

Prospects for Peace in Sudan

The Literature of Accord



Justice  Africa

PROSPECTS FOR PEACE IN SUDAN THE LITERATURE OF ACCORD



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PEACE IN SUDAN

THE LITERATURE OF ACCORD

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DEDICATION

THIS BOOK IS DEDICATED TO ALL WHO SACRIFICED DEARLY TO ACHIEVE DEMOCRACY, HUMAN RIGHTS, RULE OF LAW AND A JUST AND LASTING PEACE IN SUDAN.

INTRODUCTION

This book is part of Justice Africa's ongoing programme on Sudan.

This book contains copies of documents signed by the parties to the conflict in Sudan since 1990. It includes the most important contributions to the Literature of Accord in Sudan during this period. In some cases, the originals of these documents are being accessible to the public for the first time.

As the quest for peace in Sudan enters a critical stage, Justice Africa gladly offers this contribution to help all involved in the peace process in Sudan.

Justice Africa has also included four briefing papers that highlight the most complicated and controversial issues pertaining to the conflict. The papers are concerned with, Islam, Politics and the State, Self-determination, Wealth-Sharing and Reconstruction and Interim Arrangements.

Justice Africa dealt with a number of important post peace issues in its two Kampala Conferences. It produced two books on the issues: "The Phoenix State: Civil Society and the Future of Sudan," and "When Peace Comes: Democracy and Development in Sudan," in which the post peace constitutional, legal, economic, cultural and other peace related problems were discussed at length. These two books are published by Red Sea Press and can be obtained through Justice Africa's website, www.justiceafrica.org.

Finally, Justice Africa hopes that this volume will contribute in achieving a just and lasting peace for the people of Sudan.

At the end I would like thank all those who participated to make this book possible. Either by providing the material, or encouraging Justice Africa to take on this task.

Yoanes Ajawin
Director, Justice Africa

June 2002

Introduction to the 2020 Reprint

Twenty years after Justice Africa initiated the compilation of the ‘Literature of Accord’ for Sudan, is a good moment to reflect on the project and its enduring relevance.

The origin and intent of the project was to ensure that any future mediation efforts aimed at resolving the Sudanese civil war were conducted in the knowledge that Sudanese themselves had grappled with the major challenges facing their country and reached important conclusions about principles and priorities. We feared that certain hard-won gains such as the links between peace and democracy, and the commitment to self-determination, might be overlooked or trampled upon by a new mediator. We did not want to see a new mediator (for example the U.S.) to think that it could start from scratch and revisit issues on which Sudanese civil society and civilian parties had expended much effort in debating to the point of reaching agreement.

Led by Yoanes Ajawin, we sought to identify all the agreements and made a special effort to ensure that original documents including signature pages were obtained and copied wherever possible.

The first edition of the ‘Literature of Accord’ was published in August 2001. A copy was handed to the IGAD Member States Special Envoys and the IGAD Partners Forum. A copy was given in person to Senator Jack Danforth in October 2001, who later drew upon this when he included a reference to self-determination in his report.

The second edition, completed in 2002, included documents from late 2001 up to the eve of the Machakos talks. It also included four briefing papers arising from the work done by Justice Africa and members of the Committee of the Civil Project (who had been involved in the Kampala Conference on Human Rights in the Transition in Sudan) synthesizing the positions of the major parties on key issues (documents 43(a)-(d)). This was provided to the IGAD Sudan Peace Secretariat.

This reprint includes additional material. Part I, consisting of peace documents from the 1980s, has been added. Also added are documents from the 1999 and 2000 Kampala Conference on Human Rights in the Transition in Sudan (documents 36(a)-(b) and 37), the July 2002 submission from Sudanese civil society to the IGAD Special Envoy (document 41), and an additional briefing submitted to the United Nations (document 42).

Those interested in the dynamics of the peace process during this period might also want to consult the compendium of Justice Africa briefings, ‘Prospects for Peace in Sudan.’ This briefing was written by the two of us and circulated on a near-monthly basis from 1998-2004, and by Alex on

a less regular basis from 2005-2010. The collection is available online in the World Peace Foundation Sudan Peace Archive, at:

https://dl.tufts.edu/concern/eads/1c18ds234/fa/inspace_bde01b2c938d80c3e28289c09b2996be

The documents speak for themselves. What they demonstrate is the vital role of Sudanese civil society in keeping alive the peace process and its principles during the darkest hours of war and repression, including the commitments to democratization and self-determination.

Yoanes Ajawin

Alex de Waal

January 2020

THE KOKA DAM DECLARATION, MARCH 24th 1986 **(A Proposed Programme for National Action)**

1. On the basis of experience of the past years making up the post-independence period, and mindful of the heroic achievement of our people in their continuous mass political and armed struggle against all forms of injustice, oppression and tyranny; a struggle which was expressed in the course of two (2) decades through two (2) great revolutions,

And rejecting all forms of dictatorships and absolutely committed to the democratic option,

And out of the conviction that it is necessary to create a **New Sudan** in which the Sudanese individual enjoys absolute freedom from the shackles of injustice, ignorance and disease in addition to enjoying the benefits of real democratic life; a **New Sudan** that would be free from racism, tribalism, sectarianism and all causes of discrimination and disparity,

And genuinely endeavouring to stop the bloodshed resulting from the war in Sudan;

And fully aware that the process leading to formation of a **New Sudan** should begin by the convening of a National Constitutional Conference,

And in the firm belief that the propositions put forward and herein spelt out by the Sudan Peoples' Liberation Movement and the Sudan People's Liberation Army (SPLM/SPLA) and the National Alliance for the National Salvation as essential prerequisites for convening the said constitutional Conference do constitute a sound basis for the launching of such a process,

2. The delegation of the National Alliance for National Salvation and that of the SPLM/SPLA, both of whom shall herein after be together referred to as "THE TWO SIDES", agree that essential prerequisites which would foster an atmosphere conducive to the holding of the proposed National Constitutional Conference are:

a) A declaration by all political forces and the government of the day of their commitment to discuss the **Basic Problems of Sudan** and not the so-called problem of Southern Sudan and that shall be in accordance with the Agenda agreed upon in this "Declaration".

b) The lifting of the State of Emergency.

c) Repeal of the "September 1983 Laws" and all other laws that are restrictive of freedoms.

d) Adoption of the 1956 Constitution as amended in 1964 with incorporation of "Regional Government" and all other such matters on which a consensus opinion of all the political forces shall be reached.

e) The abrogation of the military pacts concluded between Sudan and other countries and which impinge on Sudan's National Sovereignty.

f) A continuous endeavour by the two sides to take the necessary steps and measures to effect a ceasefire.

3. The SPLM/SPLA believes that a public commitment by all the political forces and the government of the day, that the said government shall dissolve itself and to be replaced by a New Interim Government of National Unity representing all the political forces including the SPLA/SPLM and the Armed Forces as shall be agreed upon at the proposed conference, is an essential prerequisite for convening the proposed Constitutional Conference. Consequently the two sides have agreed to defer the matter for further discussions in the near future. 4. The two sides have agreed that the proposed Constitutional Conference shall be held under the banner of peace, justice, equality and democracy. They have further agreed that the agenda for the conference should comprise the following:

(i)

- a) The Nationalities Question.
- b) The Religious Question.
- c) Basic Human Rights.
- d) The System of Rule.
- e) Development and Uneven Development.
- f) Natural Resources.
- g) The Regular Forces and Security Arrangements.
- h) The Cultural Question, Education and the Mass Media.
- i) Foreign Policy.

(ii)

The two sides have agreed that the above agenda does not in any way purport to be exhaustive.

5. The two sides have provisionally agreed that the proposed Constitutional Conference shall be held in Khartoum during the third week of June 1986, to be preceded by preliminary meetings, and that the conference shall actually be held after the government

of the day provides and declares the necessary security arrangements and the necessary conducive atmosphere.

6. Mindful of the need for regular consultations with one another, the two sides have agreed to set up a joint liaison committee comprising five members from each side. The two sides have further agreed that Wednesday, May 7th, 1986 shall be the date for conducting the committee's first meeting which shall take place in Addis Ababa.

7. This "Declaration" is issued in both English and Arabic. The two sides have agreed that the English text of the same shall be the "Original" and in the event of any discrepancy it shall prevail over its Arabic equivalent.

8. Having issued this "Declaration" the two sides appeal to the Sudanese people as represented in their various political parties, Trade Unions and Associations to work earnestly for the realization of the objectives of this "Declaration".

LONG LIVE THE STRUGGLE OF THE SUDANESE MASSES.

For Sudan People's Liberation Movement and Sudan People's Liberation Army. (SPLM/SPLA).

Lt. Col. Kerubino Kuanyin Bol,
Deputy Commander in Chief of SPLA and Deputy Chairman of SPLM
Provisional Executive Committee

For National Alliance for National Salvation.

Awad El Karim Mohamed,
Secretary General for The National Alliance for National Salvation.

**SUDAN CHARTER:
NATIONAL UNITY AND DIVERSITY**
Issued by National Islamic Front, January 1987

First: religious affiliation and the nation

1. The People

A) Sudanese are one nation:

- United by common religious and human values, and by the bonds of coexistence, solidarity and patriotism,
- And diversified by the multiplicity of their religious and cultural affiliations.

B) The Bulk of Sudanese are Religious:

The following principles shall therefore be observed in consideration for their dignity and unity:

1. Respect for religious belief, and for the right to express one's religiousness in all aspects of life. There shall be no suppression of religion as such, and no exclusion thereof from any dimension of life.
2. Freedom of choice of religious creed and practice, and sanctity of religious function and institutions. There shall be no coercion in religious affiliation, and no prohibition of any form of religious practice.
3. Benevolence, justice, equality and peace among different religious affiliates. They shall not prejudice or hurt any another by word or deed. There shall be no hostility in religion - none shall excite antagonism, impose domination, or commit aggression among religious individuals or communities.

C) The Muslims are the majority among the population of the Sudan:

The Muslims are unitarian in their religious approach to life. As matter of faith, they do not espouse secularism. Neither do they accept it politically. They see it as a doctrine that is neither neutral nor fair, being prejudicial to them in particular: it deprives them of the full expression of their legal and other values in the area of public life, without such detriment to those non-muslim believers whose creed is

exclusively relevant to private and moral life. Historically, the Muslims are not familiar with secularism, which developed from a peculiar European experience - arising from the conflict between the Christian Church and secularists in politics, economics and science. The doctrine is, therefore, of little relevance to the historical development or the legacy of the Islamic civilization.

The Muslims, therefore, have a legitimate right, by virtue of their religious choice, of their democratic weight and of natural justice, to practice the values and rules of their religion to their full range - in personal, familial, social or political affairs.

D) In the Sudan there is a large number of those who adhere to African religions, a substantial number of Christians and a few Jews:

These have their particular beliefs, and do not believe in Islam, and should in no way be prejudiced or restrained only for being in minority. That is their due by virtue of their own creed, in concurrence with the Islamic Sharia and the fundamental rights of all men to freedom and equality.

Non-Muslims shall, therefore, be entitled freely to express the values of their religion to the full extent of their scope - in private, family or social matters.

2. The State

The State is a common affair among all believers and citizens of the Sudan. It observes the following principles:

a) In the Sphere of Freedom & Equality:

1. Freedom of creed and cult for all is guaranteed, (in a context of the prevalence of general freedom, of the supremacy of the constitution, of the rule of law and of government that is judicially and religiously responsible).
2. The privacy of every man is also guaranteed; his intimate personal affairs are immune against the powers of government; every one may conduct his devotional life in the manner he chooses.
3. None shall be penalized for any act or omission, if such is a recognized ceremonial or mandatory practice of his religion.
4. None shall be legally barred from any public office only because of his adherence to any religious affiliation. But religiousness in general may be taken into consideration as a factor of the candidate's integrity.

5. The freedom of religious dialogue and propagation is guaranteed; subject to any regulation that may ensure social tranquility and regard for the respective religious sentiments of others.

b) In The Sphere of Law:

The state shall establish a legal system in full consideration of the will of the Muslim majority as well as the will of the non-muslims. Wherever the entire popular mandate is harmonious, a basis of national consensus is thereby provided for all laws and policies. Where mandates diverge, an attempt shall be made to give general, if parallel, effect to both. In common matters where it is not feasible to enforce but one option or system, the majority option shall be determinative, with due respect to the minority expression.

The Sudan does not conform to the doctrine of centralism or absolute universality of law. (Its people have in fact been simultaneously governed by various legal systems, Islamic, civil or customary, applied according to person, subject matter or district). The scope of some laws can be limited as to particular persons or places - such that a general legal order is established intersected by personalized or decentralized sub-orders.

Thus:

6. Islamic jurisprudence shall be the general source of law: - It is the expression of the will of the democratic majority.
 - It conforms to the values of all scriptural religions, its legal rules almost correspond to their common legal or moral Teachings.
 - It recognizes, as source of law, the principles of national justice and all sound social customs.
 - It specifically recognizes the principles of religious freedom and equality in the manner mentioned above; and allows for partial legal multiplicity in regard to the religious affiliation of persons or to the predominance of non-muslims in any particular area, in the manner detailed below.
7. Family law shall be personal, as rules of conduct intimately relating to a person's private religious life, where - in a variable legal system can be practically administered with reference to the specific religious affiliation of the parties in a limited, stable social unit: the family.

Thereby the privacy and the religious and cultural autonomy of the family is safeguarded.

Thus:

a) Every parent is entitled to bring up his issue in the religious manner of his liking. The freedom of religious education and its institutions is ensured.

b) The rules relating to marriage, cohabitation, divorce, parenthood, childhood and inheritance shall be based on the religious teachings of the couple. To the Muslims shall apply the Sharia. To scriptural religious denominations shall apply their respective church laws. To the followers of local cults shall apply their special customs. Any of these or others can of course choose to be governed by Sharia.

8. The effectiveness of some laws shall be subject to territorial limitations, considering the prevalence of certain religions or cultures in the area at variance with the religion dominant in the country at large, and regarding matters where an exception can be made from the general operation of the legal system - not according to each person's or family's choice but to the dominant choice in the area. In these matters exclusive local rules can be established in the area based on the local majority mandate - any local minority remaining subject to the democratic principle.

Thus the legislative authority of any region predominantly inhabited by non-muslims can take exception to the general operation of the national law, with respect to any rule of a criminal or penal nature derived directly and solely from a text in the Sharia contrary to the local culture. The said authority can instead opt for a different rule based on the customs or religion prevailing in the area.

9. The general presumption, otherwise, is for law to be effective country-wide over all persons and regions, except for any limitation deriving from the requirement of the constitutional decentralization system or from the very letter and purpose of a particular law.

Second: ethnicity and nationhood

The Sudan is one country:

- Whose people are bound by one common allegiance to nation and land.
- But are diverse as to ethnic origin, local custom or cultural association.

- Wherein Arab origin is mixed with African origin, Arab culture with African culture, with inputs from other origins or cultures.
- Ethnic and tribal origin shall be duly respected. Customary rules of solidarity and conduct, special to a specific tribal or local precinct may be observed. But ethnicity is a natural trait not deriving from human attainment and no good as a basis for discriminating between people or citizens in socio-political or legal relations. Moreover the expression of ethnic arrogance, rancour or strife should not be allowed.
- Local subcultures (tongues, heritages, ways of life, etc....) are respected and may be freely expressed and promoted -without deviation towards the excitement of animosity between fellow country-men, or the hampering of free dialogue and interaction , between subcultures towards the development of a national human culture, and without derogation from the national education policies or from the status of the official language.
- In its foreign and domestic policy, the state shall show consideration for the import of its different cultures. It shall pay regard in its international relations to the sense of cultural attachment or geographical neighborhood of the different sub-nationalities or inhabitants of the Sudan. It shall, for example, allow for no discrimination between nationals of different origins in policies of information or housing, and shall not show bias in foreign relations towards the development of pan-Arab rather than pan-African ties.

Third: the region and the country

The Sudan is a united state:

- Independent by virtue of its own national sovereignty,
- Whose people are mobilized in one central political allegiance,
- But diverse as to its far-flung regions inhabited by heterogeneous populations wherein prevail different needs, circumstances and standards of life.
- The nature of the Sudan generally calls for an increased national effort to reinforce the unity of the land and to strengthen the central national allegiance.

- It requires also with respect to the governance of the country due consideration from regional remoteness and socio-political disparity.
 - In consideration for the identity of the different regions and the special needs, conditions and cultures of their inhabitants, and for the difficulty of administering the Sudan from one centre, there shall be established separate regions governed autonomously in certain regards and integrated into the national government otherwise.
 - For the same considerations the composition of the central government Leadership shall incorporate elements from all regions. Government shall be organized in collegial and composite forms to allow for this representation. Some regional balance shall also be observed as far as possible in public service enterprises and in the different institutions of national government and administration.
 - In consideration for the unity of the land, the national constitutional system shall preserve the integrity of those national powers necessary for maintaining a united sovereign country and for promoting the development and resurgence of the nation or coping with the states of national emergency.
- The general laws and policies shall also ensure the oneness of the national territory by regulating and facilitating contact, communication and intercourse as well as the free circulation of persons, goods and information across regions towards a closer interaction and a more perfect union of the entire nation.

A) The Sharing of Power

- The regional self-government system established in the South by virtue of the Self-Government Agreement of the early seventies, and by constitutional amendment in the North since the early eighties, is based on the principle of assigning to regional authorities the right of the legislative initiative and executive autonomy with respect to certain matters, without restraining the central authority from legislating on the same matters with absolute authority that overrides regional laws.
- A federal system would transfer to the federated regions matters of an even wider scope, but, more importantly, attribute to regional measures immunity from interference by central authorities through participation or

abrogation, except with regard to a matter specifically designated as concurrent.

- In view of the scope and degree of federal autonomy, federalism requires the setting up of adequate infrastructure - material and human, and presumes the provision of sufficient financial resources independently raised by or transferred to the regions. All this may not be possible except through a process or a period of preparation and gradual transition to be duly conceived.

The detailed evaluation of the respective government powers and relationships in the Sudan may lead to preference for a mixed system - comprising federal and regional elements in any equation or with respect to different matters. Besides this system of decentralization, a measure of deconcentration may be introduced. This is an administrative policy that merely broadens the scope of delegation to regional departmental branches with full central political control.

- Some of the major powers normally reserved for the centre to be administered with high centralization or with administrative deconcentration are: national defence and security, foreign relations, nationality immigration and aliens, trans-regional means of communication and transport, the judicial system and the general legal codes, the financial order and its institutions, external and inter-regional trade, the natural resources - fluvial subterranean and atmospheric, the general education and economic plans,... etc.

- Some of the matters normally assigned to the regions to enjoy thereto the initiative or the monopoly of legislation, according to the regional or federal principle respectively, are: regional security and administration, local government, culture, social affairs, tourism, education, health and social services, agriculture and industry, regional commerce,... etc.

- Some of these matters or of any other residual powers may be concurrent, for joint action by the centre and the regions.

- Provision should be made for a sharing formula between the centre and the regions with respect to land, internal revenue resources, joint major economic projects, the organization of professions and trades, the institutions of higher education, ... etc.

- Provision should also be made for safeguards of the freedom of communications, traffic and the passage of information, persons and goods, for the immunity of lands, projects, institutions and functionaries belonging to one authority as against the interference of another authority.

- Provision should likewise be made for a defined emergency regime that permits the national authorities to transgress the normal limits and equations, of power sharing to the extent of the necessity (wars, calamities, constitutional collapse...).

- Provision should finally be made for the participation of the regions in all constitutional amendments that relate to their legal status.

- Consideration for regionalism can also be confirmed by special arrangements in the composition of central agencies response for the planning of national policies. The political traditions and the financial means of the Sudan may not make a bicameral legislature commendable as long as the national deputies are in fact representatives of regional constituencies. As to the leadership of the executive branch of government, the parliamentary system of government might be preferred, as it is based on collegiate executive power and allows for any political convention or usage governing regional representation or balance.

The balanced presence of regions may also be observed in any consultative councils or permanent committees under the auspices of the executive, or even in the civil service.

- The National Islamic Front stands for the adoption of a federal system in the constitutional regulation of decentralization in the Sudan, with equal regard to all regions, or with special arrangements for some, and through any process of gradual transition.

