Oil Regions”, European Coalition on Oil in Sudan, 14 May 2002, and Médecins Sans Frontières, “Violence, Health and Access to Aid in Western Upper Nile”, April 2002. These recent first-hand assessments conclude that civilians continue to be forcibly displaced by village burning and helicopter gunship attacks. They validate earlier reporting by other human rights researchers, including successive UN Special Rapporteurs.

⁴ Although neither government nor insurgents provide official casualty information, observers concur that the dead and wounded have reached into the thousands on both sides during the last six months.

The International Crisis Group has argued throughout the year that since the 11 September 2001 terror attacks in the U.S., a window of opportunity has been open for peace in Sudan. To take advantage, however, requires quick and energetic attention to the root causes of the war.⁵ ICG has recommended that a partnership be formed at a senior level between IGAD and key members of the wider international community to press a new peace initiative, backed by more serious leverage and a willingness to use it. The picture is mixed. IGAD (the Intergovernmental Authority on Development, the East African regional organisation that has long pursued the potentially most important peace initiative) did not meet for nine months after 11 September. Nevertheless, as the war escalates, it has launched a new and perhaps decisive chapter of the peace process in Nairobi the week of 17 June 2002. Three important outside countries – the UK, Norway and, most significantly, the U.S. – are closely associated as “observers”.

That conference will soon come up against the most difficult issue, self-determination, over which the entire process can falter. There is a growing determination among southern Sudanese to sacrifice whatever is required to achieve an independence referendum.⁶ The attitude is not, “We have sacrificed so much; therefore we must compromise”. Rather, it is, “We have sacrificed so much; therefore we cannot compromise”. The government’s position has hardened at the same time.⁷ With the lines already being drawn, IGAD only has a chance to end the war if it gets much

more serious support from the broader international community.

Although the efforts of the U.S. Special Envoy have resulted in moderate successes on symptomatic humanitarian issues, nine months have gone by in which:

- ❑ root causes have not been addressed in a serious negotiation;
- ❑ potential external leverage is slowly eroding, as Khartoum feels less pressure to negotiate its way out of remaining pockets of international isolation;⁸
- ❑ the U.S. bureaucracy is mired in details of implementing Danforth’s humanitarian initiatives rather than engaging in a serious push on the broader peace process;
- ❑ the warring parties’ battlefield commitments are escalating and their diplomatic positions hardening.

The peace window, in other words, is slowly closing, even as delegates begin their work in Nairobi. A major effort, utilising and expanding on the IGAD peace process, is needed now or the prospects for resolving the war at a later date will diminish exponentially. This report updates the battlefield situation and otherwise concentrates on organisational aspects of such an effort. A second report will be issued later in the summer on the substantive issues dividing the parties.

⁵ See ICG Africa Report No. 39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January 2002, and ICG Africa Report No. 42, *Capturing the Moment: Sudan’s Peace Process in the Balance*, 3 April 2002.

⁶ Nearly every organised body of southern Sudanese – church groups in the South, interest groups in the diaspora, organisations in government-controlled areas of the South, the SPLA itself, even southern representatives of the government in Khartoum – has issued some kind of statement or paper in which an independence referendum is the sine qua non of self-determination.

⁷ The government floated in May 2002 a draft of a new set of principles for the IGAD peace process in which the right of self-determination was glaringly absent. Its chargé d’affaires in Nairobi recently published what he called an academic paper that made the case against including an independence option in any definition of self-determination. This is widely thought to be the government’s position, not an academic argument.

⁸ This leverage was highest in the immediate aftermath of 11 September. As Khartoum has moved to cooperate with the U.S. in its counter-terrorism efforts, it has become less fearful of potential U.S. moves against it. This has lessened the pressure it feels to negotiate and compromise in order to reduce the remnants of international isolation that it once suffered from because of its support for terrorist groups and poor human rights record.

II. STATE OF THE CIVIL WAR

A. BATTLEFIELD DEVELOPMENTS

The government's dry season offensive, which began in January 2002, focused on three fronts. The major axis was in Western Upper Nile, where units reinforced by troops freed up by the cease-fire in the Nuba Mountains attacked south of Bentiu, an area in which the SPLA and the Sudan People's Democratic Front (SPDF), a Nuer-dominated faction that returned to the SPLA in January after a decade-long and highly destructive split, had been making gains. The government also attacked in Bahr al-Ghazal and Southern Blue Nile.

Despite a strong push, resulting in heavy casualties on both sides, the government captured only two SPLA towns – Nhialdou and Mankien – on the main, Western Upper Nile, front. The SPLA stretched its logistical capacity near to the breaking point to maintain its positions,⁹ but as the rainy season begins, it is besieging Nhialdou and other government garrisons south of Bentiu. "It is a nightmare for the government to try to move its forces", said a military analyst. "Every time the government sends its convoys for re-supply, the SPLA ambushes them. Despite this, the government continues to reinforce defeat. Even though its forces are down and out, Khartoum keeps sending more troops and equipment".¹⁰

In Bahr al-Ghazal, major fighting has occurred on a number of fronts. The government's primary effort failed at Gogrial, the capture of which had been intended to enhance the defence of its main garrison of Wau and improve its ability to resupply by land. The SPLA has captured bridges and torn up some of the rail line used by the government to resupply Wau and by its Popular Defense Force (PDF) militias to attack villages and conduct slave raids.¹¹ The PDF has been diminished as a threat because of additional SPLA deployments and inter-communal peace agreements between Dinka and Arab communities.¹² The combination of military deterrence and economic advantage has led many militia members and potential recruits to

see greater advantage in cooperation than in conflict.¹³

The government's dry season offensive had its greatest success in Southern Blue Nile, near Ethiopia, where it dislodged the SPLA from a handful of key garrisons – including the strategically important border town of Qeissan – and burned dozens of villages in a scorched earth campaign.¹⁴ This improves the government's ability to defend oil production at Adar-Yel. Since the area is part of what is considered northern Sudan, it also strengthens its effort to present the war as purely a North-South affair. The SPLA is quite concerned about its vulnerability in Southern Blue Nile. If Ethiopia is willing to collaborate with Khartoum here, as the Sudanese government claims,¹⁵ it will increase the insurgents' vulnerability along the border exponentially.¹⁶

In Eastern Equatoria, a deal struck between the governments of Sudan and Uganda allow the Ugandan army to pursue forces of the Lord's Resistance Army (LRA)¹⁷ that until recently Khartoum had openly assisted. This agreement gains the Sudan government credit for ending support for an Ugandan insurgency that commits heinous human rights abuses and is on the U.S. government's terrorist list. The Ugandan army has made little progress, however, capturing few LRA fighters and little equipment and rarely pursuing the rebels into their fortresses in the Imatong Mountains.

¹³ This has policy implications for the various U.S. aid programs aimed at fulfilling the Congressional authorisation to provide aid to help defend civilian populations from government attacks and slave raids. Although the Danforth-negotiated mechanism for protecting civilians against military attacks, which was signed by the government and SPLA in March 2002, is an important statement of principle, the support that would have the most impact is that which strengthens on the ground the existing efforts to end the PDF's ability to raid Dinka areas. This means either buttressing defensive capabilities by providing trucks and capacity-building assistance to the civil administration (mobility and deterrence) or supporting projects that enhance the implementation of local peace agreements (economic incentive).

¹⁴ *Justice Africa*, "Prospects for Peace in Sudan", April 2002 Briefing.

¹⁵ See Khartoum's *Al-Ra'y al-Amm*, 13 June 2002.

¹⁶ There are allegations that the SPLA provided support to the Ethiopian rebel Oromo Liberation Front, which angered the Ethiopian authorities and strained relations. ICG interviews, June 2002.

¹⁷ The LRA is an Ugandan rebel group with one of the worst human rights records on the continent of Africa.

⁹ ICG interview, June 2002.

¹⁰ ICG interview, southern Sudan, June 2002.

¹¹ See ICG Africa Report No. 39, *God, Oil and Country*, op. cit.

¹² For background see *ibid*, chapter 5.

Meanwhile, LRA attacks against Sudanese villages – especially south of Torit – have increased as it seeks to provision itself.¹⁸ The LRA allegedly maintains significant stockpiles of weapons received over the years from Khartoum.