B. The Sharing of Wealth:

- In view of the wide discrepancy in the relative economic standard of the regions, and in order to ensure a fully integrated economic development, so that no region in the land would claim exclusive rights to natural resources within its borders, the national government would not be deprived of the means necessary for the upkeep of the common weal, no region would be left too far behind in the general progress of the country and no region would be left too far behind in the general progress of the

country and no region would develop without positive contributions for the development of the country at large - through contributions to central state resources, the attraction of emigrant labour and the intensification of economic exchange in the national market:

1. The state shall adopt a comprehensive plan for economic development with a view of promoting general prosperity and ensuring the balance of regional development through the encouragement, direction and dispensing of projects towards depressed sectors and areas.
2. In the transfer of national funds in support of regions, the state shall take into consideration the relative size of the population and the feasibility of utilization as well as a positive preference for less developed regions to further their growth towards parity.
3. Notice should be taken, in the composition of national economic and planning agencies for the balance representation of the different regions.
4. The persons and the institutions of the private sector should be encouraged to intensify their economic initiatives in those regions that are disadvantaged. The same should be observed in the extension of administrative, funding or taxation concessions.
5. The state shall endeavour to link all the regions of the country through roads and other means of communication and transport, so that the economic movement should freely and evenly roll on across the national territory.
6. Every region where a national project is situated, may retain a reasonable share of the opportunities and returns provided thereby, without prejudice to the due share of the state as a whole in all national opportunities and resources.

Peace, transition and constitution

In the pursuit of peace and stability the substantive issues which have always been in dispute among Sudanese are better taken up first for dialogue and resolution. Only thereafter should procedures and measures necessary for implementing any national consensus be dealt with. The most important of the latter is an agreed arrangement determining the destiny of the present political institutions, of the various national political forces as to participation in public life.

The national concord and the program for its implementation shall be decided upon in a general constitutional conference whose legal resolutions shall be

ultimately put before the constituent authority for adoption in the permanent constitution or in appropriate legal measures. Political resolutions shall be the subject-matter of a national charter.

A national body, agreed upon by all parties concerned, shall be charged with preparation for the conference - undertaking studies, organizing the paper work and extending invitations to participants. A government agency shall handle the necessary technical and administrative work under the supervision of the above-mentioned body.

The various political forces shall conduct preliminary consultations and dealings designed to coordinate stands and points of view, and shall promote a favorable political climate to ensure the success of the conference.

Participation in the conference is open to all national political forces, whatever the respective weight and irrespective of recognition of, a participation in the present government or political set-up or otherwise and of operation inside or outside the Sudan. (The participation of Sudan People Liberation Movement is subject to an agreed cease-fire arrangement).

Observers from African countries as well as international regional organizations and the United Nations Organization may be invited to attend the conference.

The conference shall determine all the issues of substance concerning the ordering of public life in the Sudan, especially its justice as to differences of religious association and cultural identity or as to distribution of power or wealth, and shall consider any constitutional or political matter relating thereto.

The conference shall also settle the issues of transition, including:

2. The completion of the Constituent Assembly as to full regional representation.
3. The form of government during the transition.
4. The administration of southern and northern regions pending the establishment of a final constitutional system.
5. The plight of those citizens who were displaced, or who incurred damage, deserted the public service or left the country because of the state of fighting and insecurity.

The resolutions of the conference shall be adopted by unanimity, while recommendations may be adopted by majority.

(THE NATIONAL ISLAMIC FRONT)

Khartoum: JUMADA I, 1407
JANUARY, 1987.

THE ADDIS ABABA PEACE FORUM - STRUGGLE FOR PEACE AND DEMOCRACY

A joint statement by the Sudan African Parties, SPLM/SPLA and Anya-Nya (2)

In view of the rapidly deteriorating situation in your country which is posing an unprecedented threat to its stability and the very survival of the Sudanese people as a whole, And whereas the Sudan African Parties, the National Alliance for Salvation of the country and the SPLM/SPLA had initiated peace dialogue in our country in 1985/1986.

And aware of the Sudan Government's bid to achieve a military solution and thereby obstructing such initiatives, we the delegates representing the Sudan African Parties, SPLM/SPLA and ANYA-NYA (2) meeting in the capital of socialist Ethiopia (Addis Ababa) from 19th. to 23. August 1987 consider it our cardinal duty to make the following statement:

I.

As patriotic forces struggling to restore our national independence, peace, democracy and social justice, and inspired by the revolutionary traditions of our people born of their heroic struggles against their oppressors, we serenely oppose the undemocratic rule of the sectarian tradition parties and any gross act of foreign intervention in our country's internal affairs and the flagrant threats posed by Sadiq's government to exterminate the struggling Sudanese people.

II. As long as the Sudan government continues to ignore prerequisites for the holding of the proposed National Constitutional Conference as stipulated in the KOKA DAM Declaration, it will be impossible to achieve permanent peace and democracy in our country.

III. We firmly reiterate our support for the KOKA DAM Declaration as the basis for solving our national problems. We therefore, urge all political forces in the country to bring pressure to bear on the Sudan government to immediately implement the terms of the Koka Dam Declaration.

IV. We are also absolutely convinced that given the present grave situation the parties concerned shall relentlessly strive to hold democratic dialogue with all Sudanese to our national problems. V.

In view of the impending famine resulting from this year's severe drought in most parties of the South, the parties concerned urge the humanitarian wing of the Sudan government, the SRRA and the international Relief Organizations to consult and organise relief and rehabilitation assistance to reach the affected population whether in the countryside or in the towns.

VI. Finally, we whole-heartedly appreciate the effort made by the Sudan Council of Churches (SCC) in organising this successful meeting.

SIGNED IN ADDIS ABABA, THIS 24TH. DAY OF AUGUST, IN THE YEAR ONE THOUSAND AND EIGHTY SEVEN.

sgd

1. Mr. Eliaba James Surur,
Chairman, Sudan African Parties Delegation.
 2. Lt. Col. William Nyuon Bany,
Chief of Staff, SPLA Forces, Member of SPLM/SPLA Political - Military High
Command and Leader SPLM/SPLA Delegation.
 3. sgd
LT.Col. David B. Leader ANYA-NYA II DELEGATION.
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KAMPALA QUEST FOR PEACE COMMUNIQUE BY SUDAN AFRICAN PARTIES AND SPLM/SPLA

In response to the invitation extended by the President of the Republic of Uganda, His Excellency Yoweri Kaguta Museveni, to the concerned parties in order to brief him on the prevailing situation in the Sudan to enable him mediate for peace as requested by the Prime Minister of Sudan;

Having been afforded the opportunity to meet in Kampala under the auspices of The National Resistance Movement (NRM) from 6th to 7th of September, 1987, the two concerned parties discussed and analyzed the worsening political situation in the Sudan and reached common understanding that the Sudan can rid herself of many looming dangers if all Sudanese political forces muster enough will and determination to appropriately resolve existing national problems namely: The nationality question, the religious question, basic human rights, secretarial system of government, uneven development, social injustice and inequality:

And in an endeavour to solve these problems, the concerned parties reaffirm their readiness to discuss with all other interested parties in order to arrive at outcome worthy of the Sudanese people-one that guarantees their just aspirations for permanent peace, democracy, self-determination and social justice.

1. Hence, it is the view of the concerned parties that a policy of military confrontation pursued by the Khartoum Government - a policy of militarising our country is dangerous and counter productive. It is for this reason that the concerned parties reaffirm their unconditional support of the Koka Dam Declaration and the Addis Ababa Peace Forum (true copies hereby appended) initiated by the SPLM/SPLA, the National Alliance for Salvation of the Country, Sudan African Parties and Anya-Nya II, respectively.
2. The concerned parties hereby ardently urge governments of the neighboring states and the international community at large to support and facilitate their efforts aimed at strengthening the peace initiatives.
3. In conclusion, the concerned parties appreciate the constructive line under-taken by President Museveni of persistently seeking to bring about lasting solution to our national problems. The two concerned parties further express gratitude for the gesture of good will shown by his government to offer humanitarian aid to ameliorate the deterioration situation in the Sudan.
4. Signed in Kampala, this 8th day of September, in the year One Thousand Nine Hundred and Eightyseven.

Sge.

1. Mr. Eliaba James Surur, Leader,
Sudan African Parties Delegation.
2. Comrade Lt. Col. Alfred Ladu Gore
Leader SPLM/SPLA Delegation.

Witnessed by: NRM representative Mr. Eriya Kategaya
Minister of State in the office of Prime Minister.

State House
Entebbe

NAIROBI SEARCH FOR PEACE COMMUNIQUE BY THE SUDAN AFRICAN PARTIES AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT AND THE SUDAN PEOPLE'S LIBERATION ARMY (SPLM/SPLA)

Preamble:

- In view of the long experience of the Republic of Kenya in maintaining peace since its independence;
 - Being aware of the two Joint Communiques issued by the SAP, ANYA-NYA II and SPLM/SPLA at Addis Ababa and Kampala between SAP and SPLM/SPLA, respectively,
 - President of the Republic of Kenya to see peace prevail in the Sudan,
 - The Sudan African Parties and the Sudan People's Liberation Army delegations, met in Nairobi City from the 19th to the 22nd of September, 1987;
 - Having understood the genuine concern of the President of the Republic of Kenya to assist the Sudanese people in their efforts to bring about Peace through a nationwide dialogue; the Parties concerned adopted the following resolutions:
1. Call upon all the Sudanese political forces irrespective of their ideological beliefs, race or religion, to join the peace efforts now being pursued by the parties the Sudan African People's Political Parties and the Sudan People's Liberation Movement and Sudan People's Liberation Army in accordance with the Koka Dam Declaration of March 1986, and the Sudan Government for speedy holding of the National Constitutional Conference.
 2. Appeal to the International and Regional Organization of African Unity and the Arab League to exert pressure on the Sudan Government to endorse the ongoing peace process.
 3. The concerned parties urge all the Sudan's neighboring States and all peace loving countries to use their influence to make it possible for the Sudan Government to adhere to the urgent need for peace process to mature and obtain the desired objectives of the Sudanese people.
 4. It is also the considered view of the concerned parties that due to the desperate conditions currently prevalent in the South in particular, we do hereby appeal to all the neighboring countries and men of good will in general, that they make available all humanitarian assistance to alleviate the critical conditions that prevail in the South.
 5. In order to safeguard the success of peace process it is the considered view of the concerned parties that they urge all the contending political forces in the Sudan to refrain from antagonistic and hostile attitude towards one another.

6. In order to generate confidence and consolidate genuine unity among the Sudanese people the concerned parties strongly appeal to the Sudanese to refrain from all acts that tend to divide the Sudanese people.
7. The concerned Parties hereby commit themselves to the search for genuine peace. In this respect, the Parties express their appreciation and gratitude to His Excellency the President of the Republic of Kenya, Daniel T. Arap Moi, and the Kenyan people for their continuous concern for the attainment of peace in Eastern African Region in general and in the Sudan in particular.

Signed in Nairobi this Twenty Second Day of September in the Year One Thousand Nine Hundred and Eighty Seven.

Sgd.

1. Hon. Eliaba James Surur
Leader, The Sudan African Parties Delegation
Sgd.
2. LT-CPL. Lual Wol
Leader, Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/SPLA).

Witnessed by: Sgd.Hon. Justus Ole Tipis, Minister of State in the Office of the President.

THE ADDIS ABABA PEACE FORUM - STRUGGLE FOR PEACE AND DEMOCRACY

Joint Communique by the Delegations of the Union of the Sudan African Parties and the Sudan People's Liberation Movement/ Sudan People's Liberation Army (SPLM/SPLA)

- Pursuance of the Addis Ababa Peace Forum, Kampala Quest for Peace and Nairobi Search for Peace communiques issued by the SPLM/SPLA, Anya Nya Two and the Union of the African Parties in August and September 1987;
- Aware of the Sudan Government's persistent attempts to internationalise our domestic problems as manifested by the recent speeches of the Prime Minister, the Minister of Defence, and the Minister of Foreign Affairs, accusing some neighboring countries, humanitarian and religious organizations of their involvement in our internal affairs;
- Convinced of our capability to solve our internal problems without foreign interference, reject these attempts which implicate some foreign countries and international organizations;
- Considering the effects of the on-going war in the Sudan which increasingly claim many lives and the destruction of properties of the Sudanese citizens on both sides including innocent citizens who have been displaced and exposed to famine, disease and misery;
- Determined and committed to bring about meaningful and just peace, stability, justice and equality to our suffering people;
- Convinced that the only way to solve our national problems is through dialogue, have therefore agreed and adopted the following:
 1. The National Constitutional Conference shall be held before the end of 1988, as expressed by all the political forces in the country.
 2. Call upon and urge the forces of the April 6, 1985 Uprising including the SPLM/SPLA and all the other political forces in the country to hold a preliminary meeting in the spirit of Koka Dam Conference of 1986, to discuss the programme, agenda, venue, and the time for the convening of the National Constitutional Conference.
 3. The SPLM/SPLA will consider cease fire during the aforesaid preliminary meeting depending on the prevailing situation at the time.

4. The SPLM/SPLA reaffirms the guarantee and willingness for safe ferrying of relief supplies by the international organizations to all Sudanese citizens in affected areas, both under the SPLM/SPLA and Government controlled areas. The assistance rendered so far by some international organizations to the victims is appreciated. However, due to the immensity of the suffering in these areas and in the refugee camps, the SPLM/SPLA and the Union of the Sudan.
5. The SPLM/SPLA reiterates its commitment to the realization of a secular state in the Sudan.
6. The SPLM/SPLA repeats its earlier offer for the exchange of prisoners of war with the Government through the International Committee of the Red Cross.

Signed in Addis Ababa on the 8th Day of July in the Year One Thousand Nine Hundred and Eighty-Eight.

For the SPLM/SPLA:

Commander Yousif Kuo Mekki,
Alternate Member of the SPLM/SPLA Politico-Military High Commander, and the
Leader of the Delegation.

For the Union of the African Parties:

Dr. Andrew Wieu Riak,
USAP's Spokesman, and Leader of the Delegation.

THE SPLM/SPLA'S POSITION ON THE PEACE PROCESS

August 4, 1988

I. Introduction

The first national Government in Sudan took office in 1953. When Parliament declared on 19th December 1955 that the country will be independent by 1st January 1956, the war had already broken out four months before. Since then the country has been oscillating between hot war and relative peace with more years of the former than the latter. Such a tragic state of affairs must be brought to a speedy end.

The central problems in the Sudanese war are: the dominance of one nationality over the others; the sectarian and religious bigotry that dominated the Sudanese political scene since independence; and the unequal development in the country. The Sudan is a multi-nationality and multi-religious country in which one of the nationalities is economically, politically and culturally dominant over the others. Since independence, power has been held by members of this nationality who arrogated to themselves the right to impose their religion on the country and to define all the other nationalities in terms of their narrow sectarian interests. As a result the country was plagued with discontent, instability and crises eventually erupting in open warfare. It is abundantly clear, therefore, that the present war has been imposed on the Sudanese people by bad Government in Khartoum which because of their myopic outlook have never taken the trouble to address themselves to the problems facing the country.

Permanent peace can and will come to the Sudan only when all sectors of Sudanese society appreciate the fact that the Sudan is a multi-nationality and multi-religious state, and all must work sincerely within the spirit and context of this reality. This necessitates a complete restructuring of the political power of the Central Government to the benefit of all the Sudanese people regardless of race, sex, ethnic background or religious belief.

II. The SPLM/SPLA quest for peace

The Movement's persistent endeavour to bring about a just and permanent peace could be summarized as follows.

1. On March 22, 1985, the SPLM/SPLA called for direct talks between the Sudanese Army in war zone 1 (South Sudan) and the SPLA while on the National level the Movement called for convening a NATIONAL CONGRESS to be attended by all political forces in the country to discuss the formation of a New Sudan with a new non-sectarian personality.

2. Following Nimeiri's fall, his Minister of Defence, General Sawar ed-Dahab, and his General Chiefs of Staff assumed power and formed the Transitional Military Council (TMC). The TMC and its civilian council of Ministers busied themselves with a massive disinformation and mystification campaign directed to whip up public opinion against the SPLM/SPLA. Thus, the Movement's call for a National Congress went unheeded by the Government of the Day. The first communication between the TMC and the SPLA was after 61 days from the date they assumed power and this was after the TMC had convinced itself that public opinion had been mobilized against the Movement.
3. The SPLM/SPLA's March 22, 1985 call for a National Congress was picked up by the National Alliance for National Salvation (NANS). A series of meetings took place between the SPLM/SPLA and the NANS, and these contacts culminated in the Koka Dam Conference. The four-day conference reached an agreement on how to approach the solution to Sudan's fundamental problems. That declaration became popularly known as the KOKA DAM DECLARATION. The declaration set out in detail the necessary pre-requisites for convening of a National Constitutional Conference and the agenda of that conference. The Koka Dam Declaration was a major watershed in the Sudanese genuine search for just peace. Concluded on March 24, 1986, the Koka Dam Declaration was signed and endorsed by the SPLM/SPLA, and except for the DUP and the NIF, by all the other Sudanese political parties, including the Prime Minister's Umma Party, and by all the major professional and Trade Union organizations. The Koka Dam Declaration provided, for the first time, a real basis for just peace. For the first time Sudan's political forces were serious and sincere about peace.
4. The leader of the Umma Party, Sadiq al-Mahdi, became Prime Minister three months after Koka Dam. He immediately started to campaign against the Koka Dam peace process to which he was signatory, and instead Sadiq started to talk about his own so-called Popular National Committee and to draft one meaningless Charter after another. All these one-man, one-party committees and charters cannot bring peace to the Sudanese people. On July 31, 1986 the leader of the Movement met Sadiq in Addis Ababa. The SPLM/SPLA side went into the meeting with an open mind and concrete proposals and alternative proposals of how to accelerate the peace process as stipulated by the Koka Dam Declaration. This seriousness on the Movement's side was met with persistent reluctance from Sadiq to commit himself to specifics. Indeed, Sadiq wanted to strike a deal between the Umma Party and the SPLM/SPLA. He was told that neither the SPLM/SPLA nor the Umma Party, nor indeed any other political force had the right to tamper with the Koka Dam Declaration. It was the work of all the Sudanese political forces and it is only they who can collectively amend it or

- throw it away if they so choose. This was the position of the SPLM/SPLA then and it is its position now.
5. Despite the many obstacles created by the de facto Government in Khartoum to abort the Koka Dam peace process, the Movement has never abandoned the search for peaceful resolution of the Sudanese conflict. Many other patriots, such as those in the Alliance have also worked day and night to bring about peace. In this endeavour the Movement met last year with a delegation of Sudanese Bishops to be followed by a series of meetings in Ethiopia, Uganda and Kenya with a delegation of the Sudan African Parties that was led by the Honorable Mr. Eliaba James Surur. Again in July 1988, the Movement met with a delegation of the Union of Sudan African Parties led by Dr. Andrew Wieu Riak. In all these meetings - with the Alliance, the Sudanese Bishops and the Sudan African Parties the necessity of the urgency for peaceful solution was underlined. Regrettably, the Prime Minister was angered by all these peace moves calling those who meet the SPLM/SPLA as traitors and 5th Columnists, threatening to take action against them. Despite the intimidation and harassment the Movement was able to meet all these parties and even the DUP and the NIF, the two parties that chose to absent themselves from Koka Dam.
 6. On the international level, the Movement met and exchanged views with such respected leaders as the former Nigerian Head of State, General Olesugun Obasanjo, who tried his best at mediation and through whom the SPLM/SPLA conveyed specific proposals to the Prime Minister, but all to no avail.

III. The SPLM/SPLA's peace proposal

The signatories to Koka Dam Declaration agreed that essential pre-requisites which would foster an atmosphere conducive to the holding of the proposed National Constitutional Conference are:

1. A declaration by all political forces and the Government of the day of their commitment to discuss the Basic Problems of the Sudan and not the so-called problem of Southern Sudan, and that shall be in accordance with the agenda agreed upon in this Declaration.
2. The lifting of the state of emergency.
3. Repeal of the "September 1983 Laws" and all others laws that are restrictive of freedoms.
4. Adoption of the 1956 Constitution as amended in 1964 with incorporation of "Regional Government" and all other such matters on which a consensus opinion of all the political forces shall be reached.
5. The abrogation of the military pacts concluded between Sudan and other countries and which impinge on Sudan's national sovereignty.

6. A continuous endeavour by the two sides to take the necessary steps and measures to effect a cease-fire.

Subsequent meetings of the Joint-Liaison Committee worked out the sequence of the implementation and realization of the above points as follows.

FIRSTLY, Points (1), (3), (4) and (5) to be implemented by the Government of the day;

SECONDLY, and after the realization of the above four points, the Government of the day lifts the state of emergency (Point 2) and the SPLA declares a cease-fire as the first step towards implementing point (6) the realization of which is the final step leading to the holding of the National Constitutional Conference.

These were the resolutions of the Koka Dam Declaration and the Joint-Liaison Committee. They are as pertinent today as when they were adopted as the blue-print to achieve peace in Sudan. The only obstacle standing in the way of Koka Dam and, hence, the convening of the National Constitutional Conference is the de facto Government in Khartoum, and more specifically, the de facto Prime Minister, Sadiq al-Mahdi. The Prime Minister has persistently refused to implement the pre-requisites stipulated in the Koka Dam Declaration as necessary for the convening of the National Constitutional Conference. The major argument of Sadiq is that the Declaration is not binding on the DUP and the NIF because they did not sign the Declaration. If the only argument against Koka Dam is that the DUP and the NIF were not signatories to the Declaration, and if otherwise the Government is genuine in wanting a peaceful resolution to the conflict, the SPLM/SPLA proposes the convening of another National Gathering, like the Koka Dam Conference, preliminary to the National Constitutional Conference. In this gathering all the Sudanese political forces will be represented including the DUP and the NIF that chose not to attend the Koka Dam Conference. This proposal entails strengthening the Koka Dam peace process by widening it to include all the political forces in the country.

THE SUDANESE PEACE INITIATIVE

November 16, 1988

Preamble

Inspired by the deep understanding of the suffering of the Sudanese masses who are yearning for genuine peace and stability;

Committed to the unity of the people and territorial integrity of our country;

Rejecting the old policies that aim at escalating the war, destruction and deprivation in all forms, such policies that will ultimately lead to disunity;

Resolute in the necessity of persistent efforts to consolidate and enrich the democratic practice within the beloved Sudan;

Convinced that genuine peace in Sudan cannot be attained in the context of the so-called "Southern Problem" but on the appreciation that the problem is national in nature and hence, its resolution is only possible through a serious sincere and continuous dialogue among the Sudanese political forces on an equal basis in the proposed National Constitutional Conference;

Now therefore, the Sudan Peoples` Liberation Movement and the Sudan Peoples` Liberation Army SPLM/SPLA and the Democratic Unionist Party DUP, after frank and sincere discussions and exchange of views at this critical juncture in our country`s history, hereby agree to conclude this agreement.

A. Cognizant of the fact that the convening of the National Constitutional Conference is an urgent national necessity that demands of all the Sudanese political forces sincere and persistent efforts to bring about a conducive atmosphere for the convening of the conference, the two parties are totally convinced that the basic and necessary pre-requisites to create this conducive atmosphere are:

1. Although the firm stand of the SPLM/SPLA remains the repeal of the September 1983 Laws and to be replaced by the 1974 Laws, it nevertheless, and because of its keenness on the convening of the National Constitutional Conference had at this stage agreed with the DUP that in the period preceding the convening of the National Constitutional Conference all the provisions involving the "Hodoud" and related articles

that are contained in the September 1983 Laws be frozen and that there shall be no legislation on any laws that contain such articles until National Constitutional Conference is held and final agreement is reached on the alternative laws.

2. The abrogation of the military pacts concluded between Sudan and other countries and which impinge on Sudan`s national sovereignty.
3. The lifting of the state of emergency.
4. Cease fire.

B. A national preparatory committee shall be convened to agree on the draft agenda, place and procedures of holding the National Constitutional Conference. The first meeting of this committee shall take place soon after its formation.

C. The two parties have agreed that the venue of the National Constitutional Conference shall be at a place agreed upon by the national preparatory committee where security is guaranteed to the satisfaction of all the parties concerned.

D. The two parties have agreed on the necessity of holding the National Constitutional Conference by 31st December 1988 provided that the prerequisites mentioned in this agreement would have been implemented to the satisfaction of the parties concerned.

E. The two parties call upon all the Sudanese political forces to immediately join this sincere national effort so as to bring about peace and stability in our country.

Signed this day the 16th of November 1988 in Addis Ababa, Ethiopia.

John G. de Mobior

Mohamed Osman El Mirghani

Sudan's Peace Initiative: A Working Paper for Peace

The Prime Minister

Introduction

The Northern Sudan had mainly achieved a degree of National cohesion on the basis of Islam and Arabic cultural identity. The Southern Sudan maintained an indigenous African cultural identity. The two parts of the country had limited contact due to transport barriers: the tropical forest by land and the river weeds by river. There was, however, a type of negative contact established through the energies of slave traders and the tribal chiefs and indigenous functionaries who aided them at a period of time when that trade was an accepted norm particularly in the then developing Western hemisphere. At the beginning of this century, colonialism established itself in the Sudan. Even after the Mahdist armies had been defeated, a number of resistance movements continued with resistance. Tribal resistance in the South continued longer than in the North. The colonial regime continued with its policy of "Pacification". Then the colonial regime espoused what was known as the SOUTHERN policy. Under that policy contacts between the two parts of the country were further reduced.

Social services - education and health care - were relegated to the various Christian missionary societies. English was established as the language of education in the South. The colonial regime had decided that the South should develop along a "Separate AFRICAN Cultural Identity" on the basis of Christianity and English speaking. This policy was espoused for the best part of the Colonial area. However, towards the end of the forties, the Colonial leadership had second thoughts. This coincided with an emergent National Consciousness in the Sudan and it was decided that the Sudan will develop as a unified country. However, the structures of separate developments were not dismantled.

The traditional subsistence economies of the North and the South were at different stages of development. The traditional economy of the North was more developed. The modern economy of the colonial regime was based on the cultivation of cotton as a cash crop for the British textile industry. This plus the infrastructure needed for cotton production and exportation resulted in the greater development of parts of the Northern Sudan. Similarly the institutions of modern education were more developed in the north. Gordon Memorial College, and Kitchener School of Medicine produced the administrative and technical cadre which understudied the Colonial rulers and stepped into their shoes when they were "Sudanised".

Sudanese Society recognized and developed its Islamic and Arabic links. This was the case before and after independence. Its African links were only later recognized and appreciated.

Political consciousness in the Southern Sudan responded negatively to Sudanization as being mainly Northernization. This is responsible for the bloody events of 1955. The rebellion was contained and Sudan entered the era of democratic independent statehood.

This development was arrested by the Coup of 1958 which dissolved the political parties and Parliament. This, as far as the South was concerned frustrated their expectations of federal status which they had been promised, and resulted in their disenfranchisement because they had no means of political expression or participation. The Supreme Military Council had no Southern membership. Further the military regime had attempted a policy of forced acculturation in the South. Those grievances plus a growing AFRICAN Consciousness which emerged in the early sixties led to the birth of Southern resistance which was militarily expressed by Anya Nya I. The military nucleus for it was formed by the military personnel who participated in the bloody event of 1955 and who were released in 1963.

Enlightened political opinion in the Sudan rejected the policies of the military regime particularly its Southern policies. The Revolution of October 1964 re-established the democratic system in the country. The two main aims of the October Revolution were:

Democracy and the political settlement of the conflict in the South. The October Revolution in Sudan 1964 also witnessed the birth of a new generation in Sudanese politics. That new generation understood the special circumstances of the South and accepted the need to develop Southern policy and administration along lines of regional autonomy. However, those trends were frustrated by two negative aspects. The old-guard in Sudanese politics who were too conservative to endorse that trend, and the hesitation of the leadership of the Anya Nya armed movement to respond positively to the new trend. There is a frustrating accumulation of disappointment in North/South relations.

- The National political parties with Northern leadership have been slow to realize the justified grievances of the regions of Sudan in general and the South in particular.
- Political instability under the democratic regimes prevented the authorities from carrying out the promise given to Southern Members of Parliament on the eve of Sudanese independence: That parliament will consider Southern support for federal status when the Sudanese permanent constitution is deliberated upon.
- Military regimes provided a degree of stability at the cost of political disenfranchisement which in the circumstances of Sudan was felt most bitterly in Southern politics.
- Southern frustration was almost expressed in terms of violence increasingly recruiting an element of external support. This pattern bedeviled the Sudan with continuous national tragedy.
- Notwithstanding the debilitating effects of that tragedy, the spirit of the October Revolution of 1964 resulted in the convening of the Round Table conference of 1965. That conference provided a forum to air different views and appointed a twelve man committee to grapple with the problem. That committee reached recommendations in 1966. Those recommendation were endorsed by an all Sudanese party conference towards the end of 1966. It was resolved that the Sudan will adopt regional government

and power was shared between centre and region. Political instability arrested this process: The government which endorsed it was voted out of office.

- Any way the Anya Nya movement did not respond positively to those internal developments. Consequently the then democratic government gave the whole peace process a low priority and the Anya Nya movement carried on with the fighting. Then came the May 1969 coup. Initially the fighting was intensified after the 1969 coup. However, after 1971 many factors encouraged the holding of peace feelers and then peace negotiations. The result was the 1972 agreement. The agreement was, in essence, based on the recommendations of the 12-man committee and the all Sudanese party conference resolutions with some modifications. It led to a degree of unity and stability. However, this was disturbed by:
 - Central government interference with the working of regional self-government.
 - Neglect of the economic affairs of the South.
 - Mishandling of the question of the oil refinery and the related issue of distribution of resources.
 - Southern apprehensions about the Jonglai canal.
 - Mishandling of the re-integration of the armed forces.
 - The poor performance of Southern regional government and Nimeiri's manipulation of some Southern politicians.
 - Nimeiri's high handed division of the region into three Regions without observing the requirements of the 1972 self-government act.
 - The alignment of the Sudan government in international affairs and its involvement in a regional axis. Both events released international and regional counter forces.

The result was emergence of Anya Nya II which sought to register a violent Southern protest. Then the emergence of SPLM/SPLA which differed in two ways:

It sought to establish a violent national resistance and it aligned itself more explicitly to some external forces. The political status and appeal of SPLM/SPLA was enhanced by the fact that Nimeri's regime was an isolated and hated dictatorship. It further alienated Sudanese opinion by enacting the September 1983 Laws which met with a wide front of opposition expressed by Muslim, Christian, and other non-Muslim groups.

A combination of factors led to the April 1985 uprising. The successor popular regime offered political settlement as a means to peace. This was not reciprocated and so the fighting continued and intensified the escalation of military action cannot vanquish the Sudanese armed forces. It can, at best, only lead to three obnoxious results. They are:

- A militant Sudan
- A depopulated South
- Escalation of foreign involvement.

Therefore any objective evaluation of the situation should not fail to see the desirability and indeed the inevitability of a political settlement of the issues particularly when it is realized that the two obstacles to negotiations are now out of the way.

They are:

- The fact that no Northern or National political group any longer speaks the language of compulsory acculturation.
- The fact that no Southern political group speaks the language of secession.

The Peace Process

1. The forces which affected the April 1985 Revolution rightly considered the SPLM a participant in the Revolution and therefore naturally expected it to return home and join in the process of reconstruction and Nation-building. For various reasons, namely:

- Misunderstanding the nature of the change which took place in the Sudan
- involvement in the tactics of some of the internal Sudanese political parties which sought to tie peace to their own party political aspirations.
- The effects of some external pressures.
- Consequently, the numerous peace initiatives of the transition regime went unheeded.
- However, one peace exercise, the Koka-Dam conference, produced a relatively positive result. It was agreed to convene a national constitutional conference and six main points were accepted as a preparatory stage for the conference. They are:
- That all parties recognize that the problem is National not regional although the impact of the current violence is largely regional.
- The lifting of the state of emergency.
- Repeal of the September 1983 Laws.
- Enactment of 1956 constitution as amended 1964 as transition constitution.
- Abrogation of pacts which interfere with the country's sovereignty.
- Cease-fire.

The Koka-Dam declaration was reached towards the end of the transition period when the government of the day was packing to go and when the political parties were engaged in the election campaign - March 1985. Consequently it was born unnoticed. That continued to be the case until the formation of the New Democratically elected government in May 1986. As soon as the new government took office it reviewed the Koka-Dam declaration and sought a meeting with SPLM leadership to negotiate peace and follow up the Koka-Dam exercise. In that meeting which took place in Addis Ababa in August 1986, the prime Minister of the Sudan maintained positive attitude to the Kokadam declaration but made some salient observations. They were:

A) That the declaration was incomplete because it left certain issues half decided for example, the repeal of September 1983 Laws is not linked to a decision about which alternative legislation should replace them? There were two possibilities - to go to the legal status quo which preceded the September 1983 Laws i.e. The 1974 Laws. Or to legislate new acceptable Laws.

B) That certain points in the declaration are by their nature linked and that linkage should be recognized, for example to link the lifting of the state of emergency with the cease-fire so that cease-fire precedes the lifting of the state of emergency.

C) That certain points have been transcended for example, a transition constitution has already been enacted by the transition government the 1985 constitution. That constitution is indeed a version of the 1956 constitution as amended 1964 after the October Revolution and as amended 1985 transition constitution should be accepted for the period until the constitutional conference and the resulting constitution has been enacted. Reservation has been expressed about article 4 in the 1985 transition constitution which names two sources of legislation: Islamic sources and custom. This could be enlarged to include all the desirable sources so that the different identities are satisfied.

D) That in April 1986, the electoral process resulted in a set-up where the DUP and the NIF occupied second and third place in parliament respectively. Both those parties were not represented at Koka-Dam. So we need to broaden participation in the peace process to include them.

After that meeting between the Prime Minister of Sudan and SPLM Leadership, a second mission of the Koka-Dam parties was held in Addis Ababa. Both events contributed to a breath of life into the peace process. The tragic event of 16. August 1986, the inexplicable downing of a civilian airliner, arrested the peace dialogue. This continued until the Sudanese Prime Minister made a new peace initiative on the 6th of April 1987. This initiative went unheeded by the SPLM although a number of peace feelers and mediation continued to surface, for example, the mediation of ex-president Obasanjo and Dr. F. Deng, and the London meeting led by the Minister of State for defence and chief of staff on the Sudanese government side and by Mr. Arok Ton Arok on the SPLM/SPLA side towards the end of 1987.

Internal Developments

Within the Sudan, a rich process of democratic dialogue progressed to explore common ground and to prepare the ground for the constitutional conference. The significant internal developments were:

a) The establishment of a peace ministry which began monitoring the peace process, analyzing the peace efforts, and promoting peace initiatives. In its latest report the peace

ministry after consulting with all the Sudanese political parties recommended the formation of a National Committee to take the responsibility for the peace process and the dissolution of the ministry itself in favour of a Peace Commission which should realize the participation of all the parties and harmonize relations between the political groups and government. Those recommendations were accepted by the government and are consistent with the aspirations of all those who contributed to the peace effort and suggested a forum which could institutionalize it.

b) The two major Sudanese political parties had reached memorandum of understanding in 1987 with the various southern Sudanese political parties and the Sudan National party to organize relations and spell out common politics.

c) On 10.1.88 a Sudan transitional charter was signed by 17 political parties. The charter decided on important issues of national life and charted the way towards the National Constitutional conference.

d) In January 1987 the Islamic National front issued its Sudan charter which outlines its concept of Sudanese Nationhood and the reconciliation between religious plurality, Islamic Commitment and National Unity.

e) On 6.11.87 a National Committee called the committee of National concord worked hard at the issue of the alternative Laws to the Laws of September 1983. They reached unanimous agreement on five major Laws which constitute about 95% of the job to be done. The 5 Laws are: The criminal code, the Law of criminal procedure, the Law of civil procedure, the Law of evidence, the traffic Law. Only five items of the more than four hundred items in the criminal Law remain to be agreed upon. They are five Islamic punishments. It was agreed that discussion will continue to reach agreement about those remaining items. However, that committee agreed that whatever legislation is finally agreed upon there are some basic principles which should be universally upheld. They are:

- No Law will obstruct the citizen rights of all the Sudanese irrespective of creed, colour, culture, race, sex or region.
- The Muslims are entitled to Laws based on Islamic sources which they may decide to apply on a legally national basis which ratified Muslim aspirations and non Muslim rights.
- Non-Muslims are entitled to exemption from Islamic Laws.
- All matters relating to nature of state and the relation between the state and religion will be discussed and settled in the National constitutional conference.

f) Finally a process of major National dialogue followed the Prime Minister's statement of 15. March 1988. A dialogue which in many ways anticipates the National constitutional conference and paves the way to it. The dialogue was very fruitful indeed, as it brought together all the elements in Sudanese National Life and produced the charter of National accord which dealt with and resolved most issues which could obstruct Nation-building in Sudan.

g) Meanwhile many important issues have found interim solutions for example, the issue of Southern participation at National political levels has been settled on the basis of their demographic ratio in the population. Also the question of emphasis on the development of relatively under-developed areas, particularly the south has received special treatment in the country's four year salvation plan.

Those developments have been slow to accomplish and slow to implement due to the nature of the democratic process and the negative shadow of the fighting but the determination to abide by them and to continue with the process of Nation building is universally manifested.

The working paper for peace

The ground described by the Koka Dam declaration as a prelude to the peace conference has been mostly covered. What remains could be tackled on an agreed basis. It is fortunate that at present there is a positive climate in Sudanese-Ethiopian relations which can only have a positive effect on Sudan's peace efforts.

A successful peace endeavour for the Sudan is now particularly desirable to relieve the plight of Southern Sudanese citizens whose lives have been unsettled in huge numbers - a situation which requires a prompt National and indeed international effort to encounter. It is incumbent upon all the Sudanese people to make a positive contribution to improvement of this situation. Its continuation is most undesirable and is also unnecessary since it is possible to engage in a prompt effort towards a peaceful political settlement of National grievances. The government of Sudan with the support of the wide popular base of the Sudanese political movement proposes a working paper composed of three sections.

Section I):

This constitutes the prelude to peace and involves a meeting to be convened immediately to discuss:

- a) Cease-fire arrangements
- b) Promotion of relief and medical supplies to the affected areas.
- c) Time, venue, agenda, and composition of the National Constitutional Conference.

Section II):

The National Constitutional Conference which we propose:

Time: As soon as possible

Venue: In Khartoum

Composition: The Government, Sudanese Political Parties, SPLM with our neighbors

attending as observers.

Agenda: The five issues of:

1. The Nature of State regional or Federal
2. The issue of religion and politics
3. The issue of Arab African identity
4. The distribution of resources and the development plan.
5. Participation in power within the democratic context.

The resolutions of the conference will constitute a concordat which constitutes the Sudanese People Charter a blue print for Nation building. It could form the bed rock upon which the Sudanese permanent constitution will be built.

Section III)

At the successful conclusion of the conference the following transitional arrangements should be made:

- a) A law of amnesty to enable the process of repatriation
- b) A formula for SPLM participation in the Government of the Sudan
- c) A programme of repatriation of Sudanese refugees
- d) A programme of re-settlement of displaced citizens
- e) A massive plan for reconstruction and development in the affected areas.

On the basis of this working paper, the Government of Sudan is prepared to enter into immediate negotiations and welcome Ethiopian observation.

ON THE NEW SUDAN

The SPLM/SPLA Department of Information

February 1989

Introduction

The concept of "New Sudan" is highly complex and multifaceted. Its discussion presupposes the question as to what in the first place the proponents of the "New Sudan" do consider wrong with the present Sudan. The answer to this question is the starting point for any attempt to elaborate on the theme under examination.

From its inception as an independent state up to this day, Sudan has been afflicted with congenital deformity that has always threatened its viability as a single united country.

As a multi-national, multi-religious, multi-cultural and multi-lingual society, it continues to be at serious odds with its own realities.

The colonial legacy of peripheral development has placed all power firmly in the hands of a single group from among the country's numerous different nationalities. The ruling class is drawn from one nationality, that is, the Arabicised Sudanese who also profess Islam. This ruling class from this single nationality (which uses the name of the rest of their ethnic group who do not share their methods) has been, since 1956, controlling and monopolising all the vital state institutions such as the army officer corps, the civil service, security, foreign affairs, education, etc. For the past three decades of its political hegemony, the ruling class has not only consolidated the economic supremacy inherited from colonial rule, but has also systematically pursued with great vigour a policy that accentuates domestically and projects externally the image of an exclusively Arab and Islamic Sudan. In support of this endeavour the successive minority clique regimes in Khartoum have dangled the carrot and brandished the stick as a means of suppressing the identities, cultures and spiritual beliefs of the non-Arab nationalities.

In short, Sudan has come to be defined only in terms of the perceived identity and aspirations of the ruling clique.

Sudan's perilous maladjustment to its realities represents a time bomb that keeps ticking away as we desperately race against it to forestall the country's total disintegration.

The New Sudan as a concept, therefore, strives to establish a new cultural order in the country. It takes as its point of departure the notion that human beings, in any given society, have equal rights and obligations regardless of race, beliefs, colour, etc. The establishment of the new cultural order demands of necessity a radical restructuring of state power to establish genuine democracy and to follow a path of development that will lead to far-reaching social changes.

Content of the New Sudan

Once the National Democratic Forces assert control over the state machinery it shall be incumbent upon them to start implementing a series of tasks essential to the realization of the New Sudan. Primarily these are:

a) Resolutions of the nationality and religious questions

If Sudan is not to fall apart under the mounting pressure of the consequences entailed by the contradictions between its projected homogeneity as an Arab state and its reality as a multi-national state, the resolution of the Nationality and Religious questions within a secular democratic context becomes an issue of paramount importance and one of utmost urgency.

Ever since its emergence as a sovereign state in 1956, Sudan has had an exceptionally turbulent existence. Throughout the period between then and now an acrimonious political debate has been raging over the thorny issues of identity. Some Sudanese have sought and with a considerable degree of success to affix to Sudan the label of URUBA (Arabism) whereas others have tried but without much luck to have their country depicted as African. The former category cites language and culture as the basis for its conviction. Meanwhile, the latter group has had recourse to the preponderance of the African element within Sudan's ethnic composition as the rationale behind the belief that Sudan should be designated African rather than Arab. However, it is significant to note that the two competing views have tended to ignore altogether that Sudan, like the rest of the other nations, is essentially a product of historical development. As such what it should and what it should not be emanates entirely from its own objective conditions and not from peoples' predilections.