Bilateral agreements between newly cooperative Kampala and Khartoum had until early June 2002 prevented a well-prepared SPLA from attacking government garrisons in Eastern Equatoria. But on 8 June, the SPLA captured with relative ease Kapoeta, near the Kenyan border, an important garrison protecting Juba, the regional capital, and Bor.¹⁹ Further engagements are likely in this heavily militarised area. It is unclear what impact the SPLA offensive will have on the bilateral agreement between Uganda and Sudan. The two defence ministers are meeting soon to consider next steps.

The rebel-controlled area bordering Eritrea in northeastern Sudan, known as the “eastern front”, has been quiet for over a year. The SPLA and its northern allies in the umbrella opposition coalition, the National Democratic Alliance (NDA), have built up forces and are preparing activity there during the current rainy season, but uncertain Eritrean support and mobility constraints have hampered planning.

B. GOVERNMENT OBJECTIVES, CONSTRAINTS AND ADVANTAGES

The government must move south and expand oil production if it is to keep its revenue flow from declining. Even maintaining production in southern Sudan requires constant investment and exploration. The government’s consortium is blocked from moving to the next phase of production, however, by SPLA attacks on the areas of exploration in Blocks 5A and 5B, where much larger deposits exist than in areas of current production to the north.

The government’s successful formula for opening up oil exploration in areas north of Bentiu from 1999 to 2001 involved clearing civilians out of areas where oil infrastructure – drilling stations, exploration platforms, or all-weather roads – was

to be situated. This was a classic counter-insurgency operation – drain the water to catch the fish – and is being repeated south of Bentiu, but with far less success and at a high cost to government forces. Khartoum has used regular troops and militia as well as its air force to attack civilians in Western Upper Nile. It intends to clear a strip of land and extend the all-weather road down to Adok (the southern flank of the primary field of oil exploration). It means to protect that road with a series of garrisons along its route, ring all infrastructure with a defensive perimeter, bring back the companies that left in late 2001 (principally Sweden’s Lundin and Malaysia’s Petronas) and start pumping oil. An additional benefit of this operation, if the government can pull it off, would be to block the SPLA from effectively challenging existing oil operations north of Bentiu.

The capture of Nhialdou was central to this strategy. The town is at the top of a horseshoe that the government seeks to control. The eastern curve of that horseshoe extends down to Bor, the western curve to Wau. Nhialdou secures the southern flank of existing oil production, and begins the penetration into areas of future production. Ultimately, the government seeks to lock down the corridors along the horseshoe, rather than, as at present, merely hold a few isolated outposts that are hard to re-supply and insufficient to protect oil company operations. If the SPLA’s defenses collapse in Western Upper Nile, government forces will run down the two corridors of the horseshoe, clearing civilians out and creating a defensive perimeter for the return of oil companies. If they succeed, the expanded oil production will enable the government to maintain the war indefinitely.

Preparation and planning in pursuit of this strategy have already begun for the next dry season, which will inevitably involve use of even more heavy weapons. In the meantime, despite having failed to achieve most of its objectives during the last offensive, the government has acquired vehicles that are able to pull drilling rigs in the swamps, and has deployed them north of Koch on the existing oil road to start exploratory work.

The government is also renaming towns in areas of northern Upper Nile and the historically contested area of Abyei. SPLA interlocutors believe this is an effort to shift the de facto border further south in advance of serious peace talks, so that if any

¹⁸ In one massacre, 400 Sudanese villagers were killed in gruesome fashion. *Justice Africa*, “Prospects for Peace in Sudan”, May-June 2002.

¹⁹ Along with the two towns, the SPLA seized significant military supplies.

deal is struck, more oilfields would be in what is considered the North.²⁰ The logic is that the government would attempt to capture as much of the northern parts of Upper Nile and Bahr al-Ghazal as it can, neutralise and separate the Nuba Mountains through the ceasefire, take back as much of Southern Blue Nile province as possible with Ethiopian acquiescence, and attempt to woo northern politicians out of the alliance the SPLA has forged with the umbrella National Democratic Alliance opposition. Isolating the SPLA even below the traditional North-South line at independence would help the government to argue that the war is confined geographically and that a “two systems, one Sudan” peace formula, with an unreformed northern federal state and an SPLA-controlled southern federal state debating the line of demarcation, would be appropriate.

The government also seeks to break the SPLA blockade of the Nile River. When it won back key SPDF commanders in late 2001 in the area of Zeraf Island, the SPLA acquired the capacity to stop barge traffic. This has prevented the government from resupplying Juba by river and is having a secondary impact on that town’s ability to resupply smaller government garrisons further east. The government will continue to try to reduce the insurgents’ stranglehold by aerial bombing.

Superior mobility and logistics give government forces a counter to the SPLA’s manpower advantage. This battlefield edge will be heightened by the government’s purchase from Australia of airboats designed to travel in swamp environments and especially useful in the oilfield areas of Upper Nile.

The government’s other major advantage, air superiority, particularly the ability to conduct high altitude bombing and helicopter gunship attacks, has been only partially affected by the SPLA’s new anti-aircraft capacity.²¹ The government has begun to bomb at night, indicating new technology as well as increased efforts to defend night convoys that seek to circumvent SPLA ambushes.

The government’s superiority will be further enhanced, though to an uncertain degree, when newly acquired MiG-29s and search and acquisition radar become operational some time over the next twelve months. One military analyst predicted that with Russian or Ukrainian pilots as part of the package, these MiGs will provide an integrated system that will be able to interdict SPLA resupply by air as well as threaten the relief agency flights that operate independently from the UN and without government permission: “They will be able to shut the airspace down”.²² Other experts, however, assess the impact as negligible since they believe the potential for aerial interception of low-flying aircraft will not be significantly enhanced.²³

Khartoum’s major disadvantage is in manpower. With no volunteers, the government has to rely on forced recruitment. “New recruits have to be forced to fight”, said a northern Sudanese analyst.²⁴ More broadly, a military analyst concludes, “The government is very good at strategy, but not good at fighting”.²⁵

C. SPLA OBJECTIVES, CONSTRAINTS, AND ADVANTAGES

With small unit tactical strikes, the SPLA seeks to take the war to the oilfields, preventing expansion of drilling and harassing existing infrastructure. If rebel forces hit the infrastructure north of Bentiu every month or two, causing significant damage and/or civilian casualties, the calculations of oil companies will be affected. With a large numerical advantage, the SPLA intends to bottle up government forces in its few garrisons south of Bentiu. The SPLA will try to capture those garrisons, which would increase the pressure on Bentiu, while other units project northward and westward into the active oilfields. “SPLA forces were able to strike the heart of oil production last year, and this year their ability to do so is enhanced by better equipment and increased manpower”, a regional military analyst commented.²⁶ Heavier SPLA weapons in the area do not translate into an

²⁰ ICG interviews, May and June 2002.

²¹ One SPLA commander on the front line acknowledged, “We have better anti-aircraft capabilities, and we can hit the helicopters, but it is very difficult to take them out”. ICG interview in southern Sudan, June 2002.

²² ICG interview, May 2002.

²³ The argument is that it would be very difficult for the fast-moving MiG-29 to shoot down the kind of slow-moving plane that typically would transport food aid or SPLA supplies. ICG interviews, 24 June 2002.

²⁴ ICG interview, June 2002.

²⁵ ICG interview, May 2002.

²⁶ ICG interview in southern Sudan, June 2002.

important tactical advantage, however, as the insurgents lack the capability to transport those arms across a key river and use them north of Bentiu.

Questions abound about SPLA targets. The rebels have not struck the pipeline in over two years. “We must hit the nerve centre of production”, said an SPLA commander. “We don’t have to hit the pipeline. We have to hit their logistical lines and ensure they cannot move”.²⁷ The efficacy of a pipeline strategy has been questioned in other settings. For example, insurgents in Colombia struck a pipeline 170 times in 2001, costing oil companies upwards of \$500 million, but were not able to disrupt production.²⁸

In Central and Eastern Upper Nile, east of the main oilfields, the SPLA seeks to besiege the regional capital of Malakal from which government forces and militia regularly launch attacks into Central and Eastern Upper Nile as well as into Eastern Equatoria.