It is a fact of history that cross-fertilization of civilizations has occurred in many different parts of the world and on such a scale that wholly new civilizations from which it is not feasible to separate the component factors from one another have been created. Perhaps the societies of Latin America most vividly illustrate this point which requires no elaboration.

Sudan is best seen in this light. Its African and Arab identity factors, their respective cultures in addition to Islam, Christianity and other traditional beliefs some of the citizens observe and practice, are influences that do not exist in isolation from each other. These are elements which over the ages have been inextricably interwoven into the fabric of our society. They are strands that have fused together to form an integral whole that cannot be represented or denoted by any one particular constituent element.

"URUBA" and Islam for that matter are part and parcel of Sudan's reality. This aspect of our reality is immutable.

The diverse nationalities making up Sudan can and will have to coalesce into a Sudanese Nation (National Formation) with its own distinct civilization and with the capacity to contribute in its own right to the enrichment of Human Civilization rather than merely serve as an appendage of other nations.

On the issue of Religion it is to be admitted in all sincerity that nothing short of strict secularism will do in Sudan. The ruling clique hardly makes secret of its resolve to transform the country into a theocratic state despite the utter rejection of such a malicious political scheme by the masses out of the conviction that in our conditions of diversity a system founded on religion is not only unwarranted but a sure recipe for disaster and eventual fragmentation. A United National Front that transcends the religious divide should be forged against the Islamization of Sudan. Apart from automatically negating the fundamental rights of non-Muslims and Islamic state would provide the edifice of sectarian rule with perpetuity by lending it the political, legal as well as moral legitimacy. It is from here that the need for concerted action against the introduction of any form of Islamic legislation arises.

b) Overhauling the power structure

Real democracy is incompatible with the monopoly of political power such as is the case in Sudan where power has been the prerogative of minority clique from the Arab nationality.

The awesome power of the Central Government has to be radically restructured in a fashion that:

- i) Enables members of the different Sudanese Nationalities enjoy opportunities of taking part in the decision-making process in Khartoum at all levels, and on the basis of absolute equality, irrespective of skin colour, ethnic group, family background, region, race, sex and religious beliefs.

ii) Ensures the devolution of authority on authentic autonomous regional governments, whatever form these governments assume.

The transfer of power to such regions should be a genuine undertaking which would guarantee that real power is exercised by the rural masses and not by the regional elites. Meaningful economic and social development embracing the whole country cannot take place unless the masses who account for the bulk of our population and reside where most of the resources are located, wield the instruments needed to effect change.

Past and present experimentation with decentralized government has proved a total sham. These projects have been eagerly put forward by opportunistic rulers as an ingenious device that creates only the illusion of power transfer. Meanwhile, all the real power is actually retained by Khartoum. It is hardly amazing that with the start of the May Regime Khartoum made a U-turn in policy and successive minority clique governments have since invariably reacted with enthusiasm to pleas by the oppressed masses for more control over their affairs through a federal system or any other similar arrangements. It is worth stressing that none of the formulas for autonomous rule per se is a panacea for Sudan's ailments, as long as its implementation would ultimately be entrusted to the ruling clique. The masses should never lose sight of this important fact. Otherwise they run the risk of being carried away by the strong appeal associated with certain political terminologies.

Federal Government is not a novel idea in Sudan. Even before the end of colonial rule it was already being contemplated as the best possible method for running a country as vast and diverse as Sudan.

The crux of the matter is not whether our country ought to be administered within a centralized or decentralized framework but rather who should be charged with the responsibility of operating the Central government among whose key duties is the transfer of a measure of its authority to the regions. Indeed, this is the basic question to be always borne in mind when dealing with such issues. What really matters is for all Sudanese without distinction to be able to exercise the right of administering their country at both the regional and central government levels from the base right up to the apex of the power structure. A situation where a particular nationality or ethnic group takes it upon itself to dispense rights to and determine the duties of the rest of the nationalities and thereby decide their destinies, is completely uncalled for and an uncondonable anomaly that requires speedy termination.

c) National liberation

This is a process that is indispensable to the emergence of the "New Sudan". Hence it is to be addressed concomitantly with the task of National Formation. Thirty-three years after independence, the Sudan economy still suffers from the ills of the colonial period with regard to its structure, exports and imports, etc.

Sudan is potentially one of the wealthiest countries on the face of the globe; but in reality it notoriously ranks among the world's poorest states. This is a sad paradox. The present state of backwardness, underdevelopment, dependency and rapid retrogression is capable of reversal so that the country is transformed into the great agro-industrial and industrial power it is poised to become on account of its immense and varied national resources in addition to its creative manpower.

Promotion of the interests of the ruling circles has meant the exploitation of the tapped resources for the sole benefit of an insignificant minority and to the detriment of the overwhelming majority of citizens. All types of economic activity, their level and the locations where they are sited are usually pre-determined by the narrow selfish interests of the sectarian rulers and their beneficiaries: As a consequence much of Sudan has played little more than a peripheral subservient role in economic development and our resources remain underutilized and development potential in general wholly untapped.

The plunder of our riches and the economic enslavement of the masses is the work of the local sectarian-based aristocracy acting in collusion with rapacious foreign business interests. This unholy alliance has perpetuated in the shape of Neo-Colonial domination the economic relations of dependency engendered by past colonial rule. This state of affairs is untenable and must be ended. A comprehensive socio-economic development strategy pivoted on a programme to eliminate disparities between the relatively developed centre and the underdeveloped regions could be devised as an ideal way to launch the country towards the desired progress and prosperity.

Overall, the New Sudan would call for new economic ties with the rest of the world, based on mutual benefit, reciprocal advantages and respect for the sovereignty of all states. On the other hand, taking the harsh present-day economic realities, the Sudan shares with other underdeveloped countries in their proper context, it would be meaningless or on our part to strive to solve our problems outside the broad framework of the effort to establish a New International Economic Order. Since our economic predicament has its roots in the dominant world socio-economic formation of the epoch attempts to radically change the situation at home should be coupled with a reasonable degree of contribution to the International endeavour to bring about a New International Economic Order.

d) The army

As part of the existent "political superstructure" the army of the present Sudan is perfectly consistent in all respects with the status quo. The officers corps in general and the top military brass in particular are almost entirely drawn from among the affluent and privileged ruling minority clique and the sections of society linked with it. The interests and aspiration of the military establishment's higher echelons are identical with the interests of the ruling clique and diametrically opposed to those of the army rank and file. From the foregoing analysis it is quite simple to deduce that the cardinal duty of the officers corps (the rank and file being immaterial) is to preserve the system with which their destiny is bound. Such an army would be grossly incongruent with the realities of the New Sudan.

As a state governed by the National Democratic Forces, the New Sudan would ill-afford the folly of maintaining an army which identifies with the old regime and which would lose no time if given the chance to nip the revolutionary process in the bud.

The New Sudan would require a new army consistent with its particularity. That army could be, as a first step, molded through a synthesis of the warring armies. Subsequently and as the New Sudan in formation develops, and in fulfilment of its new role, the army should have its doors wide open to accept on a voluntary basis any able-bodied Sudanese who would want to join.

e) Foreign policy

The New Sudan shall be expected to pursue a foreign policy based on genuine adherence to the principles of Non-Alignment.

Active participation in the effort to enhance global peace and stability through elimination of the menace of thermonuclear holocaust shall be a major foreign policy goal. It would be in the interest of the New Sudan in formation as a developing country to encourage disarmament so as to help create a situation in which vast sums of money being squandered on arms build-up by the developed world could partly be devoted to the betterment of the developing countries, whose own resources drained away by unfair trade practices and economic policies, are being invested in the international arms industry.

The above is only meant to be a brief outline of the main foreign policy features of the New Sudan. An elaborate exposition on the subject of foreign policy is beyond the scope of this work which seeks to concentrate on questions of National Formation.

Mechanism for formation of the New Sudan

Having dwelt on the salient features of the "New Sudan", some space could now be devoted to a discussion of how it can be brought about. The impediments to the formation of the "New Sudan" are so formidable that unless the correct methods and tactics are employed in the course of the struggle, it will remain an unattainable dream. The measures to be adopted in turn depend on a scientific appreciation of both the nature and magnitude of the problems of the present Sudan.

Generally speaking, the army in underdeveloped countries has apparently always failed to resist the temptation to grab power. In this regard Sudan is no exception.

The military has meddled and will continue to meddle in politics. Its appetite for politics is a fact that has never been lost on the ruling clique which from day one moved to secure the army's backing by turning it into an elitist institution whose interests are inseparable from the fortunes of the rulers.

Indeed, it would not be an exaggeration to say that the army forms the backbone of the oppressive minority clique system in Khartoum.

A correct reading of the concrete historical conditions obtaining in Sudan from independence up to the present day reveals that the reinforcement of mass political action with some kind of armed resistance is indispensable if a climate enabling the masses to wrest power away from their oppressors is to be created. The experiences of October 1964 and March/April uprising of 1985 will serve to illustrate the point.

Our country has been oscillating between military dictatorships and pseudo-parliamentary democratic governments depending on the strength of the popular mass movement and the pressures exerted by armed separatist groups which as recently as the beginning of the present decade continued to plague Sudan. The increasing tendency of these two factors to induce change has been further underlined by the glorious March-April popular uprising of 1985, that erupted essentially as a product of the objective interaction of mass political action with the armed struggle.

In fact if the masses, the creators of the "Intifadha", had had at their disposal at that critical moment in the capital the requisite "armed instrument" for the assumption of power we would now be free of sectarian rule and well on the way to the "New Sudan".

The birth in 1983 of the SPLM/SPLA as a Politico-Military Organization furnished the Sudanese Revolutionary Struggle with the armed component required to confront the armed custodian of minority clique rule.

The gains of the revolutionary armed struggle which have shaken the system to its very foundation eloquently speak for themselves and need not be mentioned. It suffices to note that the battlefield losses of the Nimeiri government and their economic ramifications did contribute significantly to the regime's eventual demise. Undoubtedly, developments of the past five and a half (5 1/2) years show that Khartoum is most vulnerable when it faces simultaneous opposition on both the political and military fronts. Hence, the combination in a conscious, deliberate way of mass political action with the armed struggle is absolutely essential to the triumph of the revolution in Sudan. The coalescence of all democratic forces into a single revolutionary tidal wave is what it will take to sweep away once and for all the bankrupt sectarian system in Khartoum. This can only be achieved if the mass political Movement and the Armed struggle converge.

Apparently the Revolutionary situation in the country has attained the peak of its maturity. This is so because the intensity of the present overall crisis indicates that Sudan can hardly become more ungovernable than it already is. The crisis has reached saturation point and the country is now ripe for the second and final Intifadha. This reality calls for joint efforts to make the subjective factors necessary to success prevail. Specifically a qualitatively higher level of political organization of the democratic forces and the broad masses is needed. In this sphere the formation of a broad-based National Democratic Alliance as a framework for fusion of the Armed struggle and the mass political action appears a matter worthy of consideration.

On the other hand, the position of the leadership of the National Democratic Movement vis-a-vis the socio-political power struggle leaves something to be desired. The progressive leadership in Sudan faces the challenge of overcoming divided loyalties. Intellectuals and top bureaucrats who predominate, across the entire Sudanese political spectrum, have their distinct socio-class interests to defend. Meanwhile, the progressive sections of this leadership are called upon at the same time to promote on behalf of the toiling masses aspirations directly opposed to their own.

Experiences of the World Revolutionary Movement generally tend to suggest that it is only in extremely rare cases that the oppressed masses have championed their own cause. In Sudan almost none of the popular-oriented political parties and organizations are led by personalities of a working class background.

Unless these leaders are prepared to renounce their social class and adopt as their own the class interests and aspirations of those whose struggles they spearhead, the Mass Movements in the country is likely to lack cohesion and force.

AMBO WORKSHOP ON SUDAN:

PROBLEMS AND PROSPECTS

Ambo, Ethiopia, February 4-7, 1989

Recognising their important role in the political history of the Sudan and aware of the serious problems facing the country at this juncture of its historical evolution a group of concerned and politically committed intellectuals and academics organised a workshop on the theme of "Sudan: Problems and Prospects". The Workshop was held between 4th. and 7th. February, 1989. Eleven scientific papers were presented covering most of the issues proposed as the agenda for the proposed Constitutional Conference. The purpose was to formulate a common vision and an understanding of Sudan's problems and where possible, to formulate a framework for a common programme of action for the National Democratic Forces. Participants expressed common, though not identical views on all the issues, and eventually they were agreed on the following to serve as elements of the programme and declared their commitment to its realization.

Preamble

Our country is going through an important stage in its history that is characterized, among other features, by the intensification of the armed struggle, ethno-cultural conflict, the massive disparity between the wealthy ruling classes and the impoverished masses of urban centres and rural areas, growing dependency, degeneration of the state of human rights and marked impotence in foreign policy. The crisis which our country is undergoing makes it imperative upon the National Democratic Forces (N.D.F.) to unite with the view of drawing up a programme on the basis of which the masses could be mobilized to fulfil the realization of the major objectives of the Sudanese Democratic Revolution. The struggle for the realization of this programme shall provide the concrete political basis to build a New Sudan.

Contemporary historical stage and the national democratic revolution

The May regime was the culmination of a trend of development that brought the interests of the bourgeoisie and the state bureaucracy into fusion, thereby exposing and intensifying the exploitative use of state power. This explication takes various forms some of which are the following:

1. Exploitation of the peasantry through control of the marketing of agricultural products and the exclusion of small peasants from credits.
2. Intensification of exploitation of the masses through the black market.

3. Appropriation of communal agricultural and urban lands in the interest of the ruling classes.

The post-independence regimes continued the policy of unequal development efforts in central Sudan and neglecting the other regions. This situation was further aggravated by the policy of siphoning off the surplus from the countryside to be invested in the towns and abroad.

In general, the post-independence era is characterized by almost complete lack of development of the country as a whole.

In the sphere of state, politics and culture, the main features which characterized the post-independence era include the following:

1. The increasingly repressive nature of the state be it military or civil.
2. The ruling classes continued to use religion for political ends and cultural domination culminating in the rise of Islamic Fundamentalism.

All these brought a serious overall national crisis. This naturally led to the intensification of the political struggle against the reactionary ruling classes. These struggles manifested themselves in mass political action and revolutionary armed struggle, the former leading to major uprisings. However, these courageous efforts of the masses failed to realize the specific objective of seizing political power due to many factors among which are:

- a) The absence of strong political leadership that could give the masses adequate political orientation and direction.
- b) The absence of a unified political programme that identifies N.D.F., specifies their common objectives and sets forth the means for achieving them.
- c) The absence, at critical moments, of organized and significant armed support commensurate to the objective of seizing political power.

Problems of national formation and power structure

1. The Sudan has never historically emerged as one nation. It is a multi-national and multi-cultural country. Thus no particular nationality, whatsoever its size, has the right to impose its own identity over the others.
2. National identity is not based on social, cultural or geographical locality but on the principle of citizenship.
3. The successive regimes failed to recognize the country's diversity. This failure led to the one-dimensional nature of Sudanese nationalism reflected in the political,

- economic, cultural and social dominance of one nationality that denies other nationalities the right to develop.
4. Thus emerges the necessity for the promotion of a new cultural outlook that would create a conducive environment for mutual interaction between the cultures of the various nationalities.
 5. The country's power structure shall reflect its national diversity. All Sudanese shall be able without distinction as to race, region, sex and religion to exercise the right of taking part in the administration of their country at both the regional and central Government levels, from the base right up to the apex of the power structure.
 6. The Westminster model of liberal democracy as practiced in Sudan has always served the interests of reactionary forces and paved the way for the return to dictatorship.
 7. New structures are needed to retain the noble values of democracy and liberalism that would address themselves to the realities of the Sudan.
 8. Arabic is the country's "Lingua Franca". In the educational system we envisage the possibility of a bilingual system. Other national languages shall be encouraged to develop.
 9. The Sudan shall abide by all the international declarations on human rights and the African declaration of human rights.
 10. All citizens shall enjoy the freedom of religious belief within a secular state.
 11. As Sudanese women have always been subjected to many forms of discrimination and repression, all efforts shall be directed towards a speedy rectification of this situation and emancipate women by abolishing all these forms of discrimination and repression.
 12. The whole infrastructure embracing the educational, health and cultural systems should be overhauled in such a way as to serve the interests of the New Sudan.
 13. The New Sudan shall strive to stop environmental degradation through conservation of forests, soil, water and protection of wildlife in addition to a more rational use of natural resources.
 14. The lack of an independent foreign policy has characterized all the political regimes that have assumed power since independence. Hence the need arises for the formulation of a foreign policy for the realization of the following objectives:
 - a) Maintenance of national political independence.
 - b) Realization and preservation of genuine national unity.
 - c) The attainment of economic, social and cultural development.
 15. The above objectives shall be achieved through foreign policy based on:

- a) National interest.
- b) Good neighborly relations that cater for mutual interests.
- c) Mutual respect for sovereignty between Sudan and other states.
- d) An anti-imperialist, anti-zionist and anti-racist stance.
- e) Promotion of Regional Cooperation.
- f) Principles of the Non-Aligned Movement.
- g) Active participation in the efforts aimed at bringing about a new international economic order.

16. Aware of the historical role played by the regular forces in the course of the National Liberation struggle, we strive to support them to make possible the fulfillment of their duties and national aims.
17. In Sudan there are different means of revolutionary struggle. The struggle will be accelerated if its means are made to complement one another.

Economy and society

1. Since the political independence the Sudan attained in 1956 up to now, it has altogether followed a wrong path of economic development. This was a result of the economic policies being carried out by successive national governments.
2. The main features of the Sudanese model of development are as follows:
 - a) It has been characterised by uneven development of the modern sector at the expense of the traditional, urban at the expense of rural; even though 80 - 90% of the population live in the country-side.
 - b) The policy has been to subsidize the living standards of the upper and middle classes in the towns at the expense of the farmers, unemployed and the urban poor.
 - c) Unequal distribution of income.
3. Consequences of Sudanese model of development are:
 - a) Increasing income inequalities
 - b) Falling living standards
 - c) Growing mass unemployment
 - d) Malnutrition and poverty
 - e) Spreading crime, simmering social discontent and pressures on the services in the urban centres resulting in urban decay.
 - f) Socio-economic and political crisis

- g) Decommunalization and growing individualism
- h) Labour mobility's disruptive impact on communalism.
- i) Growing foreign debts.
- j) The deepening of economic, political, social and cultural underdevelopment of peripheral areas (Eastern, Northern, Western and Southern Sudan) and city slums.
- k) Devaluation of the Sudanese Pound thirteen times without any respite for the economy and the people.
- l) Scarcity in consumer goods (food), equipment and materials for agriculture and industry.
- m) Work stoppage in development projects and submission to conditions of the IMF and the World Bank.
- n) Decrease in national savings directed towards investment.
- o) Increasing deficit in the Internal Budget as a result of the Government's constant recourse to deficit financing and its negative impact on investment.
- p) Deficit in balance of payments.
- q) Runaway inflation at the rate of more than 90% a year and encouragement of patterns of consumption and life styles that reinforce the economy of dependency.
- r) Brain drain from the Sudan to the oil rich countries.
- s) Environmental degradation.

4. At this juncture it does follow that these problems will not be solved by only making more wealth available to the Sudan.

It is clear that the capitalist system of development in the country has failed and no amount of reforms will salvage it.

It is apparent too that only a radical transformation of the political set-up will bring about a new economic order. This will be based upon the following:

- a) Scientific economic planning with popular participation in that process by the masses.
- b) Nationalization of the commanding heights of the economy.
- c) An overall change in production relations.
- d) Self-reliance and self sustenance instead of total dependency on foreign aid and loans.

e) Foreign assistance and importation of technology should be geared towards the maximization of the use of domestic resources and the fusion between indigenous technology and the imported one for autonomous progress.

f) Rural development-encompassing agriculture and industry.

g) Equal distribution of developmental projects all over the country.

Conclusion

The National Democratic Forces hereby call upon the masses of the Sudanese people to lend their full moral and material support for the attainment of all the aforementioned objectives.

Long live the struggle of the Sudanese People!

Victory to the masses!

'American Initiative' for peace in Sudan

U.S. Department of State, March 1990

Joint Declaration (Draft)

**Agreement on a Framework for the Peaceful Settlement of Sudan's
Internal Conflict**

A. BASIC PRINCIPLES FOR THE SETTLEMENT

B.

1. Sudan will remain united in a single nation.
2. There will be a federal system of government.
3. The political system will be a democracy.
4. The present conflict will be demilitarized with a disengagement of forces under the supervision of international monitors.
5. Displaced Sudanese will be assisted with voluntary return to their homes.
6. Highest priority will be given to co-operation in the transport and delivery of relief supplies to the victims of drought, famine and war.

C. THE PROCESS FOR A SETTLEMENT IN THREE PHASES

PHASE ONE

- Will be completed within 30 days of the signing of the declaration.
- There will be an equitable disengagement of forces governed by the rule that the new disposition of troops can not result in a military advantage for either side.
- International monitors will arrive and be deployed.
- There will be an advance agreement on the modalities for forces disengagement which will be an Annex to this declaration.
- A joint military commission will be established and will begin discussions on the implementation of disengagement of forces in accordance with the annexed modalities. These discussions will take place in _____.

PHASE TWO

- Meeting of agreed representations of relevant political forces will take place to plan a Constitutional Conference. The meeting will take place 45 days from the date of this declaration.

PHASE THREE

- A Constitutional Conferences will begin 75 days from the date of this declaration

Annex: Modalities for Disengagement of Forces in Sudan

- There is a cessation of hostilities and a separation of forces throughout Sudan. Particular steps will be taken to ensure separation of forces in Equatoria, Bahr el Ghazal, Kordofan and Upper Nile provinces.
- All Government forces will be pulled back into defensive garrisons in the South.
- Government forces will be consolidated and 'thinned out' so that not more than 20 thousand troops will remain with an appropriate command structure.
- SPLA forces will consolidate below the Bahr el Ghazal, Bahr el Arab and Nahr Sobat line.
- Government military aircraft (except for transport planes in agreed air corridors for supply) will not fly below the Bahr al Arab line.
- Areas in Kordofan province contested by SPLA forces will be 'demilitarized.'
- Any town held in part by both sides will be evacuated by both sides for a distance of 25 kms around.
- SPLA forces will pull back a minimum distances of 25 kms from Government controlled defensive garrisons. In areas where the existing defensive perimeter exceeds this, the SPLA will not advance.
- Forces of both sides can continue to be supplied non-lethal items: food, fuel, etc.
- Each Government garrison will have an agreed 'cordon sanitaire' supply route. The SPLA can designate an equal number of garrison towns to which controlled supply routes will be established.
- There will be a call for an appropriate African observer force.
- To facilitate effective observation and monitoring by the international group, which is in the interest of both parties, their respective forces should be assembled in large units in identifiable and accessible places to the maximum extent possible.
- This force will monitor all resupply routes, areas designated demilitarized as well as place monitors at all headquarters battalion size and above. The monitors will also be stationed at any location they deem necessary to ensure the peace.
- In areas of known 'bandit' activity either a Government or an SPLA force will be designated to police the area accompanied by observers.
- As soon as disengagement is complete civilian governors and senior administrators will be appointed in the three southern provinces, to take charge of existing civilian administration which will remain in place. Persons chosen to fill these positions will be acceptable to both sides.

- Talks in implementation of the above will begin immediately at the working level, followed in the near future by political level discussions about a federal system and the other basic issues in the Sudan civil conflict.
- A joint Military Commission will be established with a series of local subcommittees. It will begin discussions immediately on the details of implementation of this annex.

SPLM/SPLA
Comments on the Proposed
‘AGREEMENT ON A FRAMEWORK FOR THE PEACEFUL SETTLEMENT OF
SUDAN’S INTERNAL CONFLICT’

1. The proposal is made up of two components: The political and the military. The two are separated with the latter appearing as an annex.
2. The political component is made up of two parts and is the draft joint Declaration. These points are reasonable and it can be accepted as it stands.
3. The military component (i.e., the annex) raises a number of fundamental questions. In fact it is an acceptance of a cease-fire in which the government is conceding nothing. On the contrary, the SPLA stands to lose as follows:-
 - a) Withdrawal from areas north of the line made up of the Bahr el Ghazal, Bahr el Arab and Sobat rivers;
 - b) Withdrawal from Kordofan and Blue Nile Provinces;
 - c) Distancing itself to beyond 25 km radius from towns now under its siege.
4. On the political front the Annex secures to the Junta the holding of the Constitutional Conference without implementing any of the pre-requisites of the Koka Dam Declaration and the November peace Agreement. A great victory indeed.
5. The only government ‘concession’ to the SPLA is the implied consultation with it on the choice of civilian governors and senior administrators in the three Southern provinces as ‘these will be acceptable to both sides.’
6. Recommendations:

We stick to the original proposal (Deng & Obasanjo). This can be achieved, within the present proposal, as follows:-

 - a) Endorsing the draft Joint Declaration, i.e. the political component; and
 - b) Proposing a new Annex (i.e., the military component) to go with it in place of the one suggested.
7. An amendment of the suggested annex is attached as a possible proposal from our side.

ANNEX: MODALITIES FOR CONSTRUCTIVE DISENGAGEMENT OF FORCES IN SUDAN

1. There shall be an immediate cease-fire to facilitate the constructive disengagement of forces throughout Sudan.
2. All government forces will be disengaged to North of the 13th parallel.
3. Government military aircraft (except for transport planes in agreed corridors for supply) will not fly below the 13th parallel.
4. There will be an appropriate African observer forces to be agreed upon by the two sides.

5. This forces will monitor all arrangements for the constructive disengagement of the forces as contained in this document. The monitors will be stationed at any location they deem necessary to ensure the peace.
6. In areas of known 'bandit' activity the respective government or SPLA forces will be designated to police the area accompanied by observers.
7. The security of the national capital shall be the responsibility of the two armies.
8. Concurrent with the commencement of the disengagement, the SPLM/SPLA will appoint civilian governors and other administrators to take charge of civilian administration in the areas of its presence. Persons to fill the positions will be chosen by the SPLM/SPLA from amongst competent Sudanese who may or may not be members of the Movement and who may be inside or outside the country.

JOINT STATEMENT

During the period from 23 - 25 January 1992, two delegations representing the Government of the Sudan and the Interim National Executive Committee of the SPLM (Nasir Faction), have met in Frankfurt City, Germany, to discuss and negotiate the peace process in the Sudan.


The Government delegation was chaired by Dr Ali El - Hag Mohamed, The SPLM delegation was headed by Dr Lam Akol Ajawin.

Among the issues broadly discussed about the peace process in the Sudan, the following points were agreed upon:

1. (a) There shall be a transitional period (to be agreed upon from the day of signing an Agreement between the Sudan Government and the SPLY, during which Southern Sudan shall enjoy a special constitutional and political status within the united Sudan-after period the people of the South shall exercise their right to freely choose the political and constitutional status that accords with their national aspirations without ruling out any option.
- (b) To avoid resort to confrontation in the future between the people of the South and the central Government as a way of resolving constitutional, political and other differences, elaborate legal and constitutional procedures shall be worked out and agreed upon for the ascertainment through a plebiscite of the views of the former with respect to their political and constitutional status after transitional period.
2. The two sides have agreed to attend the Abuja proposed peace talks at the earliest possible time.
3. The two sides have discussed the issues of the system of Government during the interim period, particularly on power sharing, resources, securing arrangement, relief, rehabilitation, resettlement and reconvention and agreed to subject them to further negotiations
4. In order to provide an atmosphere conducive for peaceful dialogue and negotiations, the Abuja peace talks shall be preceded by a declaration of cease fire throughout the South and other affected areas in the Northern Sudan.

Signatures


Dr Ali El-Hag Mohamed


Dr Lam Akol Ajawin

Frankfurt Am Main

25th of January 1992.



SUDAN PEOPLES' LIBERATION MOVEMENT
AND SUDAN PEOPLES' LIBERATION ARMY



Ref. No.

Date

JOINT DECLARATION OF COMMON POSITION ON
SELF-DETERMINATION.

Conscious of our responsibility towards the people of the Southern Sudan and other marginalized areas of Sudan that are fighting along-side the South in the current armed conflict.

Mindful of the urgent need to find a just and lasting solution that will bring peace to the peoples of the Sudan.

Cognisant of the rigid stand of the Sudan Government against secularism, the two delegations of the SPLM/SPLA in the Abuja peace conference have resolved the following:-

1. To jointly champion the right of the people of the Southern Sudan to self-determination.
2. That the wishes of the people of Abiyi, Nuba Mountains, and Southern Blue Nile shall like wise be expressed through the process of self-determination together with the South.
3. The two factions of the SPLM/SPLA will adopt a common position on the issue of interim arrangements which will be necessary in the period prior to the referendum.

Signed: ————

CDR WILLIAM NYOUN BANY
Deputy Chairman and Deputy
Commander-in-Chief SPLM/SPLA
and Leader of the SPLM/SPLA
(Torit) delegation.

Signed: ————

CDR LAM AKOL AJAMIN
Secretary for External
Affairs and Peace.
Interim National Executive
Committee SPLM and Leader
Nasir Delegation.

ABUJA, 1ST JUNE, 1992.



SUDANESE PEACE CONFERENCE, ABUJA

26TH MAY - 4TH JUNE, 1992


COMMUNIQUE

The parties to the Sudanese conflict, namely, the Government of Sudan and the Sudanese Peoples' Liberation Movement/Sudanese Peoples' Liberation Army SPLM/SPLA met in Abuja Nigeria from May 26 - June 4 under the good offices of President Ibrahim Babangida.

All parties to the dispute agree that the current conflict can only be resolved through peaceful negotiation. They therefore agree to continue their discussions, under the good offices of President Babangida even after he has left office of Chairman of the CAU, in order to build upon the gains achieved in Abuja.

2. The parties to the dispute recognise that Sudan is a multi-ethnic, multi-lingual, multi-cultural and multi-religious country. They recognise the diversities of Sudan and the need to work towards an institutional/political arrangement to cope with and encourage such diversities as is the case in Nigeria.

3. The parties agreed to work towards an interim arrangement aimed principally at allaying the fears of the component parts of Sudan, building confidence and ensuring devolution of powers to enable the component parts to develop in an atmosphere of relative peace and security. The parties however agreed to consult their Principals with a view to determining the structure and character of the interim arrangement as well as ascertain the wishes of the people concerned thereafter.





4. All the parties to the dispute recognise the need for equitable sharing of national wealth. Towards this goal, it was agreed that the interim arrangement shall include a Revenue Allocation Commission to deal with the equitable sharing of wealth among the component parts of the country.

5. The parties to the dispute recognise that the war has caused dislocation of families and the destruction of the infra-structure in Sudan. The Government of Sudan and the interim Administration will use the interim period, with the assistance of the goodwill of the International Community, to embark upon a deliberate process of reconstruction of war affected areas and the rehabilitation and resettlement of refugees displaced by war and famine.

6. Parties to the dispute agree to support efforts aimed at creating a conducive atmosphere towards arriving at a more amicable settlement which is being worked out to create a conducive atmosphere for continued negotiations.

7. All parties to the dispute agree to meet again, at a time to be fixed by Nigeria, to discuss mainly the question of political interim arrangement for the Transition period.

8. The parties to the dispute express deep appreciation and gratitude to President Babangida for the initiative in calling the Peace Conference. They also thank the people of Nigeria for the hospitality extended to them.


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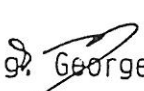



DELEGATION OF THE GOVERNMENT
OF THE SUDAN


DELEGATION OF THE SPLM/SPLA

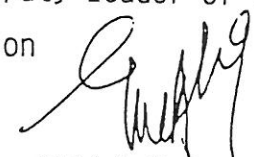

1. H.E. Mohammed El-Amin
Khalifa
Speaker of the Transitional
National Assembly


1. Commander William Nyoun Bany
Leader of Delegation

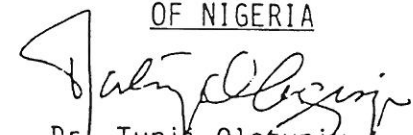

2. H.E. Brig. George Kongor
Governor of Bahr El-Ghazal
State



2. Commander Dr. Lam Akol Ajawin
Deputy Leader of the Delegation

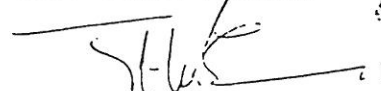

3. H.E. Dr. Hussein Sulayman
Abu Salih
Minister of Social Welfare
and Development


3. Mr. Elijah Malok Deng
Secretary to the Delegation

OBSERVERS FROM THE FEDERAL GOVERNMENT
OF NIGERIA


1. Dr. Tunji Olayunju
Hon. Minister of Internal Affairs


2. Col. Lawan Gwadabe


3. Ambassador Olu Sanu
Presidential Special Envoy on the
Sudan conflict.

Joint Declaration of Common Position on Self-Determination

Conscious of our responsibility towards the people of the Southern Sudan and other marginalized areas of Sudan that are fighting alongside the South in the current armed conflict;

Mindful of the urgent need to find a just and lasting solution that will bring peace to the peoples of the Sudan;

Cognizant of the rigid stand of the Sudanese Government against secularism;

the two delegations of the SPLM/SPLA in the Abuja peace conference have resolved the following:

1. To jointly champion the right of the people of the Southern Sudan to self-determination.
2. That the wishes of the people of Abyei, Nuba Mountains and Southern Blue Nile shall likewise be expressed through the process of self-determination together with the South.
3. The two factions of the SPLM/SPLA will adopt a common position on the issue of interim arrangements which will be necessary in the period prior to the referendum.

Signed:
Cdr. William Nyuon Bany

Signed:
Cdr. Lam Akol Ajawin

Abuja, 1st June 1992

3
Committee on Foreign Affairs
Subcommittee on Africa

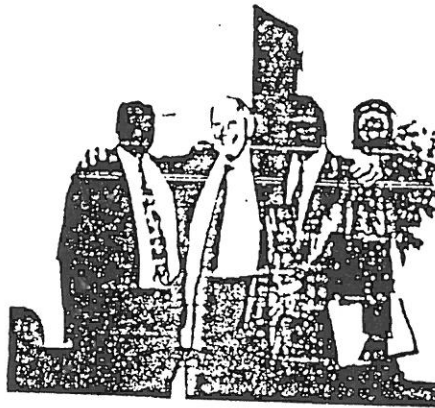
FOR IMMEDIATE RELEASE
October 22, 1993

Contact: Brian Geiger
202/225-3001

SOUTHERN SUDANESE LEADERS AGREE ON PRINCIPLES OF PEACE

Rep. Harry Johnston (D-FL), Chairman of the Subcommittee on Africa, today announced a breakthrough peace agreement between the two rival liberation movements in southern Sudan. Dr. Riak Machar and Dr. John Garang, commanders of opposing factions within the Sudan People's Liberation Movement, agreed to end hostilities.

The two leaders, meeting for the first time in two years at the invitation of Mr. Johnston, conducted intensive negotiations in Washington. Dr. Garang and Dr. Machar agreed to the following:



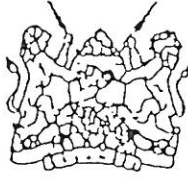
1. Agreed on the right of self-determination for the people of southern Sudan, Nuba Mountains, and marginalized areas;
2. Agreed to an immediate cessation of hostilities and monitoring of this agreement;
3. Agreed to set an agenda for peace, reconciliation, unity, and democracy;
4. Recognized that the conflict between us must be resolved through peaceful and democratic means;
5. Appreciate and encourage the regional effort for peace, reconciliation, and unity in southern Sudan, Nuba Mountains, and other marginalized areas, and call upon the international community to support this effort;
6. Agreed to cooperate and facilitate relief work in areas where people are affected by war, famine, and disease;
7. Agreed to oppose the policies of the NIF government in Khartoum, and other subsequent regimes that deny the right to self-determination of the people of southern Sudan, Nuba Mountains, and other marginalized areas; and
8. Agreed to inform the regional leaders of this agreement, and urge that the follow-up meeting take place no later than November 15, 1993.

DONE this 22nd Day of October 1993, in Washington, D.C.

Approved:

###

Harry Johnston
Chairman Africa Sub-Committee



DECLARATION OF PRINCIPLES.

We, Representatives of the Government of the Republic of the Sudan (hereinafter referred to as the GOS), the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army and the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army - United (hereafter referred to as the SPLM/SPLA and SPLM/SPLA - United respectively);

Recalling the previous peace talks between the Government of the Sudan on the one hand, the SPLM/SPLA and SPLM/SPLA - United on the other, namely Addis Ababa in August 1989, Nairobi in December 1989, Abuja in May/July 1992, Abuja in April/May 1993, Nairobi in May 1993, and Frankfurt in January 1992;

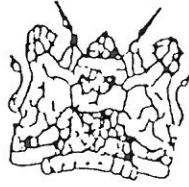
Cognisant of the importance of the unique opportunity afforded by the ICADD Peace initiative to reach a negotiated peaceful solution to the conflict in the Sudan;

Concerned by the continued human suffering and misery in the war affected areas;

Hereby agree in the following Declaration of Principles (DOP) that would constitute the basis for resolving the conflict in the Sudan:-

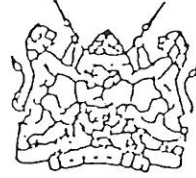
1. Any comprehensive resolution of the Sudan conflict requires that all parties to the conflict fully accept and commit themselves to that position that:-

1.1. The history and nature of the Sudan conflict demonstrate that a military solution cannot bring lasting peace and stability to the country.



- 2 -

- 1.2. A peaceful and just political solution must be the common objective of the parties to the conflict.
2. The rights of self-determination of the people of South Sudan to determine their future status through a referendum must be affirmed; and
3. Maintaining unity of the Sudan must be given priority by all the parties provided that the following principles are established in the political, legal, economic and social framework of the country:
 - 3.1 Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed.
 - 3.2 Complete political and social equalities of all peoples in the Sudan must be guaranteed by law.
 - 3.3. Extensive rights of self-administration on the basis of federation, autonomy, etc., to the various peoples of the Sudan must be affirmed.
 - 3.4. A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all Sudanese citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.
 - 3.5. Appropriate and fair sharing of wealth among the various peoples of the Sudan must be realized.



- 3.6 Human rights as internationally recognized shall form part and parcel of this arrangement and shall be embodied in Constitution.
- 3.7 The Independence of the Judiciary shall be enshrined in the Constitution and laws of the Sudan.
4. In the absence of agreement on the above principles referred to in 3.1 to 3.7 the respective people will have the option to determine their future including independence, through a referendum.
5. An interim arrangement shall be agreed upon, the duration and the tasks of which should be negotiated by the parties.
6. The parties shall negotiate a ceasefire agreement to enter into force as part of the overall settlement of the conflict in the Sudan.

Nairobi, 20th May, 1994

15


CONFERENCE OF THE NATIONAL DEMOCRATIC ALLIANCE ON FUNDAMENTAL ISSUES

FINAL COMMUNIQUE

The National Democratic Alliance (NDA) convened an extra ordinary conference in the city of Asmara, the capital of the State of Eritrea under the motto "Conference On the Fundamental Issues of the Nation", in the period between the 15th and 23rd of June, 1995. The Conference was attended by leaders and delegates representing the Democratic Unionist Party, the Umma Party, the Sudan Communist Party, Union of Sudan African Parties, Sudan Peoples' Liberation Movement and Sudan Peoples' Liberation Army, Legitimate Command of the Sudanese Armed Forces, Sudanese Alliance Forces, The Beja Congress, Sudanese Trades Unions and Independent National Personalities.

The Conference deliberated extensively on the following fundamental issues :

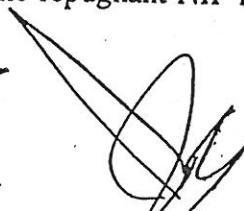
1. **Ending of the Civil War and Establishment of Peace in the Sudan**
 1. In order to realize this objective, the conference addressed and resolved the following issues :
 - a) Right of self-determination
 - b) Relationship between religion and politics
 - c) System of rule during the interim period
 2. Programmes and modalities for the intensification of struggle to overthrow the NIF regime.
 3. Arrangements and tasks of the interim period.
 4. Foundational bases for the future Sudan.
 5. Humanitarian issues.
 6. Structuring of the National Democratic Alliance.

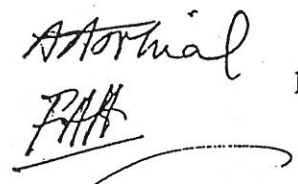
The NDA held its conference in full awareness of the hard and oppressive conditions currently endured by the Sudanese people as a result of the policies pursued by the illegitimate fascist National Islamic Front (NIF) regime. Those policies have degraded the dignity of our people, tarnished and put in disrepute the image of our country in the outside world, threatened other countries by exporting violence and sowing discord in more than one country. The NIF aggressive policies have also led to their rejection of all peace initiatives and the escalation of civil war in Sudan. Therefore the NDA affirms its resolve to continue the struggle by all means available to uproot the repugnant NIF regime.