The SPLA is working to bring back to the fold remaining renegade Nuer commanders and their militia, all of whom are provisioned – usually poorly – by the government.²⁹ These militias are important for government strategy because of their knowledge of the terrain and their ability to help the government prevent SPLA surprise attacks.³⁰ The militias have been instructed by the government to attack SPLA positions and take as payment whatever they can loot.³¹

The SPLA has successfully recruited some of the militia of Paulino Matip, based in Mayom west of Bentiu, is targeting James Lieh, based in Nimne east of Bentiu, is attempting to bring about the surrender or defection of Simon Gatwich, whose decimated forces are surrounded in Yuai, and is isolating Gordon Kong, whose fighters are defecting from the government garrison of Nasir. “The SPLA and

SPDF are slowly building consensus among the Nuer to rejoin”, explained a southern Sudanese observer, who predicted: “Within twelve months most of the militia will be back in the SPLA fold”.³²

The effort to implement the January agreement between the SPLA and the main Nuer splinter group, the SPDF led by Riek Machar,³³ is moving forward, albeit slowly. Military integration in the field has already occurred in some places; in others, forces remain separate. A joint committee is moving throughout Upper Nile to sensitise communities and solicit grassroots feedback. Higher-level delegations are supposed to meet in Nairobi to harmonize SPLA and SPDF positions and develop a unified civilian and military leadership structure, but this has been delayed, leaving some analysts wondering whether the SPLA is dragging its feet.

The SPLA’s major advantages are its high morale and increased manpower in the aftermath of the SPLA-SPDF merger.³⁴ “Nearly everyone is back in the mother ship”, a frontline SPLA commander said. “The looting of the oil has brought people together to fight the government”.³⁵ The new southern unity overcomes some SPLA tendencies towards parochialism, the obstruction of larger goals by small fiefdoms and warlordism. Despite heavy casualties in the dry season fighting, new volunteers far exceed the SPLA’s absorptive capacity. “We Nuer believe that because of unity we can achieve our objectives”, asserted a community leader. “We can only get a deal if the SPLA increases its military pressure on the government. Southern Sudanese don’t have any problem with continued fighting. In fact, our women tell our men that they have to go and fight”.³⁶

The Achilles heels of the SPLA are the twin constraints of logistics and mobility. Its inability to

²⁷ ICG interview, 28 May 2002.

²⁸ ICG interviews with Western intelligence services, May 2002.

²⁹ See ICG Africa Reports *God, Oil and Country*, and *Capturing the Moment*, both op. cit.

³⁰ ICG interviews with frontline SPLA commanders in southern Sudan, June 2002.

³¹ Rank and file militia are not paid, while their commanders receive irregular salaries. In response to reluctance to attack home areas, the government has reportedly threatened some of the latter with redeployment into regular army units on the frontlines, which means they would lose their commands. ICG interviews, May and June 2002.

³² ICG interview in southern Sudan, June 2002.

³³ See ICG Africa Report *Capturing the Moment*, op. cit.

³⁴ The SPLA also has acquired some heavier weapons, especially anti-aircraft, a little better mobility, and more consistent resupply capabilities – relatively small enhancements individually that combined have produced a big impact on the battlefield.

³⁵ ICG interview in southern Sudan, June 2002.

³⁶ ICG interview in southern Sudan, June 2002. The motivations for joining the SPLA of any young southern Sudanese are a mixture of commitment to principle, defence of the homeland, and lack of alternative opportunities.

resupply forces regularly in remote areas, especially during the rainy season, hinders its capacity to sustain operations. The oilfields of Western Upper Nile are a particular challenge, due to remoteness, rivers and swamps, and the growing numbers of fighters that, following the merger, have to be supported. "Campaigns and wars are won by logistics", asserted one regional military analyst. "This is killing the SPLA. If they had a better system, they could win the war".³⁷ But the SPLA has improved ground resupply recently, reducing the reliance on more costly air transport. Most SPLA field commanders claim, however, that their most regular supplier remains the government, via equipment captured in battle.³⁸

When oil production and export began in late August 1999, most Sudan analysts concluded that it would only be a matter of time before the government would be able to wear down the SPLA with its new weapons and pacify the oil-rich areas. This has not yet happened, and may not. "The SPLA has the long view", observed a military analyst in the region. "They are Communist-trained. They'll take the hits, and keep coming back".³⁹ Others are not so sanguine. "We believe the SPLA has lost already", proclaimed one European diplomat.⁴⁰

A regional military analyst provided a more nuanced perspective, "The SPLA is fighting an interdiction operation in Western Upper Nile. They are exhausting themselves, and can't sustain this in the long run. The SPLA cannot stop the government's advance over time, unless it is able to attack on multiple fronts. If the rebels only mount operations in Western Upper Nile alone, they will be severely disadvantaged. The clock is ticking".⁴¹ A senior SPLA commander from the oilfield area took issue with this assessment:

We have certainly not burned out our capacity. We have absorbed the shock of their offensive. Our soldiers of Western Upper Nile take most of the casualties, and we are reconciled to that. We will take all the casualties necessary to close down the oil.⁴²

The SPLA realises it cannot fight only in Western Upper Nile. Rainy season operations are possible in Eastern Equatoria, Southern Blue Nile, and on the eastern front. The SPLA's ability to sustain operations on any of these fronts, however, is affected, perhaps decisively, by the posture of neighbours (Uganda, Ethiopia, and Eritrea), who have their own strategic calculations and are offered significant incentives by Khartoum to reduce their aid for the insurgents. These neighbours and other African states remain the wild card: if they provide significant resources and political support, the SPLA can make progress and apply pressure on Khartoum to negotiate seriously. Otherwise, most analysts predict, SPLA military capacity will be ground down slowly by the government's superior resources.

D. FOOD AS A WEAPON

During each of the last three major famines in Sudan (1987-1988, 1992-1993, and 1998), the government denied access for humanitarian aid. The same tactic is being deployed again in the oilfield areas of Western Upper Nile, where large numbers of displaced are caught in an acute humanitarian crisis.⁴³ The government imposed a blanket flight ban on access to the region during April and May 2002, and indicated it wants to shut down Kenyan-based UN relief operations and shift them to southern Sudan. This is part of an ongoing effort to regain effective sovereignty over areas of the country in opposition hands. Humanitarian agencies estimate that the government's denial of access to over 40 locations throughout southern Sudan is preventing the delivery of assistance to approximately 1.7 million people.⁴⁴

A compromise agreement was reached with the UN in late May to steer all humanitarian aid to Western Upper Nile through Khartoum. This is a clear violation of the terms of reference of Operation Lifeline Sudan (OLS), the UN-led relief operation established in 1989 to provide humanitarian

³⁷ ICG interview, May 2002.

³⁸ ICG interviews in southern Sudan, July 2001-June 2002.

³⁹ ICG interview in southern Sudan, June 2002.

⁴⁰ ICG interview, 13 June 2002.

⁴¹ ICG interview, May 2002.

⁴² ICG interview, 31 May 2002.

⁴³ The NGO Action Contre la Faim reports that its nutritional surveys are uncovering an "alarming food crisis" in Western Upper Nile. IRIN, 8 May 2002.

⁴⁴ World Food Program, Press Release, 5 April 2002; BBC, 27 April 2002; IRIN, 13 June 2002. To make matters worse, Sudanese government customs authorities have blocked the import of 5,000 tons of World Food Program food aid intended for distribution in Sudanese primary schools for the past six months. AFP, 17 June 2002.

assistance to war-torn areas, which requires the SPLA's assent also, not only that of the UN and government, to change distribution modalities. Besides breaking the terms of the tripartite agreement, it sets a precedent for the government to apply the tactic of access denial elsewhere, until, in desperation, the UN agrees to route more and more of its emergency operation through Khartoum. This would advance the government's political as well as military strategy⁴⁵ and end OLS in its current form.

Allowing the existing agreement to be broken so easily may also have a negative impact on the peace process if it emboldens Khartoum to press more demands, and it will weaken SPLA confidence that any future agreements will be respected. At the time of writing, there was uncertainty among donors and NGOs as to whether the new arrangement would be implemented. Because of the negative reaction from humanitarian agencies, a short-term version has been put forward as a stop-gap measure. It would open a five-day window for operations into Western Upper Nile from the North.

This agreement – even if it is not implemented – demonstrates the present weakness of the UN, which results principally from the unwillingness of donor governments to condemn Khartoum publicly for denying access. For example, the U.S. government only made a statement calling Sudan Vice President Taha's assertion that Kenyan-based relief operations would no longer be tolerated unacceptable well after the fact, indeed only after the UN had accepted the new agreement. Humanitarian diplomacy is best conducted as a preventive tool; this was a stark example of too little, too late. Khartoum has seen how much it can get away with in the manipulation of emergency aid operations, and continues to test the limits of donor acquiescence. The response of the international donor community and the UN Security Council to this denial of access, therefore, will be an indicator of the level of political will regarding the abuse of humanitarian principles.

Senator Danforth's well-meaning effort to secure "Days of Tranquility" (the term applied to the effort to establish temporary war-free zones to allow medical vaccinations or food distribution to be

carried out) and localized cease-fires,⁴⁶ has been misplaced. With the leverage the U.S. possessed at the outset of his mission, the objective should have been blanket access for humanitarian aid, which would end the veto rights of the warring parties over where relief agencies provide assistance to people in need. Instead, the Nuba Mountains ceasefire, repeated proposals for a short-term cessation of hostility in Western Upper Nile, and the lack of serious pressure on the government for flight denials suggest that the U.S. has been moving toward Khartoum's position of linking further access to an end to fighting. Donor governments and the UN, which have legitimised the veto over access again and again in Sudan, should re-focus on the fundamental objective of humanitarian diplomacy, namely unfettered access.

If Khartoum rejects renewed efforts at ending the veto, a system is needed whereby the moment the UN's OLS is denied access to a particular location, all donor and UN assets can immediately be transferred to non-OLS agencies⁴⁷ to deliver the goods. This would require a significant upgrading of the capacity of non-OLS agencies operating in flight-denied areas.

In response to the immediate emergency in Western Upper Nile, however, the U.S. and a handful of other donors were right to reject, however late, the effort to change the terms of the OLS agreement and route food to southern locations through Khartoum but words have yet to be matched by action. Non-OLS agencies have been on the ground for months waiting for a more significant response from donor governments for helping Western Upper Nile. Bureaucracy and

⁴⁵ If relief operations are routed through Khartoum, the government would gain more control over when, how, and to whom food was provided, all important advantages in a resource-depleted environment.

⁴⁶ The Nuba Mountains ceasefire, put in place at the beginning of 2002, is perceived to be a starting point for other localised ceasefires. As of late May 2002, there was heavy discontent within the SPLA-controlled areas of the Nuba Mountains since humanitarian aid was only just beginning to flow four and a half months into the six-month ceasefire. The SPLA leadership has turned the decision on whether to extend the ceasefire over to the Nuba SPLA membership. Others in the SPLA are concerned about the way in which the government rapidly redeployed thousands of troops from the Nuba Mountains to join in the offensive in Western Upper Nile.

⁴⁷ Non-OLS agencies are NGOs that have remained outside the OLS structure in order not to be constrained by government-imposed flight bans. These agencies deliver goods to areas that are subject to such flight bans, but their capacity is much smaller than that of OLS and its partner agencies.

other factors have hindered the effort, with the grant approval process for emergency responses that require rapid turnarounds often taking months, despite top-level support. Donors should send as much food as possible into the area now and build the air and ground transport capacity of non-OLS agencies there. Cash should also be provided for the local purchase of grain from areas of southern Sudan that have surpluses.

III. IGAD'S DIPLOMACY

Nine years into its effort to resolve the Sudanese civil war, IGAD is staking out a new course. Kenyan President Daniel arap-Moi's Special Envoy, General Lazaro Sumbeiywo, has outlined a strict agenda and a more promising approach that includes sustained rather than sporadic negotiations, and a discrete timeline with specific deadlines to be pursued over the next four to five months. IGAD considers this, in effect, a do-or-die effort, and it will intimately involve as observers for the first time a troika of interested states from outside the region: the U.S., the UK and Norway.⁴⁸ The first phase of the negotiations that began on 17 June 2002 is scheduled to last until late July.

Technical talks made progress in May 2002 at establishing an agenda, though not without controversy. The government refused to sign the modalities paper, sparking an angry rebuke from General Sumbeiywo. Two weeks later, he produced a revised agenda, which dropped a cease-fire (a nod to the SPLA) while moving the issue of Sudan's unity to the top, making self-determination apply to a geographic area – the South – rather than to the “southern people” (which would have been more expansive), and removing the interim arrangements issue (all nods to the government).

The observer status of the interested outside states will be significant at the talks. Along with the IGAD technical team, they will support the Special Envoy closely in developing positions, and their mere presence also has an impact. “The parties came to us after the technical talks and said that our presence was constructive”, reported a diplomat representing one of the troika countries. “They said they had to think twice before speaking”.⁴⁹

President Bush appears energised about the U.S. role in brokering peace in Sudan. In his meeting with Senator Danforth to receive the latter's report on 14 May 2002, he had numerous questions about the substance of a U.S. contribution. When

⁴⁸ The original intention of the observer countries was to have one senior ambassador take the lead in representing them and working with General Sumbweiywo, but in the end they could not agree on which of them would have that responsibility. The observer countries will maintain close collaboration, but not through a single channel as initially envisioned.

⁴⁹ ICG interview, 31 May 2002.

presented with the idea that a committee should be set up within the U.S. government to work on positions, the president reportedly proposed instead that a single operational point person, a “Chief Operating Officer”, coordinate U.S. involvement.⁵⁰ Believing that he has powerful White House backing, Senator Danforth agreed to extension of his mission as Special Envoy.⁵¹ All this interest from a state that has the capacity to be highly influential is promising for the peace process.

Development Minister Clare Short, who has a strong interest in Sudan, will oversee British involvement in the peace process, while veteran diplomat Alan Goulty continues as Special Envoy. International Cooperation Minister Hilde Johnson is steering Norwegian involvement, with Sudan expert Halvor Aschjem involved in day-to-day issues. Swiss Ambassador Josef Bucher is also closely involved in support of the process.

Negotiators and the various facilitators are concentrating for now on developing practical proposals to define the constitutional arrangements that would constitute a “two systems, one Sudan” solution. This would involve some form of asymmetrical federalism granting additional powers to the southern federal state and providing southerners significant representation in the centre. The initial proposals will be illustrative and leave a great deal of room for negotiation. The key issues to be addressed – state and religion, the distribution of political power, and, most importantly, self-determination – will be the subject of the next ICG report.

The SPLA is increasingly suspicious of the direction the IGAD process is taking. Senator

Danforth’s report to President Bush, in which he reviewed the progress made in implementing his four humanitarian “tests” and assessed the warring sides’ seriousness about peace, was widely interpreted by southern Sudanese as rejecting the independence option they consider inherent in the concept of self-determination. This principle, so important to the SPLA and other southern Sudanese groups, has been accepted but not implemented by Khartoum in previous agreements, as well as in its own constitution.

SPLA suspicions have also been aroused by some IGAD moves during the last few months concerning Egypt’s role in the negotiations and the level of commitment to the IGAD initiative’s near-sacred Declaration of Principles, the set of seven propositions agreed to in 1997 as the basis of negotiations that prioritised the unity of the country if agreement could be reached on a secular, democratic state, but also envisaged self-determination for Southerners.

The government, in contrast, was buoyed by the Danforth report’s spin on self-determination. “The Danforth report provides us an advantage”, said a Sudanese government official. “For the first time it shows support for unity. We can build on this. We are serious about the prospects for peace because of U.S. involvement, especially in light of the Danforth report”.⁵²

Controversy around the government’s main negotiator, Ghazi Salahuddin Attabani, will have an uncertain impact on its peace efforts. Attabani was at the centre of an effort to reconcile President Bashir and Hassan al-Turabi, the long time head of the National Islamic Front and Speaker of the Assembly before he lost a power struggle two years ago and ultimately was put under house arrest.