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Pursuant to the NDA's declared objectives and principles enshrined in its charter; and

Inspired by our people's struggle against successive dictatorial regimes and guided by our past experiences in consolidating national unity; and

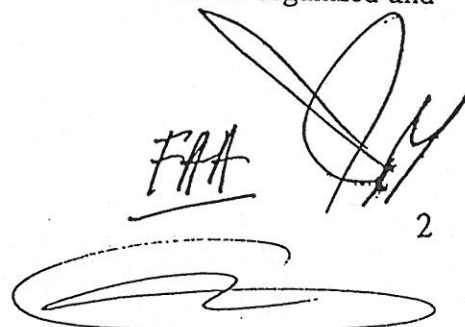
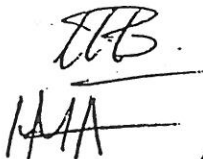
Committed to the establishment of a new democratic system of governance based on pluralism and respect for human rights;

The Conference resolves the following :

First: Ending of war and Establishment of Peace in the Sudan

A) Self-Determination

- i. Affirms that the right of self-determination is a basic human, democratic and people's right which may be exercised at any time by any people.
- ii. Recognizes that the exercise of the right of self-determination constitutes a solution to the on-going civil war and facilitates the restoration and enhancement of democracy in the Sudan.
- iii. Affirms that this right shall be exercised in an atmosphere of democracy and legitimacy and under regional and international supervision.
- iv. Affirms that the areas afflicted by war are Southern Sudan, Abyei District, the Nuba Mountains and Ingessena Hills.
- v. Declares that the people of Southern Sudan (within its borders as they stood on 1.1.1956) shall exercise the right of self-determination before the expiration of the interim period.
- vi. Resolves that the views of the people of Abyei District as regards their wish to either remain within the administrative set up of Southern Kordofan region or join Bahr El Ghazal region shall be ascertained in a referendum to be held within the interim period but before the exercise of the right of self-determination for the South. If the outcome of the referendum establishes that the majority of the people of this district wish to join Bahr El Ghazal, the people of Abyei shall accordingly exercise the right of self-determination as part of the people of Southern Sudan.
- vii. Resolves that with respect to the Nuba Mountains and Ingessena Hills a political solution to redress the injustices suffered by the people of these areas shall be sought by the interim government and that a referendum to ascertain their views on their political and administrative future shall be organized and carried out within the interim period.



- viii. Reaffirms its commitment to a just peace, democracy and unity based on the free will of the people of the Sudan and to resolving the present conflict by peaceful means through a just and lasting settlement. To this end the NDA endorses the IGADD Declaration of Principles (DOP) as a viable basis for such a just and lasting settlement.
- ix. Reiterates that true peace in the Sudan cannot be viewed within the framework of the problem of the South but rather from the standpoint that our problem is of a national origin.
- x. Affirms that our national problems cannot be solved except through clear, serious and continuous dialogue among all Sudanese national groups.
- xi. Asserts that the nature and history of the Sudanese conflict has proved that permanent peace and stability in the country can not be achieved through a military solution.
- xii. The constituent members of the NDA shall adopt a common stand on the options to be presented in the referendum in the South, which options shall be a) unity (confederation/federation) and b) independent statehood.
- xiii. The NDA affirms that the Central Authority shall within the interim period devise and implement the necessary confidence-building measures and the appropriate restructuring of the State and socio-economic institutions and processes, so that the exercise of the right of self-determination could have the best chances of upholding the unity option.

B. Relationship between Religion and Politics

- i. All human rights norms and principles enshrined in regional and international human rights instruments and covenants shall be an integral part of the constitution of the Sudan and any law, decree, executive order or policy measure contrary thereto shall be considered null and void and unconstitutional.
- ii. All laws shall guarantee full equality of citizens on the basis of citizenship, respect for religious beliefs and traditions and without discrimination on grounds of religion, race, gender or culture. Any law contrary to the foregoing stipulation shall be considered null and void and unconstitutional.
- iii. No political party shall be established on religious basis.
- iv. The state shall acknowledge and respect religious pluralism in the Sudan and shall undertake to promote and bring about peaceful interaction and co-existence, equality and tolerance among religions and noble spiritual beliefs, and shall permit peaceful religious proselytisation and prohibit coercion in religion, or the perpetration in any place, forum or location in the Sudan of any act or measure intended to arouse religious sedition or racial hatred.

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- v. The NDA undertakes to preserve and promote the dignity of the Sudanese woman, and affirms her role in the Sudanese national movement and her rights and duties as enshrined in international instruments and covenants without prejudice to the tenets of prevailing religious and noble spiritual beliefs.
- vi. National programmes in the fields of information, education and culture shall be formulated and disseminated in accordance with the regional and international instruments and covenants on human rights.

C. System of Rule During the Interim Period :

- i. The Sudan shall be ruled during interim period on the basis of decentralization. The interim constitution shall stipulate the powers and competence of the Central and Regional Entities and the manner of their distribution.
- ii. The NDA shall formulate a law for the decentralized system of rule in the Sudan.
- iii. The decentralized system of rule shall be based on the distribution of powers and competence, as agreed upon between the Centre, Northern Entities and the Southern Entity. An agreement as to the names to be applied to those entities shall be reached subsequently.
- iv. The role of local government and the system of native administration shall be taken into account in the formulation of the law on decentralization.
- v. In organizing the interim administrative set up the following issues shall be put into account:
 - a) Redressing injustices and root causes of the war and the creation of a conducive atmosphere for the rehabilitation, reconstruction and rebuilding of the country.
 - b) Gauging the wishes of the people of the various areas as regards the evolving democratic process in the country.
- vi. In implementing the system of decentralization, due regard shall be given to the difficult economic conditions of the country, austerity measures shall be taken with the view to reducing unnecessary public spending. It is also emphasised that wide-based popular participation at all decision-making levels should be ensured within the framework of democratic decentralization.

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II. Programmes and modalities for the intensification of the struggle to overthrow the NIF regime

1. The legitimacy of the armed struggle being waged by the various forces of the NDA with a view to overthrowing the NIF regime in accordance with agreed upon mechanisms.
2. Provision of material and other means required to execute this programme.
3. Establishment of a high politico-military committee to undertake the task of coordination, supervision and implementation of the programmes of intensifying the struggle to overthrow the regime.

III. Military and security arrangements during the interim period

The conference adopted all the recommendations proposed by the ad hoc technical committee on this matter.

IV. Foundational basis of the New Sudan

For the purpose of laying down the foundations of the New Sudan the conference adopted the following programmes for the interim period:

- a) Economic Action Plan for the interim period
- b) Plan on foreign policy and regional and international cooperation
- c) Measures to eradicate the vestiges of the NIF regime
- d) Laws governing political parties
- e) Trades Unions code of ethics
- f) Press and Publications law

V. Humanitarian issues

The erroneous economic policies of the regime and its escalation of the civil war have resulted in unprecedented internal migration and displacement. These have, in turn, caused a serious damage to the environment and subjected large sections of the population, especially women, to untold suffering. Furthermore war, instability, political subjugation and violation of human rights have all combined to force huge numbers of citizens to seek refuge abroad.

Out of concern for the welfare of the Sudanese people and their right to free movement inside and outside the country, and in an attempt to address some of the urgent problems facing displaced people and refugees, the conference adopted a practical programme of action to be implemented during the interim period. The conference also decided to take measures to assist refugees and victims of the regime's brutal policies both in the short and long terms, in cooperation and coordination with the international community and appropriate organizations inside the Sudan.

VI. The Structuring of the National Democratic Alliance and amendment of its charter.

The conference adopted the new organizational structure of the NDA which shall consist of the conference, the Supreme leadership (including Chairman & Vice Chairman), the Executive Bureau and the General Secretariat, the Specialized Departments and the Branches. The conference also adopted a programme for external action and the proposed amendments to the NDA charter with a view to accommodating new and intervening political developments.

By successfully addressing these fundamental issues and adopting the above-mentioned programmes the NDA Conference on National Fundamental issues has reached a consensus formula to which all its forces are committed. These programmes include the removal of the NIF regime, the ending of the civil war and realization of peace, the restoration of democracy and the creation of a conducive atmosphere for the establishment of the new Sudan.

In order to enable it realize these objectives, the NDA earnestly appeals to the international and regional communities, sisterly and friendly countries, peace-and democracy-loving states to come to the help of the Sudanese people in their legitimate struggle to rid themselves of the pariah regime and thus enable the Sudan assume its natural position within the family of nations.

The NDA calls upon all the Sudanese compatriots inside and outside the country to unify their ranks and rally around the banner of the NDA in order to enhance the implementation of its programmes.

The NDA, having been honoured in holding its conference in the land of Eritrea, would like to extend its heartfelt gratitude and thanks to the sisterly and heroic people of Eritrea under the leadership of the Popular Front for Democracy and Justice. The NDA salutes the stand of the Eritrean people in support of the Sudanese cause and the fundamental issues affecting the Sudanese nation. The NDA specially salutes the gallant hero, President Isais Afwerki, for his comprehensive understanding of the Sudanese problem and for the heroic stand he has taken in support of the Sudanese people.

The NDA would like to take this opportunity to commend the positive role being played by the IGADD countries, led by President Daniel Arap Moi, and Friends of IGADD countries in their endeavours to bring about a speedy end to the war and to restore peace and democracy in the Sudan.

The NDA also commends the positive stands taken by the sisterly and friendly countries which have special historic and close relations with the Sudan and its people, namely Egypt, Kingdom of Saudi Arabia, the Gulf states, all the neighbouring countries and all other friends in the world at large.



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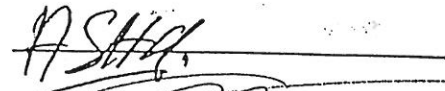
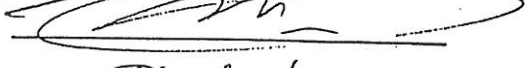
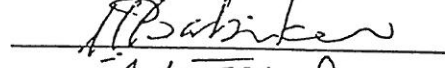

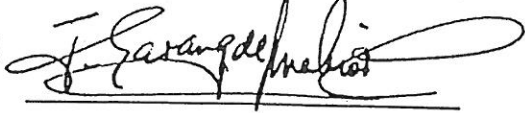
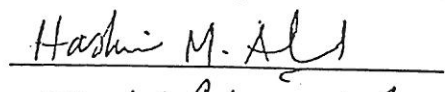

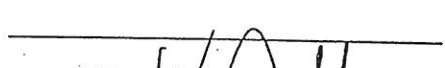


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The NDA cannot help but also express its appreciation and thanks to all those friends who cabled the conference to convey messages of support and encouragement.

Signed:-

1. Democratic Unionist Party 
2. Umma Party 
3. Sudan Communist Party 
4. Union of Sudan African Parties 
5. Sudan People's Liberation movement and Sudan People's Liberation Army 
6. Trades Unions 
7. Legitimate Command 
8. Beja Congress 
9. Sudanese Alliance Forces 
10. Independent National Personalities 

**NATIONAL DEMOCRATIC ALLIANCE
CONFERENCE ON FUNDAMENTAL ISSUES**

**RESOLUTION ON THE ISSUE OF
RELIGION AND POLITICS IN THE SUDAN**

The National Democratic Alliance (NDA);

- Recognising that the relationship between religion and politics has a direct bearing on nation-building;
- Aware of the reality of religious, cultural and national diversity in the Sudan;
- Cognisant of the role of scriptural religious and noble spiritual beliefs as sources of moral values and spiritual tenets that can help promote tolerance, brotherhood, justice and peaceful coexistence;
- Conscious of the terrible human rights abuses committed by the National Islamic Front (NIF) regime through its diabolical manipulation of religion to perpetrate genocide and ethnic cleansing falsely in the name of *jihad*;
- Determined to achieve a just and lasting peace and national unity based on justice and the free will of the Sudanese people; and
- In adherence to the principle of non-exploitation of religion for political purposes, hereby make the following constitutional dispositions :
 1. All human rights norms and principle enshrined in regional and international human rights instruments and covenants shall be an integral part of the constitution of the Sudan, and any law, decree, executive order or policy measure contrary thereto shall be considered null and void and unconstitutional.
 2. All laws shall guarantee full equality of citizens on the basis of citizenship, respect for religious beliefs and traditions and without discrimination on grounds of religion, race, gender or culture. Any law contrary to the foregoing stipulation shall be considered null and void and unconstitutional.
 3. No political party shall be established on religious basis.
 4. The state shall acknowledge and respect religious pluralism in the Sudan and shall undertake to promote and bring about peaceful interaction and coexistence, equality and tolerance among religious and noble spiritual beliefs, and shall permit peaceful religious proselytisation and prohibit coercion in religion, or the perpetration in any place, forum or location in the Sudan of any act or measure intended to arouse religious sedition or racial hatred.

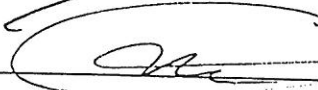
5. The NDA undertakes to preserve and promote the dignity of the Sudanese woman, and affirms her role in the Sudanese national movement and her rights and duties as enshrined in international instruments and covenants without prejudice to the tenets of prevailing religious and noble spiritual beliefs.
6. National programmes in the fields of information, education and culture shall be formulated and disseminated in accordance with the regional and international instruments and covenants on human rights.

Signed :

1. Democratic Unionist Party



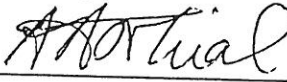
2. Umma Party



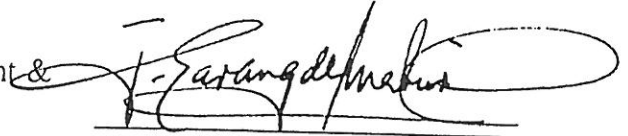
3. Sudan Communist Party



4. Union of Sudan African Parties



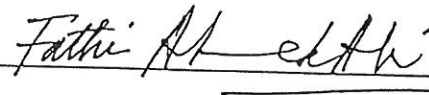
5. Sudan People's Liberation Movement &
Sudan People's Liberation Army



6. Trades Unions




7. Legitimate Command

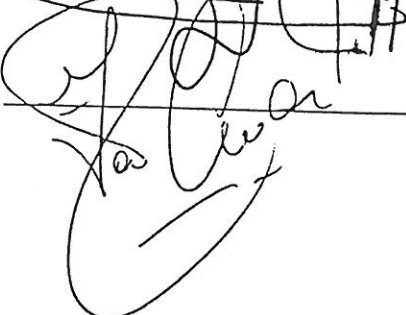


8. Beja Congress

9. Sudanese Alliance Forces



10. Independent National Personalities



**NATIONAL DEMOCRATIC ALLIANCE
CONFERENCE ON FUNDAMENTAL ISSUES**

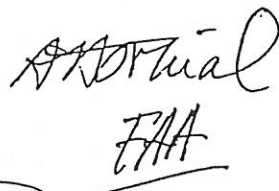
**RESOLUTION ON THE ISSUE
OF SELF-DETERMINATION**

Preamble :

The National Democratic Alliance

- Deeply committed to an immediate ending of the current armed conflict through a just and lasting settlement;
- Fully aware that the attainment of such a just and lasting settlement requires political courage, statesmanship and farsightedness on the part of the leadership of its constituent members;
- Convinced that our preferred option is unity, based on diversity, and the recognition that the Sudan is a multi-ethnic, multi-religious, multi-cultural and multi-linguistic country, and that this unity shall also be based on the right of citizenship and equality in rights and responsibilities in accordance with the norms and standards enshrined in international conventions on human rights;
- Fully cognizant of the fact that the unity of the Sudan cannot be durably based on force or coercion, but on justice and the free consent of all the various groups in the Sudan;
- Conscious of the existence of other issues and problems caused by the interaction among tribes living in contiguous areas, which problems and issues shall be addressed and resolved during the national constitutional conference; and
- Mindful of the fact that the resolution of the present Sudanese conflict requires a comprehensive approach in order to bring peace and justice to all the marginalised people of the Sudan and build the New Sudan; hereby :

- I.
1. Affirms that the right of self-determination is a basic human, democratic and people's right which may be exercised at any time by any people.
 2. Recognizes that the exercise of the right of self-determination constitutes a solution to the on-going civil war, and facilitates the restoration and enhancement of democracy in the Sudan.



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3. Affirms that this right shall be exercised in an atmosphere of democracy and legitimacy and under regional and international supervision.
4. Affirms that the areas afflicted by war are Southern Sudan, Abyei District, the Nuba Mountains and Ingessena Hills.
5. Declares that the people of Southern Sudan (within its borders as they stood on 1.1.1956) shall exercise the right of self-determination before the expiration of the interim period.
6. Resolves that the views of the people of Abyei District as regards their wish to either remain within the administrative set up of Southern Kordofan region or join Bahr El Ghazal region shall be ascertained in a referendum to be held within the interim period but before the exercise of the right of self-determination for the South. If the outcome of the referendum establishes that the majority of the people of this district wish to join Bahr El Ghazal, the people of Abyei shall accordingly exercise the right of self-determination as part of the people of Southern Sudan.
7. Resolves that with respect to the Nuba Mountains and Ingessena Hills, a political solution to redress the injustices suffered by the people of these areas shall be sought by the interim government and that a referendum to ascertain their views on their political and administrative future shall be organized and carried out within the interim period.
8. Reaffirms its commitment to a just peace, democracy and unity, based on the free will of the people of the Sudan, and to resolving the present conflict by peaceful means through a just and lasting settlement. To this end the NDA endorses the IGADD Declaration of Principles (DOP) as a viable basis for such a just and lasting settlement.
9. Reiterates that true peace in the Sudan cannot be viewed within the framework of the problem of the South but rather from the standpoint that our problem is of a national origin.
10. Affirms that our national problems cannot be solved except through clear, serious and continuous dialogue among all Sudanese national groups.
11. Asserts that the nature and history of the Sudanese conflict has proved that permanent peace and stability in the country can not be achieved through a military solution.

II. The constituent members of the NDA shall adopt a common stand on the options to be presented in the referendum in the South, which options shall be a) unity (confederation/federation) and b) independent statehood.

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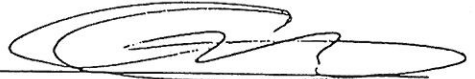
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III. The NDA affirms that the Central Authority shall within the interim period devise and implement the necessary confidence-building measures and the appropriate restructuring of the State and socio-economic institutions and processes, so that the exercise of the right of self-determination could have the best chances of upholding the unity option.

Signed :

1. Democratic Unionist Party

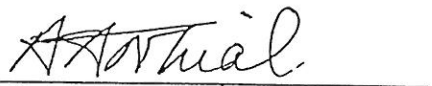
2. Umma Party



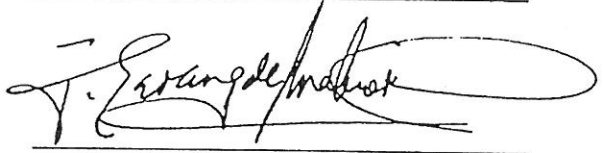
3. Sudan Communist Party



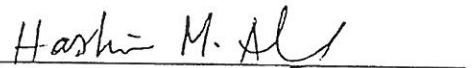
4. Union of Sudan African Parties



5. Sudan People's Liberation Movement &
Sudan People's Liberation Army



6. Trades Unions



7. Legitimate Command

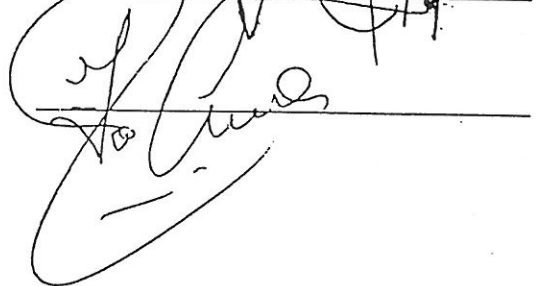


8. Beja Congress

9. Sudanese Alliance Forces



10. Independent National Personalities



NATIONAL DEMOCRATIC ALLIANCE CONFERENCE ON FUNDAMENTAL ISSUES

RESOLUTION ON THE SYSTEM OF RULE

Whereas the Sudan has been in a state of war against itself for four decades, and
Whereas this unremitting war is a result of historical injustices with political, economic, social, cultural, religious and administrative dimensions; and
Whereas the continuation of war throughout this period has created a great mistrust among compatriots; and
Whereas the hegemony of the Centre (Khartoum) on most regions in the Sudan has led to the perpetuation of underdevelopment in, and marginalization of, those regions; and
Whereas the National Democratic Alliance, representing the Sudanese people in the South, North, East and West is determined to remove all historical injustices and eliminate all causes of war in order to create conditions conducive to the birth of a new Sudan united through the free will of its people and in which every citizen shall enjoy peace, security and happiness; and
Whereas the creation of those conditions requires the adoption of all political and administrative measures necessary to restore confidence,

Decided:

1. The Sudan shall be ruled in the interim period as a decentralized state. The powers and competence of the central authority and decentralized entities shall be provided for in the constitution.
2. Immediate attention should be given, in view of the nature of the interim period, to the definition of those powers, leaving the appellation of the entities to a later date.
3. The NDA shall give due consideration, in promulgating decentralization laws, to the role of local government and native administration within the new set-up.