In April 2002, Attabani initiated an exchange of letters with Turabi in which the former pleaded for reconciliation among the leaders of the Islamist movement and charted a process for the reunification of its political platform. These letters later appeared in the Arab press, forcing President Bashir to distance himself from Attabani and to explain the move as strictly personal. The first exchanges occurred in the wake of the release of the Danforth report, and suggested the desire of the ruling Islamist party to approach the difficult

⁵⁰ This will likely be Michael Ranneberger, U.S. Ambassador to Mali, who worked with some of the current State team on the diplomatic effort to gain independence for Namibia and withdraw Cuban troops from Angola in the early to mid-1980s. Senior State Department official Jeff Millington, now chargé d’affaires of the U.S. embassy in Khartoum, will be closely involved in the IGAD process for the U.S., as will State Policy Planning expert Tom Callahan and U.S. Ambassador to Kenya Johnnie Carson. The U.S. will be hampered at the outset of the talks by the rotation out of its Nairobi embassy of Sudan Watcher Mark Clark, a very knowledgeable and supportive presence in the process to date.

⁵¹ Senator Danforth is considering a trip to Europe in July 2002. This would be most usefully focused on organising leverage and ensuring unanimity of purpose and message from the international community.

⁵² ICG interview, June 2002.

negotiations with a unified front. Attabani proposed that Turabi freeze his contacts with the SPLA as a condition for reconciliation.

The earnestness of Attabani's appeals gives a rare glimpse into the ruling party's internal vulnerabilities as it approaches a decisive phase in the peace process in which it expects to come under tremendous external pressure. Attabani admits in the exchanges that its internal political discourse and ideology have been eroded by the split, as have its external support and ability to attract young people. Opportunists are filling the breach, he warned. The point of reconciliation would be to renew the regime's ideology, return the National Islamic Front movement to positions of power and control of the economy, and recapture external support.

Two views have emerged as to why the reconciliation effort was leaked. One holds that Turabi was responsible. His party, the Popular National Congress (PNC), allegedly handed out copies in colleges in Khartoum and to the Arab press. The objective reportedly was to undermine the credibility of the ruling party by exposing the internal difficulties in the aftermath of Turabi's departure that Attabani had candidly acknowledged, and attempt to wean the Umma Party away from a deal with the government. An alternative posits that Vice President Ali Osman Taha discovered the secret exchanges, viewed them as a threat to his power base, and leaked them to the press to force their end.

Left solely to its own resources, with the limited leverage it possesses, IGAD cannot succeed. Negotiating peace in Sudan will require the broader international community to contribute an enormous effort, in close partnership with regional states. Some of the structure for this is now in place but, so far, evidence of the necessary level of political will is still spotty.

IV. A MORE ROBUST PEACE STRATEGY

To resolve a war the length and magnitude of Sudan's, key members of the international community will have to pull their weight and pull in the same direction. Just as in the Middle East, if peace is to be negotiated, the U.S. will have to lead and commit substantial diplomatic resources. No one else can bring along all the other important actors.

The lessons of peacemaking in Africa (and elsewhere) have demonstrated that agreements between determined belligerents can be brokered only with high-level engagement, a strong partnership of regional and other international actors, a well-developed negotiating strategy, and multilateral leverage. The relatively straightforward Ethiopia-Eritrea conflict took over two years of intensive U.S. and African diplomacy to resolve.⁵³ Sudan's war is far more complex. The issue of self-determination, with secession at its core, will inevitably at some point paralyse the talks that have just begun.⁵⁴ Plans must be ready to be put into action when that crucial moment comes, which means intensive preparations have to begin now.

President Bush reportedly concluded his recent Oval Office meeting with Senator Danforth with a firm, "Let's get this done"! During a 20 June 2002 speech, he indicated that the U.S. will "continue our search for peace in Sudan", and declared, "Sudan's government must understand that ending its sponsorship of terror outside Sudan is no substitute for efforts to stop war inside Sudan".⁵⁵ What the U.S. and its troika partners are doing thus far to act on that sentiment, however, is useful, but not sufficient. And IGAD continues to be more reactive than proactive, without an overall concept.

The new partnership between IGAD and the broader international community to resolve the war needs

⁵³ See John Prendergast, "U.S. Leadership in Resolving African Conflict: The Case of Ethiopia-Eritrea", United States Institute of Peace Special Report, 7 September 2001.

⁵⁴ The issue of state and religion could also bring the talks to a halt. Illustratively, the SPLA's head of delegation, Salva Kiir, reiterated demands for a secular constitution at the opening session of the talks in June 2002. Earlier in the day the government's chief negotiator, Ghazi Salahuddin Attabani, had rejected that option at a press conference.

⁵⁵ Reuters Business Briefings, 21 June 2002.

strengthening. A coherent strategy requires first of all articulation of a clear objective, including the parameters of the expected endstate of negotiations: a truly comprehensive peace agreement. The approach of the facilitation needs to be more assertive and proactive. Then appropriate roles should be spelled out for all major actors and serious leverage organized and deployed in pursuit of the objective.

Some of the elements that a comprehensive strategy will have to address include:

- ❑ how to move the parties on key issues;
- ❑ when and what leverage will be deployed;
- ❑ what substantive proposals will be presented and at what junctures in the talks;
- ❑ what back-up plans there will be for dealing with impasses;
- ❑ how to engage Russia,⁵⁶ China⁵⁷ and Malaysia⁵⁸ so that they play constructive, or at least less negative, roles;
- ❑ how to coordinate Track II peace initiatives – particularly separate activities funded by the U.S. and European Union – and utilise them more directly in the service of the current process;⁵⁹ and

⁵⁶ In a late April 2002 visit to Russia, Sudanese Defence Minister Bakri Hassan Salih deepened the military-military relationship between the two countries. Moscow pledged to modernise the aging pool of helicopters, tanks, combat vehicles and MiG-21 airplanes, and to upgrade where practicable. Russia also pledged to help the government “reinforce its authority in the country”. *Nezavisimaya Gazeta*, 24 April 2002.

⁵⁷ China, which likewise is an important military supplier for the government, also controls 40 per cent of the main oil consortium in Sudan (the Greater Nile Petroleum Operating Corporation). It may have the most to lose from a peace agreement, as some oil industry analysts believe the Khartoum government would immediately renegotiate all oil contracts, and the China National Petroleum Company would lose out to Western oil majors. A concerted diplomatic effort is needed to address China’s unspoken concerns and so reduce its potential spoiler role.

⁵⁸ Malaysia, an important investor in the oil sector, has intervened at times to pay Sudanese debts and runs interference for the government internationally. It could have an important influence on Khartoum if it were engaged in the overall peace effort.

⁵⁹ The U.S. State Department funds the African Renaissance Institute/Relationships Foundation initiative, while the EU

- ❑ what technical aid to provide to help the parties develop their positions before and during the talks.

A. AN INCLUSIVE STRUCTURE

Probably the most important strategic challenge, requiring much further deliberation and action, however, is to develop a more inclusive peace process. Having a wider set of Sudanese actors involved in the process will ensure domestic buy-in and facilitate compromise, while having more regional participation will reduce resistance to any settlement agreed to by the Sudanese themselves. The first part of this is to persuade a still-standoffish Egypt – traditionally Sudan’s most important neighbour – to buy-in to the initiative without threatening IGAD’s demise because of its position on self-determination.

At the direction of the IGAD Heads of State and with U.S. support, General Sumbeiywo has attempted to liaise more closely with Egypt. When the Egyptians realised he was not offering a substantive role, they decided to stay out of IGAD but they remain open to coordinating, while maintaining loyalty to the Egyptian-Libyan Joint Initiative.⁶⁰ President Mubarak is preoccupied with Middle East issues, however, so the Joint Initiative has remained comatose.

Egypt remains committed to a negotiated settlement that would end the war, reduce the Islamist hold on power in Khartoum through political reform, further limit Sudan’s security threat, and ensure a united country. Cairo worries that Kenya is only focusing on a North-South deal, which would produce an autonomous South that would be only one step away from independence, rather than a comprehensive settlement that reforms the entire system. But rather than pursue a constructive search for the elements of reform that would help guarantee a unified Sudan, Egypt remains reflexively opposed to any discussion of self-determination. “Egypt will

supports the Max Planck Institute effort. Both are aimed at enhancing the relationships among key Sudanese actors and finding potential compromise positions on the key issues.

⁶⁰ Egypt and Libya launched a joint diplomatic initiative in 1999 to reconcile northern Sudanese parties and to create an alternative to the IGAD Declaration of Principles that omitted the reference to self-determination. For more information on these efforts, see ICG Africa Report No. 39, *God, Oil and Country*, op. cit.

remain a block on self-determination and a huge obstacle to the success of the negotiations”, said a diplomat close to the talks.⁶¹

There are important benefits to be gained if Egypt can be engaged constructively, however, and the U.S., with its special ties to Cairo, should work hard, including directly with President Mubarak, to achieve this. “We want Egypt working with IGAD to persuade northerners to sweeten unity”, said a senior SPLA leader. “They must get rid of Islamic laws if they want unity. Then the Egyptians can come to the SPLA and say here we have neutralised religion, now you must find a solution upholding unity”.⁶²

Part of any strategy to work with Egypt on its policy regarding self-determination should be U.S.-brokered discussions between the SPLA and the Egyptian government on the former’s policy on water usage. “This is an issue of national security for Egypt”, offered one high-ranking SPLA official. “We won’t stop the water. We want to give Egypt guarantees on the water. The U.S. can help guarantee that Egypt’s interests will be addressed”.⁶³ This is a role that at a technical level could be played by the World Bank and its Nile Basin Initiative, within which a Track II dialogue on Nile water usage among the relevant actors could reduce Egyptian paranoia about southern Sudanese intentions regarding that precious commodity.

The second facet of a more inclusive peace process involves bringing in other Sudanese political parties and elements of broader civil society to contribute to the shaping of a comprehensive solution. The northern political parties, including those now in the National Democratic Alliance and the Umma party, were excluded from the 1972 Addis Ababa peace agreement, and thus had no commitment to that agreement when the government unilaterally abrogated it in 1983, sparking the current civil war. “If the northern parties are cut out, the role they will play will be very negative”, cautioned a Sudanese observer. “You can’t isolate other political groups that could be forces of stability and support for a peace agreement”.⁶⁴

IGAD is significantly hindered by a widespread interpretation of its mandate as only addressing the problems of southern Sudan. However, the Declaration of Principles makes clear that a southern solution will require national-level agreement, restructuring and compromise. Therefore, other voices will have to be brought into the equation if a comprehensive and lasting agreement is to be reached.

One way to address the issue of inclusion is by structuring the negotiation process in concentric circles. (See the Diagram in Appendix C.) In the inner-most circle would be the parties themselves and the Special Envoy, representing IGAD. Strong efforts must be made to associate the other members of the IGAD Sudan Sub-Committee, Eritrea, Ethiopia; and Uganda, more fully with that inner circle, through close coordination with the Special Envoy. The three states should appoint high ranking point persons with whom the Special Envoy should consult since they will be crucial for developing ideas and exercising leverage at important junctures.

In the second circle would be the observers: the U.S., UK, and Norway.⁶⁵ They would advise the Special Envoy and work the parties on the issues. They would be the main organisers of leverage and international strategy and well positioned to act with General Sumbeiywo as catalysts for forward movement. Most of the actual negotiation would undoubtedly occur in these first two circles.

Countries important for applying pressures and/or offering incentives at vital junctures in the process would be in the third circle, the circle of external leverage. Egypt as indicated above, has largely unutilised leverage that it can apply particularly on Khartoum. It has a vested interest in a reformed Sudanese state, with a more moderate government. If strongly engaged at high levels by the U.S., it can be a partner in developing and providing the kinds

⁶¹ ICG interview in Nairobi, 29 May 2002.

⁶² ICG interview, 31 May 2002.

⁶³ ICG interview, May 2002.

⁶⁴ ICG interview, June 2002

⁶⁵ Switzerland is another country that has shown constructive interest in facilitating movement toward peace in Sudan, hosting and sharing with the U.S., for example, responsibility for encouraging negotiations between the parties on some of Senator Danforth’s humanitarian initiatives. In mid-June, however, the above-mentioned three and the IGAD countries agreed that for the time being at least the observers group should be confined to a smaller, more manageable troika.

of serious concessions and guarantees necessary to make unity desirable to southerners.⁶⁶

Special mechanisms should be constructed to ensure the maximum participation of the states in this circle. For example, a restricted briefing and consultation could be held daily for representatives of Egypt and a few other key states⁶⁷ that would want to be more directly involved in supporting the process, so that when and if the Special Envoy called on them to act in support of the process, they would be well-prepared. There would also be an opportunity for these countries to provide input to the Special Envoy and the observers on substantive and tactical issues related to the talks. This core group – the observers plus the third circle – should be seen as the principal forum for consultations on creating and applying leverage.

Similarly, a mechanism could be established in the fourth circle for the major Sudanese political parties – including the National Democratic Alliance umbrella body – and civil society organisations to be briefed and provide input so that their views can be included in the proposals of the facilitators. This would be the circle of wider Sudanese participation, intended to maximise the prospects for buy-in from Sudanese society as a whole to any agreement that is reached through IGAD. Such a mechanism is essential because parties and organisations that should be included in this circle would be likely, based on past history, to win the vast majority of votes in an election.

Ideally, these Sudanese actors should be directly involved in the negotiations, but IGAD has ruled that out until now. This circle, then, could be viewed as a precursor to more substantial inclusion of key Sudanese parties in the talks at some point in the future. The earlier that the National Democratic

Alliance parties and the Umma Party are included, the easier it will be for the government to compromise, as it will not be alone in making concessions that some extreme constituencies in the North, particularly within the ruling National Congress party,⁶⁸ will surely oppose and exploit politically. The National Democratic Alliance has resolved to send a delegation to Nairobi to discuss ways of joining the IGAD process and of merging it with the Egyptian-Libyan Initiative.⁶⁹

A fifth circle, also for briefing and consultation, could be envisioned that would include the Track II initiatives. The Max Planck Institute and the African Renaissance Institute/Relationships Foundation, in particular, should be part of this circle so that their parallel efforts at developing ideas for possible compromises could be more directly integrated into the IGAD process. If the World Bank and its Nile Basin Initiative do pursue a Track II water policy dialogue that includes all relevant actors, they should be part of this circle as well.

As noted, the U.S., UK and Norway are observers in the just opened IGAD round. The level of the troika's presence on a day-to-day basis will tell much about their degree of commitment to the new initiative. The U.S. will be watched particularly closely for clues. The decision as to who will be the "Chief Operating Officer" – the idea reportedly originated by President Bush – for U.S. engagement in the peace process will be crucial. Whether and how Deputy Secretary Richard Armitage is deployed at crucial junctures will be a signal as well of U.S. seriousness.

Key officials from the troika countries – Clare Short, Hilde Johnson, and Walter Kansteiner⁷⁰ – are expected to make a joint trip to the region shortly. Their governments could send an important signal of support by making clear that these three senior figures will consistently coordinate their schedules so that they can repeat such joint ventures at propitious moments in the process. This would both show the parties the importance that is being attached to the negotiations and facilitate the

⁶⁶ "Egypt wants to see a change in Khartoum", noted a diplomat closely involved in these issues. "The Sudanese tried to kill Mubarak, and Cairo will never forget that". ICG interview, May 2002. Furthermore, Egypt's patience with Khartoum is running thin over security issues. President Mubarak challenged President Bashir's handling of issues that affect Egyptian security, such as border control, and President Bashir responded by bringing a number of hard-line Islamist ministers to Cairo for a May 2002 summit, which the Sudanese leader left prematurely. Some diplomats speculate that Egypt has re-opened the "terrorism file" with Khartoum, which had been on the shelf since Turabi's ouster in 1999. ICG interviews, June 2002.

⁶⁷ UN and OAU representatives might also be included in this circle.

⁶⁸ Formerly the National Islamic Front.

⁶⁹ *Sudanile* (Sudanese newspaper), 12 June 2002.

⁷⁰ As noted above, Short is the British Development Minister, and Johnson is the Norwegian International Cooperation Minister. Kansteiner is Assistant Secretary of State for African Affairs in the U.S. Department of State.

troika's high-level interventions when the inevitable logjam occurs on self-determination.

B. LEVERAGE TO MAKE THE STRATEGY WORK

Because the divergent positions of the parties are so entrenched, it is unlikely that they can be reconciled through conventional facilitation alone. More forceful diplomatic intervention will be required than is currently envisioned.⁷¹ The most visible missing ingredient of a potentially successful IGAD peace effort is coordination of pressures and incentives.