The bottom of the document features several handwritten signatures and initials. From left to right, there is a signature that appears to be 'J. J.', followed by 'HAA', 'HAA', 'HAA', 'HAA', 'HAA', and 'FAA'. There are also some larger, more stylized signatures, including one that looks like 'HAA' with a long horizontal line underneath it.

4. Due regard should be given in the regional administrative divisions to:-
 - a) the wishes of the people in accordance with democratic processes,
 - b) keeping in mind that the division of power between the Centre and the Entities at this critical point of our history is meant to end historical injustices that have led to war and marginalization, restore confidence and consolidate peace, stability and a unity based on people's free will.
5. In view of the difficult economic conditions of the country administrative costs of decentralization should be reduced to the minimum necessary.

Powers of Entities in Northern Sudan

The legislative and executive organs of Northern Regional Entities shall have competence over:

1. Economic planning in alignment with national development plans
2. Finance including the levying and collection of taxes (according to an agreed upon schedule)
3. Telecommunication (within the Entity)
4. Town planning and construction of feeder roads
5. Police, prisons, fire brigade and game wardens
6. Promotion of local culture and arts
7. Health services
8. Education up to higher secondary level
9. Industry, intra-Entity commerce and supply
10. Agriculture, forests, pastures and plant protection
11. Animal wealth and fisheries
12. Sustainable land use and development
13. Water use with due regard to national water policies and international obligations
14. Intra-Entity river, land and air transport
15. Radio, television and print media within the Entity

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Powers of Central Authority (CA) Vis-a-vis Northern Entities(NE)

1. National defence and national security
2. Foreign affairs and regional and international cooperation
3. Nationality, passports, immigration and aliens
4. Auditor General
5. Judiciary, attorney generalship and regulation of private legal practice
6. Currency and coinage
7. Regulation of interstate waterways and national electricity grid
8. Mineral resources without prejudice to the right of the host Entity to fix a reasonable percentage of the returns of the revenue accruing from the exploitation of that resource
9. Customs and foreign trade excepting of borders trade
10. Commission for National Elections
11. National Education Planning
12. National Health Planning
13. National Economic Planning
14. National census (Concurrent)
15. Railways
16. Regulation of river and air transport
17. Levying and collection of taxes (according to the established schedule)
18. Posts and telecommunication
19. Weights and measures
20. National statistics
21. National Radio and Television and regulation of technical matters pertaining to radio and television stations in the Entities
22. Higher education
23. Any other power that is not specifically allocated to the Entity

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Concurrent Powers(CA & NA)

1. Environment protection
2. Water use
3. Economic development planning

Institution of NE

Legislative:

Executive: made up of Governor, Executive Council and Secretariat

Competence of the Southern Entity(SE)

The legislature and executive organs of the SE shall have competence on following matters:

1. Maintenance of peace security and good governance
2. Police, prison wardens, game wardens, fire brigade
3. SPLA armed forces in accordance with the interim military and security arrangement
4. Agriculture, forestry, pastures and fisheries
5. Animal husbandry
6. Industry
7. Wildlife and tourism
8. Commission for Elections within the SE
9. Water use without prejudice to international obligations and national policies
10. Administration of justice including the establishment, maintenance and organization of courts and attorney generalship
11. Exploration, developments and management of non-renewable natural resources subject to arrangements with the CA over taxation, revenue sharing and development needs of disadvantaged regions
12. Radio and TV and print media
13. Art and culture
14. Education up to senior secondary school level
15. Levying and collection of taxes according to agreed upon schedule

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Institutions of SE

1. Legislature
2. Executive: made up of President, Cabinet and Secretariat
3. Judiciary up to the supreme court of the Entity

Competence of CA vis-a-vis Southern Entity

1. National defence subject to interim security arrangements
2. Foreign affairs as qualified by the special powers given to the SE in relation to mobilization of resources for reconstruction and rehabilitation
3. (CA) judiciary
4. Currency and coinage
5. Foreign trade subject to qualifications regarding trade with neighbouring countries
6. Coordination of national economic policy
7. Coordination of national health policy
8. Railways
9. National electricity grid
10. Levying and collection of taxes (according to schedule)
11. Posts and telecommunication
12. Weights and measures
13. Supervision of national Radio and regulation of national TV and Print media
14. Regulation of radio and television stations within the Entities
15. Civil Aviation and ports

Subject to 3 requirements

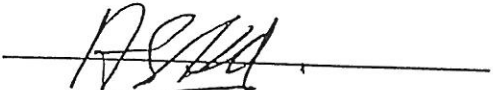
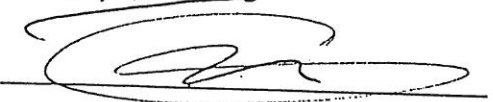
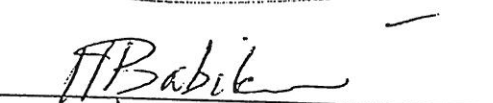
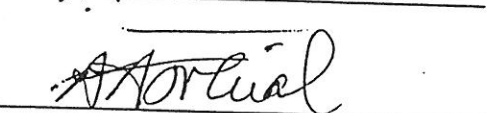
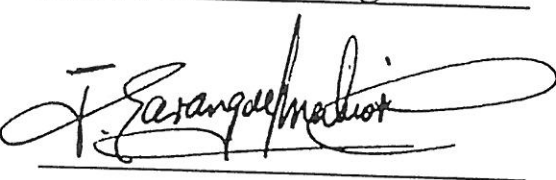
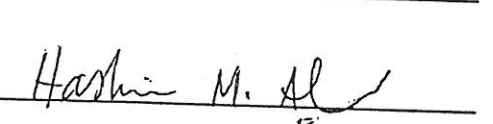
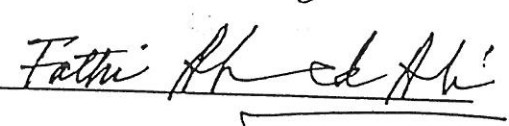
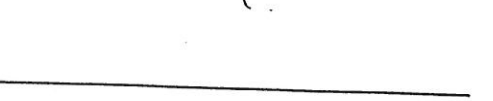


1. Institutions which exercise competence over these powers should be restructured in terms of personnel, orientation and functions so as to effectively reflect the decentralized and pluralistic character of the Sudan

2. Decentralization of those institutions dealing with naturalization, immigration, passports and visas so that they are reasonably accessible to citizens all over the Sudan.
3. Decentralization and deconcentration of development and financial institutions and services.

Interim Period

The interim period shall be four years starting from the day of the official inauguration of the interim government.

Signed :

1. Democratic Unionist Party 
2. Umma Party 
3. Sudan Communist Party 
4. Union of Sudan African Parties 
5. Sudan People's Liberation Movement & Sudan People's Liberation Army 
6. Trades Unions 
7. Legitimate Command 
8. Beja Congress 
9. Sudanese Alliance Forces 
10. Independent National Personalities 

**NATIONAL DEMOCRATIC ALLIANCE
CONFERENCE ON FUNDAMENTAL ISSUES**


Date : 23 June, 1995


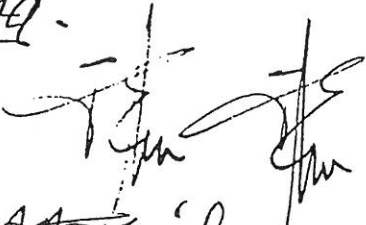
Explanatory Note




The undersigned hereby agree that the Resolutions of the National Democratic Alliance conference on Fundamental Issues (Asmara, 15-23, June 1995), are valid, for reasons of interpretation, in both English and Arabic.


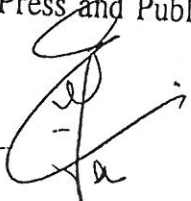
The Resolutions are :

1. Ending of the Civil War and Establishment of Peace in the Sudan
 - a) Right of self-determination
 - b) Relationship between religion and politics
 - c) System of rule during the interim period
2. Programmes and modalities for the intensification of struggle to overthrow the NIF regime.
3. Arrangements and tasks of the interim period.
4. Foundational bases for the future Sudan.
 - a) Economic Action Plan for the interim period
 - b) Plan on foreign policy and regional and international cooperation
 - c) Measures to eradicate the vestiges of the NIF regime
 - d) Laws governing political parties
 - e) Trades Unions code of ethics
 - f) Press and Publications law



5. Humanitarian issues.
6. Structuring of the National Democratic Alliance.

Signed :

1. Democratic Unionist Party

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2. Umma Party

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3. Sudan Communist Party

I. Babiker

4. Union of Sudan African Parties

Atthial

5. Sudan People's Liberation Movement & Sudan People's Liberation Army

J. Garang de Mabruk
J. Garang de Mabruk

6. Trades Unions

Hashim M. Ali

7. Legitimate Command

Fathi Ahmed Ali

8. Beja Congress

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9. Sudanese Alliance Forces

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10. Independent National Personalities

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8

THE SUDAN PEACE AGREEMENT

We the parties to the conflict in the Sudan;

Deeply committed to an immediate end to the current armed conflict through peaceful and political means;

Aware that the attainment of a just and lasting peace requires courage, statesmanship, political daring and challenging vision from the parties;

Aware that only a sustainable peace based on justice, equality, democracy, and freedom can lead to a meaningful development and progress which would assist in the solution of the fundamental problems of the people of the Sudan;

Fully cognizant of the fact that the unity of the Sudan cannot be based on force or coercion, but on the free will of the people;

Hereby agree to make and abide by this agreement.

CHAPTER ONE A. DEFINITIONS

In this agreement unless the context otherwise requires the following words shall have the same meanings assigned to it.

"Southern States" means the ten Southern States arising from the former provinces of Bahir el Gazal, Equatoria and Upper Nile with their boundaries as stood on 1st. January 1956.

"Interim Period" means the transitional period having the defined functions to this agreement, the end of which shall be the announcement of ~~the referendum~~ in the south.

"Constitution" means the constitution of the Sudan including such parts or articles of the agreement as shall be designated to be part thereof.

"Agreement" is this peace agreement signed on April, 21st, 1997 between the Sudan Government on the one hand and the UDSF, SPLM, SSIG and EDF on the other.

"President of the Coordinating Council" refers to the person appointed by the President of the Republic of the Sudan to preside over the Coordinating Council.

Custom in the States of South Sudan means the African Custom.

B. GENERAL PRINCIPLES.

1. The general principles contained in the political charter signed in Khartoum on 10th. April 1996 shall be part of this agreement and shall guide and explain its provisions.
2. During a four-year interim period South Sudan shall enjoy a special status as defined in this peace agreement.
3. The interim arrangements shall be preceded by a declaration of permanent cease-fire and general amnesty proclamation.
4. The people of South Sudan shall exercise the right of self-determination through a referendum.
5. The problem of Abyei has been discussed and a final solution is referred to a conference on Abyei that will be convened in the area within the interim period.

CHAPTER TWO

I. AGREEMENT

a. Parties to the Agreement

1. The Government of Sudan;
2. The South Sudan United Democratic Salvation Front (UDSF) comprising of :-
 - a) The South Sudan Independence Movement (SSIM);
 - b) The Union of Sudan African Parties (U.S.A.P); and

3. The Sudan People's Liberation Movement (SPLM);
4. The Equatoria Defence Force (EDF); and
5. The South Sudan Independents Group (SSIG).

All represented by the signatories thereunder.

b. Commencement of Agreement

1. This agreement shall come into force as from the date of signature by the President of the Republic.
2. This Agreement shall be endorsed by the National Assembly and considered as an organic law which has the effect of a constitutional decree.

CHAPTER THREE

POLITICAL ISSUES

2. Constitutional and Legal Matters

1. Religion and the State

1. Sudan is a multi-racial, multi-ethnic, multi-cultural and multi-religious society. Islam is the religion of the majority of the population and Christianity and the African creeds are followed by a considerable number of citizens. Nevertheless the basis of rights and duties in the Sudan shall be citizenship, and all Sudanese shall equally share in all aspects of life and political responsibilities on the basis of citizenship.
2. Freedom of religion, belief and worship shall be guaranteed.
3. A suitable atmosphere shall be maintained for practicing, worship, dawa, proselytization and preaching.
4. No citizen shall be coerced to embrace any faith or religion.
5. There shall be no legislation which would adversely affect the religious rights of any citizen.

6. a) Sharia and Custom shall be the sources of legislation.
- b) On the issue of Sharia, the parties agreed on a formula under which Laws of a general nature that are based on general principles common to the States shall apply at the National level, provided that the States shall have the right to enact any complementary legislation to Federal legislation on matters that are peculiar to them. This power shall be exercised in addition to the powers the States exercise on matters designated as falling within their jurisdiction, including the development of customary law.

B. The Constitutional Guarantees

1. The Supreme Court is the custodian of the Constitution and is thus entrusted with the protection and interpretation of the Constitution.
2. The Constitution shall enshrine the following principles:-
 - a) There shall be no punishment except as provided for by the law.
 - b) Every person is presumed innocent until the contrary is proved.
 - c) Litigation before courts is a right guaranteed for every person.
 - d) The Constitution shall guarantee the equality of all citizens before law without any discrimination; no immunity shall be without law.
 - e) The Constitution shall guarantee the application of the Rule of Law.
3. The bill of rights and freedoms shall be enshrined in the Constitution.
4. Any law or decision that contravenes the Constitution may be challenged in court by any aggrieved person.
5. All personal matters such as marriage, divorce, parentage and inheritance shall be governed by the religion and custom of those involved.

C. Fundamental Rights and Freedoms

Under the concept of the rule of law the following basic human rights and fundamental freedoms shall be guaranteed:

1. The right to life and inviolability of the human person.

2. The right to equal treatment irrespective of gender, race, colour, religion or origin.
3. The right to family life and privacy.
4. The right to freedom of thought and conscience.
5. The right to property.
6. Freedom of expression.
7. Freedom of movement.
8. Freedom of the press.
9. Freedom of association and assembly shall be regulated by the law.
10. Immunity from arbitrary arrest, detention and torture.
11. Freedom of religious worship, preaching, dawa, proselytization and religious propagation.
12. Freedom of expression and development of cultures and languages.
13. All other basic rights and freedoms that are recognised by and guaranteed under the International Conventions and Protocols ratified by the Government of the Sudan.

D. The Judiciary

1. The Judiciary in the Sudan shall be independent and decentralised.
2. Every State shall have judicial organ which is composed of a Court of Appeal, Province Courts, District Courts and Local Courts. Appeals from the Court of Appeal shall be submitted to the Supreme Court.
4. Administration of justice in the State shall be vested in the State Judicial Organ.
5. Judges at all levels shall be appointed by the President of the Republic on the recommendation of the High Judicial Council.
6. Matters related to qualification, emoluments, privileges, promotions, training, retirements, etc. shall be regulated by law.

E. Democracy

1. Participatory democracy shall be realised through congresses and national convention or conference.
2. In promotion of participatory democracy the congresses and national convention shall be organised:-
 - a) to accommodate forums for all citizens.
 - b) to discourage all forms of intolerance and totalitarianism.
3. The parties to this Agreement shall be guaranteed full participation in the political and constitutional processes in Sudan.

3. POWER SHARING

a. THE FEDERAL POWERS

The following powers shall be exercised by the Federal institutions:-

1. Foreign Affairs.
2. Armed Forces and Defense Affairs.
3. Maritime Shipping and Navigation.
4. Currency, Coinage and Bills of Exchange.
5. Federal Budget and Federal Planning.
6. External Communications, External and Inter-State Postal and Telecommunication services, Civil Aviation and the operation and maintenance of International Airports.
7. Judiciary
8. Federal Rail Ways and Inter-State Highways.
9. Weights, measures and determination of time.
10. National Census.
11. Fishing and Fisheries in and beyond territorial waters.
12. Mining.
13. Inter-State Waterways.
14. Federal Election Commission.
15. Customs.
16. External Trade.
17. International Boundaries and Inter-State Boundary Disputes.
18. Meteorological Services.
19. National Security.
20. Federal Legislation:
 - i) on matters within Federal Powers.
 - ii) on matters common to the States
21. Audit General.
22. Education Planning.
23. Attorney General and Advocacy
24. National Electricity Network.
25. Federal Taxation.
26. Passports, Immigration, Nationality and Aliens Affairs.
27. Epidemic Control.
28. Emergency Jurisdiction.

b. STATE POWERS

1. State Security, Public order and good governance.
2. Wildlife, Tourism, Hotels, Inn,...etc.
3. Land use and conservation without prejudice to the Federal Policies.
4. Local Government.
5. State Taxes.
6. Agriculture, Forestry and Fisheries including the establishment of Training Institutions in these fields.
7. Promotion of Languages, Cultures, Folklore, Arts, etc.
8. State Radio, TV, Newspapers and Printing Press.
9. Quarrying
10. Roads, Water Supply, Hydro-Electric Power.
11. Irrigation and embankment, pastures and their development.
12. Animal Health, Animal Husbandry and Animal Wealth.
13. Libraries and Museums
14. Industrial and commercial development.
15. Missionaries activities, Charities and Endowments.
16. Specialised Hospitals and Clinics.
17. Establishment of Banks in accordance with the Central Bank Policies.
18. State Public Audit.
19. State Electricity Network.
20. State Attorney General.
21. State Legislation.
 - a) In matters within State Powers.
 - b) Complementary to Federal laws in matters peculiar to the State.
22. State Economic development and Planning in accordance with Federal Planning.
23. Recruitment of Specialised technical expertise in various fields of development.
24. Health care and Establishment of all types of medical institutions for treatment and training of qualified medical personnel.
25. Registration of Birth and Death, and Marriages.
26. Statistics.
27. Scientific Research and Development.
28. Administration of Meteorological Services.
29. Education Management, Planning and Training up to the University level within the framework of the National Planning.

c. RESIDUAL POWERS

1. The State shall exercise the residual powers without prejudice to the powers allocated to the Federal authorities.
2. The Federal authorities shall exercise the residual powers without infringing on powers allocated to the States.
3. In case of dispute over the residual powers between the State and Federal authority, the dispute shall be referred to the Federal (Supreme) Court.

4. WEALTH SHARING

1. The Federal Government shall lay down a comprehensive economic and social plan to develop the country in general and to bridge the gap between the various States in particular, so that within a definite period, a parity in provision of basic needs such as security, employment, water, food, education, health and housing could be reached.
2. In order to consolidate the economic policies:-
 - a) The economy in the Sudan shall be based on free market forces.
 - b) The Federal Bank of the Sudan shall be responsible for regulating internal and external value of the Sudanese currency.
 - c) There shall be an independent Stock Exchange Bureau for selling and floating shares, bonds and premiums of companies and currency regulation to enhance free market economy.
 - d) There shall be established development projects to promote and maintain peace and stability among the people of the Sudan.
3. Major Federal development projects and big mining and oil projects shall be considered as national wealth and be managed on national basis provided that :-
 - a) The Federal Government shall observe to allocate an equitable percentage of the Returns to be fixed by the Revenue Allocation Commission to the State where the project is located (see annex 3).
 - b) Ensure participation of the States in the management of such projects.

- c) Ensure recruitment and training of citizens of the State in order to participate in such projects.
 - d) Any other fringe benefits.
4. Revenue Allocation Commission shall be established to recommend revenue sharing formula for the whole country. The Coordinating Council shall be represented.
5. The Federal Government shall observe the following for the purpose of distribution of national revenue among the States and for site selection of major development projects:-
 - a) Giving priority to the less developed States according to their state of underdevelopment.
 - b) Economic feasibility of projects and their efficient functioning.
 - c) Effect of the project in the realisation of self-sufficiency in the basic needs of the country.
 - d) A balance relationship between development and density of population and environment.
 - e) Establishment of special fund to take care of crash development programmes and maintenance of peace.
6. In the field of rehabilitation of the war affected areas, the following shall be observed:-
 - a) The Federal Government and the Coordinating Council shall work to attract loans and aid from the sisterly and friendly countries and international benevolent organisations to rehabilitate the economic projects which ceased to function or were damaged because of the war. It shall also work for the reconstruction of the war affected areas and resettlement of returnees and displaced persons.
 - b) The Federal Government and the Coordinating Council shall launch a plan and joint international appeal for the reconstruction, rehabilitation, repatriation and development of the Southern States and other war affected areas.
 - c) The Coordinating Council shall also establish a relief, resettlement, rehabilitation and reconstruction commission to manage and administer the resources acquired for the above purposes.
7. The sources of revenue of the Southern States shall consist of the following:-
 - a) State taxes and generated revenue.
 - b) Fees, excise duties and licenses.
 - c) Revenue from commercial, industrial and agricultural projects based in the Southern States.