Leverage does not grow on trees. It is created through leadership in the development of a multilateral strategy and its judicious execution. Despite the influence they actually possessed over the warring parties, key countries in the wider international community have frequently claimed in the past that they lacked leverage to move them toward peace. This attitude stemmed from weak political commitment to the process and provided a pretext for passivity. Western countries must refrain from repeating such statements, as they increase perceptions among Sudanese parties that the leverage the West does enjoy will not be used during the new set of negotiations – perceptions that in fact reduce outside leverage in the manner of a self-fulfilling prophecy.

To be effective, pressures and incentives must be multilateral. As the actor with the most potential leverage and the only one whom all Sudanese parties believe can make peace, the U.S. should take the lead in organising their judicious and tactically opportune application. This may be the single most important contribution the U.S. can make. There are a number of carrots and sticks that can be utilised in support of the peace process:

- It is critical for the U.S. to maintain counter-terrorism pressure on Khartoum. This has provided the most potent leverage on Khartoum's policies in the aftermath of September 2001 since the Sudanese government remains uncertain what the U.S.

may yet do as it pursues its declared global war on terrorism.⁷² Nevertheless, short-term tactical cooperation from Khartoum should not be confused with strategic redirection, which will only be ensured through the kind of change that can be expected to accompany a comprehensive peace agreement.

- The Sudanese government cannot rehabilitate its economy without help from the IMF and World Bank. Most crucial is the huge debt overhang, one of the largest in the world, that if not addressed will continue to be a major obstacle to economic development and lending. The U.S. should continue to block aid to Sudan in the international financial institutions in order to retain leverage for the crucial stages of negotiating and implementing a comprehensive peace agreement. Conversely, removing its opposition to Paris Club financing, IMF lending, and World Bank credits for Sudan would probably be the largest incentive the U.S. could offer Khartoum at an appropriate tactical moment.
- Pressure on investors in the oil industry translates into indirect pressure on the Sudanese government, which is heavily dependent on the revenues it receives from that sector. Passage of the Sudan Peace Act under consideration by the U.S. Congress and with inclusion of the capital markets sanctions provision opposed by the Bush administration would thus provide an important leverage point, because it would deny critical capital markets to oil firms operating in Sudan.⁷³

⁷² For more information on Khartoum's links to terrorism over the years and post-11 September counter-terrorism strategies, see ICG Africa Report No. 39, *God, Oil and Country*, op cit.

⁷³ Pressure on the Canadian firm Talisman and other Western oil companies that are considering starting new operations in Sudan is particularly critical because these enterprises possess technology that would enable the rapid expansion of oil production. Only Talisman and other Western firms have this technology, and thus Khartoum is heavily dependent upon them to unlock the full potential for oil development in the country. At the time of writing, Talisman was in the process of selling its 25 per cent stake in the Sudanese oil consortium to India's Oil and Natural Gas Corporation, although the deal was not final. This would certainly have an impact on the efforts of North American capital market sanctions advocates, as Talisman has been a primary target of the long campaign. The Indian firm has indicated that protests of this nature will not affect

⁷¹ This idea is implicit in SPLA Chairman John Garang's call for arbitration to replace facilitation as the method by which negotiations might be moved forward. ICG interview, May 2002.

- ❑ Troika countries should work to narrow differences between IGAD members involved in the negotiations. Ethiopia, Eritrea and Uganda collectively possess serious leverage on both warring parties. When they were working together on Sudan, through the end of 1997, progress was made, namely Khartoum's agreement to negotiate on the basis of the Declaration of Principles.⁷⁴ The negotiators should work closely with these governments in bringing pressure to bear on the Sudanese parties.
- ❑ Diplomatically, support for self-determination in the South with the full scope of possible outcomes, to be exercised after some interim period that tests the viability of the undertakings and reforms the parties sign up to, is a crucial lever. Without it, the SPLA will not agree to a settlement, and the government will likely lack adequate incentive to implement it.⁷⁵
- ❑ European leverage would be maximised by refocusing the EU's "Critical Dialogue" with Khartoum. Resumption of EU aid and full normalisation of relations should be made contingent on implementation of a comprehensive peace agreement, rather than on achievement of short-term individual humanitarian and human rights benchmarks.⁷⁶

its operations. Reuters, 18 June 2002. Like China and Malaysia, India has consciously pursued investment opportunities in the energy sector of countries considered to be politically risky or under international sanction, as there is far less competition from Western oil majors in these locations. Sudan is a prime example. *Financial Times*, 14 June 2002.

⁷⁴ For further background on the IGAD process, see ICG Africa Report No. 39, *God, Oil and Country*, op cit.

⁷⁵ When the SPLA stops fighting, it will give up much of its ability to pressure Khartoum to fulfil its obligations in any peace deal. The most potent internal pressure would then be expectation that a self-determination referendum would be held, or could be held, after an interim period.

⁷⁶ The EU has engaged Khartoum since 1999 (and the National Democratic Alliance since 2001) in a "Critical Dialogue", aimed at achieving conditions that will make possible the full normalisation of diplomatic relations and resumption of aid to Sudan. More than U.S.\$14 million in European aid programs have already been re-started, and access to debt relief has been allowed on the basis that the NIF has co-operated on humanitarian assistance issues. The European Commission announced in January 2002 that it "intended to embark on a progressive normalisation of

The latter are important but are best addressed through a peace settlement.

- ❑ International guarantees and specific commitments of support for the implementation of a potential peace agreement would also be significant incentives that the international community could use to play a more robust role in support of the process.
- ❑ Regional governments and the U.S. are the most important political supporters of the opposition. At decisive points, it will be crucial for them to be willing to apply diplomatic pressure on the SPLA and NDA to negotiate constructively.
- ❑ Any institution-building support for the SPLA/NDA and its civil administration capacity should be terminated if the SPLA becomes the obstacle to a peaceful settlement.

relations". ICG believes such initiatives have undermined progress in the peace process, as they provide one less incentive for Khartoum to negotiate seriously. IRIN, 11 March 2002. EU officials argue that providing development assistance would increase leverage on Khartoum. ICG interview, 13 June 2002.

V. CONCLUSION

Sudan's civil war has become more lethal with the new weapons that have been introduced into it, and the stakes have grown, both developments traceable to the central role that oil has assumed. While long range trends seem slightly to favour the government, it has not yet been able to achieve any significant battlefield breakthroughs.

A prospect for peace in Sudan appeared after the terror attacks of 11 September 2001 in the U.S. but nine months have been spent primarily haggling over humanitarian agreements rather than focusing on the root causes, and the window of opportunity is slowly closing. It is not yet too late, however, for a more robust regional and wider international initiative to succeed in ending the war.

The current – and potentially last – phase of the IGAD process, which began with the opening of a new round of negotiations in Nairobi in the third week of June, provides a singular opportunity. Its structure – particularly the close involvement of a troika of interested states from outside the region, including the U.S. – and the fact that talks are to be held on an ongoing basis rather than sporadically give it better prospects than previous efforts. Participants have already described the talks as more substantive than in the past.⁷⁷

The strategy needs to be filled out considerably, however. To take maximum advantage, the friends of Sudan should organise and use much more significant leverage than hitherto. The U.S. and EU must work diligently to create a package of well coordinated incentives and pressures that they are prepared to deploy at appropriate junctures of the process. Compromise needs to be encouraged and rewarded, intransigence discouraged and penalised. Absent this, the parties will see no reason to engage seriously in negotiations that each considers high risk.

The U.S. is especially important. President Bush made clear his desire to see the US play a role in bringing peace to Sudan. U.S. officials must now craft a more robust effort that fulfills their president's intentions.

The Nairobi negotiations will only succeed, however, if their sponsors and facilitators get their objectives right. As much as the Khartoum government proclaims a South-only solution to Sudan's civil war is possible, and many chanceries around the world would like to believe this, it is not realistic. It was tried at independence, and dishonoured by Khartoum; again in 1972 to end the first civil war, and dishonoured by Khartoum; and in 1997 by a splinter faction that broke away from the SPLA, and dishonoured by Khartoum.

A new dispensation for the South is indeed necessary but it requires at the same time that there also be significant reform of the central government. Since independence, there has been no meaningful sharing of political power and wealth with Sudan's African peoples – 65 per cent of the population – in the South, but also in the Nuba Mountains, the East and the West. The war has long ago become a national one. To ensure the unity of Sudan, which is a legitimate objective for a government in Khartoum as well as outside states to strive for, power will have to be shared, and rights guaranteed through constitutional and security arrangements, backed by international guarantees. Any “two systems, one Sudan” proposal which envisions separate constitutions for the North and the South without a clearly reformed centre will not succeed.

This report has dealt primarily with matters of fact, especially those related to the battlefield situation, and diplomatic organisation and procedure. A further report, later this summer, will analyse the substantive issues, especially the many aspects of self-determination, which is certain to be the make or break point of greatest contention.

Nairobi/Brussels, 27 June 2002

⁷⁷ ICG interviews, 24 June 2002.

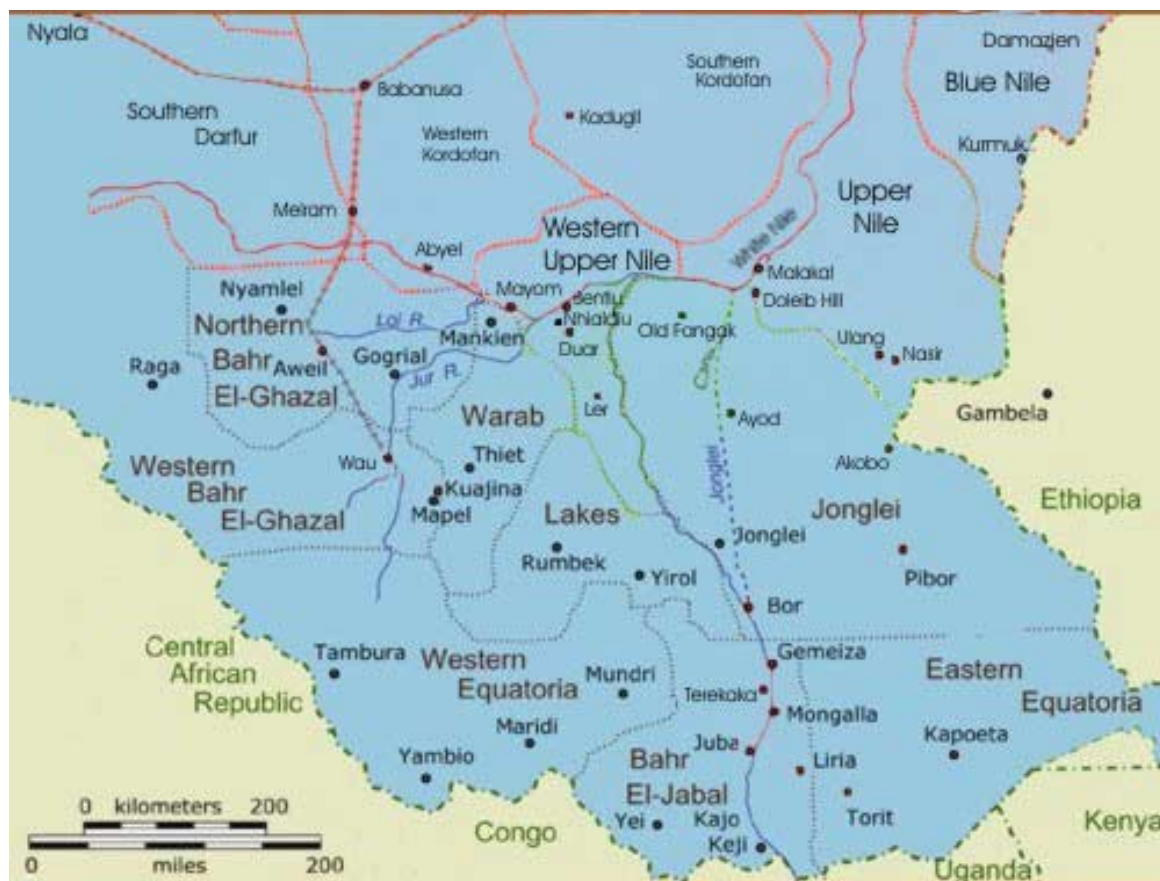
APPENDIX A

MAP OF SUDAN



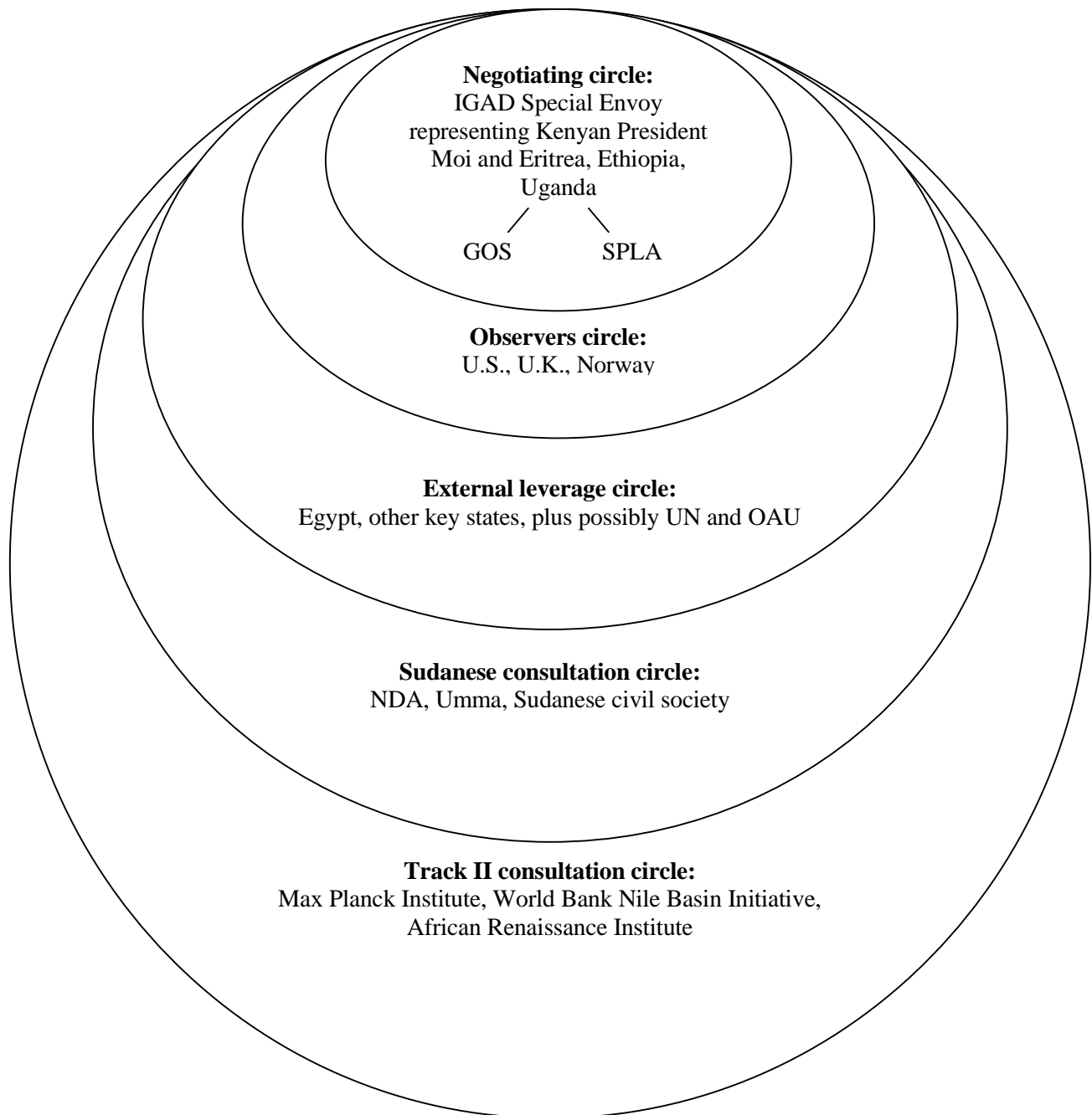
APPENDIX B

SUDAN: AREAS OF MILITARY ACTIVITY



APPENDIX C

WIDENING PARTICIPATION IN THE IGAD PROCESS



APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories and across four continents.

In *Africa*, those locations include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan and Afghanistan; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, Algeria and the

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June 2002

APPENDIX E

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