- d) Funds from the Federal treasury for established services in the States until such a time when they become self-reliant.
 - e) Any development assistance and donations from foreign sources.
 - f) Revenue allocation from the Federal Government for socio-economic development.
 - g) State share of Federal taxes levied on Federal projects and services functioning within the Southern States.
 - h) Business profit taxes.
 - i) Corporate taxes on factories and agricultural enterprises in the State, other than Federal ones, established in Southern States.
 - j) Property taxes.
 - k) The share of fees on licenses for mineral and oil explorations (see annex 3).
 - l) Profits accruing from the Customs, Airports Services, Roads, Postal and Telecommunication Services and River Transport in Southern States shall be allocated to the Rehabilitation, Reconstruction, Repatriation Commission.
8. The State Government shall prepare a budget to meet the expenditure on services, administration and development of the State to be submitted to the State Legislative Organ for approval.
 9. No project adversely affecting the people, ecology and natural environment of State may be implemented without consulting the State Concerned.
 10. The Federal Government and the Coordinating Council shall encourage and promote foreign investment and procurement of development assistance for the Southern States and shall encourage establishment of branches of public sector institutions, development corporations and specialised banks.
 11. The Coordinating Council shall prepare a development budget for the Southern States and to submit the same to the President.

5. PARTICIPATION OF THE SOUTHERN CITIZENS IN THE FEDERAL INSTITUTIONS

1. Mindful of the present participation of the Southerners in the Federal Institutions, this Agreement is putting forward further balanced representation in the Federal institutions.
2. The participation shall be based on values of efficiency, qualification, honesty, justice, responsibility and equality between all the citizens without discrimination.

3. The Southern citizens shall participate in all Federal, political and constitutional institutions in numbers commensurate to the demands of the interim period taking into consideration population size and provided that the criteria for eligibility are met.
4. The Southern citizens shall have the right to participate in the Federal Institutions as follows:-
 - a) The Presidency.
 - b) The Federal Council of Ministers.
 - c) The National Legislative Assembly.
 - d) The Federal Defense and Security Council.
 - e) The Supreme Court.
 - f) The Federal Planning Institutions.
 - g) The National Elections Commission.
 - h) Foreign Affairs.
 - i) The Federal Career Selection Commission.
 - j) Federal Universities and Research Institutions.
 - k) The Armed Forces
 - l) Any other Federal Institutions.
5. The Federal Career Selection Commission (FCSC) shall have an office at the seat of the Coordinating Council.

CHAPTER FOUR

6. THE INTERIM PERIOD

- i) The length of the interim period shall be four years. However, it may be shortened or extended if need arises by recommendation from the Coordinating Council to the President of the Republic.
- ii) The interim period shall commence as from the date of the formation of the Coordinating Council and shall end as soon as the referendum is accomplished and the results are declared.
- iii) The Coordinating Council shall carry out the following activities during the interim period:
 1. To assist repatriate, resettle and rehabilitate the displaced and the returnees.
 2. To reconstruct the war devastated areas.
 3. To remove effects of war by clearing mine fields, opening up roads and water ways.
 4. To promote reconciliation, peace and confidence building amongst the Sudanese citizens.

5. To draw development plans for the Southern States and solicit funds from national regional and international bodies and institutions for implementation of the peace agreement.
6. To draw a political mobilisation plan to strengthen peace and unity in different parts of the country.
7. To strengthen the Federal rule in the Southern States.
8. To reassemble and train manpower in order to re-establish the public service in the Southern States.
9. To strengthen the capacity building of the people in the Southern States to become self-reliant. In this regard plans shall be drawn to receive support for educational, health, food security and social services institutions.
10. To educate and mobilise the people of Southern States on the process of referendum.
11. To provide adequate security in the Southern States in order to create conducive atmosphere for the referendum.
12. To participate in conducting census in the Southern States.
13. To assist register voters for the referendum.

CHAPTER FIVE

7. THE COORDINATING COUNCIL OF THE SOUTHERN STATES

1. DEFINITION

- a) In accordance with this Peace Agreement, there shall be established a Coordinating Council in Southern States during the interim period. The Coordinating Council shall be responsible for coordination, supervision, socio-economic planning, confidence building, peace nurturing, policy-making as well as political mobilisation.
- b) The President of the Coordinating Council shall be accountable to the President of the Republic.
- c) The President of the Republic in consultation with parties signatory to this Agreement shall appoint the President of the Coordinating Council.
- d) The President of the Coordinating Council in consultation with Southern political forces shall recommend his cabinet including the Governors (Walis) to the President of the Republic for appointment.

- e) The Ministers in the Coordinating Council shall enjoy status of Federal Ministers.
- f) The Governors of the Southern States in consultation with the political forces in their respective States shall recommend appointment of members of their governments including commissioners to the President of the Coordinating Council who shall pass the same to the President of the Republic.
- g) Until the atmosphere is conducive for elections of State Assemblies to take place, the President of the Coordinating Council in consultation with the political forces shall recommend to the President of the Republic new members of legislative assemblies in the Southern States for appointment.
- h) The Coordinating Council shall act as a link between the Federal Government and the Southern States.
- i) The Coordinating Council has the right to choose its seat.

2. FUNCTIONS OF THE COORDINATING COUNCIL

The Coordinating Council shall have the following functions:-

1. General Supervision of the implementation of this peace agreement as well as all peace matters.
2. Voluntary repatriation of the returnees, and the displaced, rehabilitation and reconstruction of war affected areas in the Southern States.
3. Ensuring confidence building measures among the Sudanese citizens.
4. To embark on mobilisation of the people therein for the referendum.
5. Legislative Functions:-
 - a. The Coordinating Council shall establish an Advisory Council for perfection of the legislative process.
 - b. The Coordinating Council shall coordinate legislation with the Southern States Legislative Assemblies in matters common to these States.
 - c. The Coordinating Council may request adjournment of any legislation tabled in the National Assembly if deemed to adversely affect the interests of the Southern States until such a time the Coordinating Council presents its opinion.
6. Encourage establishment and supervision of foreign consulates, UN agencies and NGOs in South Sudan in coordination with the Federal Government in coordination with the Federal organs concerned.

3. POWERS OF THE COORDINATING COUNCIL

The Coordinating Council shall exercise the following powers:

DEVOLVED POWERS

- d) Education Planning up to University in accordance with National policies.
- e) Planning and supervision of Southern States security, public order and good governance.
- f) Economic development and planning in accordance with National policies.
- g) Planning and programming for electricity network and other public utilities in the Southern States.
- h) Organisation of scientific research, technological, industrial and commercial development.
- I) To conduct International agreements on culture, trade, including border trade, and technical co-operation, the procurement of foreign capital investment and development assistance from governmental and non-governmental organisations (NGOs) in coordination with the Federal organs concerned.

CONCURRENT POWERS

4. The Coordinating Council shall exercise the following powers concurrent with the Federal organs:
- a) Planning for survey and land disposition.
 - b) Planning and supervision of the Public Service in the Southern States.
 - c) Organisation of States Elections and Census.
 - d) Drawing of environmental conservation policies.
 - e) Cultural planning and regulation, supervision of Radio, TV, newspapers and printing press.
 - f) Supervision of trade union disputes.
 - g) Audit within the Audit General.
 - h) Establishment of Banks.
 - i) Air, Land and River Transport, Postal Services and Telecommunication.
 - j) Copy Rights, Patents and Publishers Rights.

5. In addition to the above devolved and concurrent powers, the President of the Republic and any Federal Ministry or Federal Organ may delegate powers to the Coordinating Council for policy, planning and general supervision in Southern States.

6. The Coordinating Council shall receive regular reports from the Governments and other Institutions of the Southern States and shall report the same to the President of the Republic.

7. The Coordinating Council shall take over the responsibilities and functions of the Supreme Council for Peace and its organs.

COMPOSITION OF THE COORDINATING COUNCIL

8. The Coordinating Council membership shall be as follows:-

1. The President of the Coordinating Council.
2. The Vice President of the Coordinating Council and Minister of Local Government Affairs and Public Security.
3. Minister for Cabinet Affairs.
4. Minister for Economic Planning and Financial Affairs.
5. ~~Minister for Education and Instruction Affairs.~~
6. Minister for Legal Affairs.
7. Minister for Public Service and Labour.
8. Minister for Information, Culture and Social Affairs.
9. Minister for Agriculture and Natural Resources.
10. Minister for Health Affairs.
11. Minister for Peace and Political Mobilisation.
12. Minister for Wildlife Conservation, Tourism and Environmental Control.
13. Minister for Engineering Affairs and Public Utilities.
14. Minister for Humanitarian Affairs and Rehabilitation.
15. Minister for Commerce, Supplies and Industry.

9. Besides the members mentioned above the Governors (Walis) of the Southern States shall be members in the Coordinating Council by virtue of their post.

10. There shall be established in Southern States a Relief, Rehabilitation, Resettlement, Repatriation Commission (SSRRRRC) which shall be supervised by the Minister for Humanitarian Affairs.

11. The Coordinating Council shall prepare its annual budget to be submitted to the President of the Republic.

12. The Coordinating Council shall issue regulations to direct its activities and specify the functions, duties and roles of its various departments.

13. The President of the Coordinating Council shall recommend to the President of the Republic relief from office, acceptance or rejection of resignation of any member of the Coordinating Council including the Governors.

14. The State Governors shall recommend to the President of the Coordinating Council relief from office, acceptance or rejection of resignation of any member of the State governments including commissioners. The President of the Coordinating Council shall pass the same to the President of the Republic for approval.

CHAPTER SIX

8. SECURITY ARRANGEMENTS DURING THE INTERIM PERIOD

- i) The South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.
- ii) Police, Prisons, Wild Life, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan.
- iii) The size of the Sudanese Armed Forces in South Sudan shall be reduced to peace time level once peace is established.
- iv) A Joint Technical Military Committee of equal numbers shall be constituted from the Sudanese Armed Forces on one hand and the SSDF on the other for the purpose of supervision and implementation of the security arrangements in this agreement (see Annex 1).
- v) The Joint Technical Military Committee shall oversee and supervise the activities of the Cease-fire Commission and the peace keeping observers.
- vi) The Joint Technical Military Committee shall coordinate with the Army General HQs provision of supplies, training, armament, emoluments and other facilities for the SSDF.
- vii) A Joint Military Cease-Fire Commission shall be established to monitor cease-fire violations and the disengagement of troops in Southern States (annex 1).
- viii) The Movement of the armed parties shall be coordinated and controlled by the Joint Technical Military Committee, and its subcommittees (annex 1).

- ix) In accordance with this agreement the President of the Republic of the Sudan shall declare general amnesty to members of SSDF from any criminal or civil culpability relating to acts committed during the period of the war with effect from the date of signing this Peace Agreement (see Annex 2).
- x) There shall be established a Joint Amnesty Commission to follow up the implementation of the General Amnesty Proclamation (see Annex 2).
- xi) There shall be established a Joint Amnesty Tribunal to receive, examine and determine cases which are covered by this Amnesty Proclamation (see Annex 2).
- xii) War wounded, widows, orphans and other war victims shall be rehabilitated with assistance from the national, regional and international humanitarian agencies.
- xiii) The annexes are considered as guidelines with a degree of flexibility to the said committees/commissions.

CHAPTER SEVEN

10. REFERENDUM

1. By this Agreement the right of the people of Southern Sudan to determine their political aspirations and to pursue their economic, social and cultural development is hereby affirmed.
2. The people of Southern Sudan shall exercise this right in a referendum before the end of the interim period.
3. Options in the referendum shall be:-
 - a) Unity.
 - b) Secession.
4. Referendum shall be free, fair and be conducted by a Special Referendum Commission (SRC) to be formed by a Presidential decree in consultation with the Coordinating Council.
5. Eligible voters for the referendum shall be Southern Sudanese people who attained the age of eighteen years and above residing inside and outside of South Sudan.
6. The vote shall be by secret ballot.
7. To ensure free and fair conduct of the referendum, the SRC shall invite observers as follows:-
 - a) OAU, Arab League, UN, Religious bodies, IGAD, National and Foreign NGOs and any other countries.

- b) National and international media and journalist.
- 8. The parties agree to respect, abide by and implement in good faith the result of the referendum.

CHAPTER EIGHT

11. FINAL PROVISIONS

1. LANGUAGE

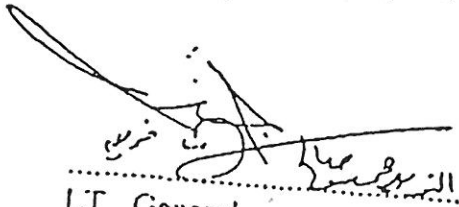
Arabic is the official language of the Sudan, English is the second language in the Sudan. The government shall endeavour to develop other languages.

2. Amendment of Agreement

- a) No amendment bill on this Agreement shall be presented to the National Assembly without consulting the Coordinating Council.
- b) For amendment on this Agreement the Coordinating Council may present its petition to the President of the Republic provided that such a bill is passed in the Coordinating Council by two thirds majority.

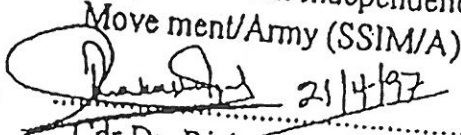
Signed

For The Sudan Government



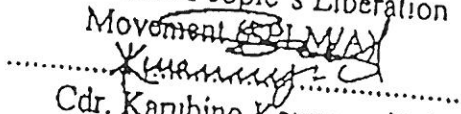
LT. General
EL Zuber Mohammed Salch
Vice President

For United Democratic
Salvation Front (UDSF)
and South Sudan Independence
Movement/Army (SSIM/A)

 21/4/97

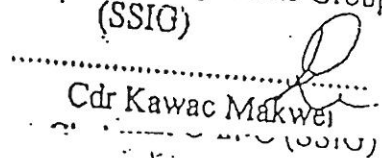
Cdr Dr. Riek Macher Teny D.
Chairman & C-in-C (SSIM/A)

For Sudan People's Liberation
Movement (SPLM/A)



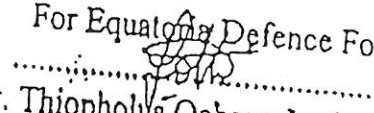
Cdr. Karubino Kawanyin Bol
Chairman C-in-C (SPLM/A)

For South Sudan Independents Group
(SSIG)



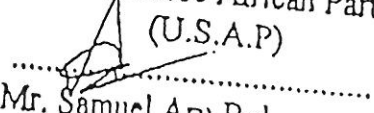
Cdr Kawac Makwei
(SSIG)

For Equatoria Defence Force (EDF)



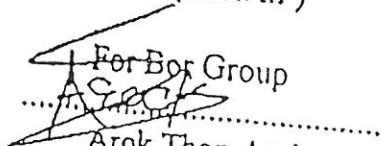
Dr. Thiopholus Ochang Loli
Chairman C-in-C (EDF)

For Union of Sudanese African Parties
(U.S.A.P)



Mr. Samuel Aru Bol
Chairman (U.S.A.P)

For Bor Group



Arok Thon Arok
Chairman

ANNEX 1

AGREEMENT ON THE CESSATION OF HOSTILITIES AND CEASE-FIRE BETWEEN SOUTH SUDAN DEFENCE FORCE (SSDF) AND THE GOVERNMENT OF THE SUDAN ARMED FORCES

In pursuance of the Political Charter of 10th. April, 1996, the following Agreement for the total cessation of hostilities and permanent cease-fire is hereby concluded and declared.

1. Definition

In this agreement the following words shall have the meanings hereinafter assigned to them.

a. The "Parties" - means the parties to the cease-fire agreement that are the Government of the Sudan represented by the Sudanese Armed Forces on one hand and the United Democratic Salvation Front (UDSF), SPLM, SSIG and EDF represented by SSDF on the other.

b. The "Joint Technical Military Committee" - means the Joint Technical Military Committee constituted from officers of Sudanese Armed Forces and SSDF under Article 3 below.

c. "Joint Cease-fire Commission" means Joint Cease-fire Commission, established under Article 4 below from officers of the Sudanese Armed Forces and SSDF.

2. Cessation of Hostilities and Cease-Fire

a) There shall be total cessation of all forms of hostilities and a permanent Cease-Fire in all areas of conflict effective as from ---- Hours, -----, 1997;

b) The parties shall promote peace through mass media, public rallies, conferences, seminars, etc.;

c) The parties shall refrain from any propaganda or information policy that is inconsistent with the process of peace;

3. Joint Technical Military Committee

a) The parties shall constitute a Joint Technical Military Committee from capable officers of the parties as follows:-

i) Five (5) officers from each side;

ii) Other support staff;

iii) Headquarters.

iv) The Chairmanship shall alternate for three months period; and

b) The HQ of the Joint Technical Military Committee shall be in Khartoum at the General Military Headquarters.

- c) Duties of the Joint Technical Military Committee
 - i) To supervise the work of the Joint Cease-Fire Commission;
 - ii) To deal with any administrative matters connected with implementation of the Cease-Fire; and
 - iii) Implementation of the security arrangements.
- d) Decisions of the Joint Technical Military Committee shall be taken unanimously and in case of disagreement such matters shall be referred to the leadership of the parties.

4. The Joint Cease-Fire Commission

a) Composition

It shall be constituted by the parties as follows:-

- i) Ten officers from each side;
- ii) The Chairmanship shall alternate for three months period.

The HQ of the Joint Cease-Fire Commission shall be at the headquarters of the Coordinating Council and shall have local branches at each State, Province and Local council levels in the areas affected by the conflict.

5. Duties of the Joint Cease-Fire Commission

- a) To ensure that the Cease-Fire is enforced and consolidated;
- b) To constantly observe and report any breaches of the Cease-Fire;
- c) To investigate alleged violations of the Cease-Fire and to take appropriate measures;
- d) To send regular reports to the Joint Technical Military Committee on the general military and security situation;
- e) To supervise local Cease-Fire committees at State, Province and Local Council levels.

6. Local Cease-Fire Commissions

- a) There shall be established local Cease-Fire Committees at the State, Province or Local Council levels in areas where SSDF and Sudanese Armed Forces are in close contact. The Committee shall consist of seven (7) members and shall be formed by the Joint Cease-Fire Commission, and its members may be drawn from Military personnel, civil administrators, chiefs and community leaders.

7. Acts that are prohibited

As of that date in which the Cease-Fire and the cessation of hostilities come into effect the forces of the parties to the agreement and any allied militia shall refrain from the following:-

- a) Hostile military operations against each other by means of forces or individuals under control;
- b) ~~Acts of terrorism, sabotage or harassment~~ against each other;
- c) Acts of violence against the civil population;
- d) Interference with free movement of the civil population and services or looting of their property; and
- e) Any hostile conduct which is inconsistent with the spirit of peace and stability.

8. Free Movement of Forces

- a) Subject to the prior notification of the Joint Cease-Fire Commission, forces of the parties shall enjoy freedom of movement in areas controlled by each side whether as military units or as individuals for any of the following purposes:-
 - i) To carry out troops rotation or relief;
 - ii) To carry out liaison and coordination activities between command and units on the move;
 - iii) To deliver logistical supplies; and
 - iv) To go on leave or seek medical care or for other humanitarian reasons.
- b) After receiving notification of troops movement the Joint Cease-Fire Commission or the Local Cease-Fire Committee, as the case may be, shall acknowledge the information and shall transmit the same to the next higher authorities for information and record.
- c) Individual members of SSDF and the Sudanese Armed Forces exercising the freedom of movement for family, humanitarian or whatever reasons, for which they have been granted permission by their military units, must carry the necessary departure orders duly signed by the commanders of their units.

- d) The Joint Cease-Fire Commission shall systematically evaluate the progress being made in ensuring compliance with the Cease-Fire agreement. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make recommendations as may be necessary to prevent a collapse of the Cease-Fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Joint Technical Military Committee and subsequently to the leadership of the parties.

ANNEX 2

GENERAL AMNESTY PROCLAMATION ORDER 1997 :

The parties agree that the President of the Republic of Sudan shall declare a general and unconditional amnesty for all offenses committed between 16th May , 1983 , through to....., 1997 in accordance with the common will of the people of the Sudan .

1. The general and unconditional amnesty shall cover the period from 16.5.1983 to , 1997 to all (SSDF) forces , to the effect that nobody shall be prosecuted or punished for acts or omissions committed during this period .
2. No action or other legal proceedings whatsoever , civil or criminal , shall be instituted against any persons in any court of law or any place for, or on account of , any act, omission or matter done inside or outside Sudan as from 16th.5,1983 to , 1997, if such act or omission or matter was committed by any member of (SSDF) .
3. Civil Actions :-
All civil suits instituted before , 1997, relating to acts committed or matters referred to in Article 2 above or as scheduled in Article 8 in this Proclamation Order are covered by this amnesty and shall be discharged and made null and void .
4. Discharge of Prisoners and Detainees :-
Persons being held in detention in respect of offenses committed in relation to the war or persons being detained or sentenced to imprisonment for political or politically-motivated crimes , and falling within the offenses mentioned in the schedule in Article 8 below shall be discharged and set free from the day of signature of this Proclamation .
5. Freedom of Movement :
There shall be freedom of movement of people , goods and services throughout the Sudan , The relevant authorities shall implement this provision accordingly .

6. Joint Amnesty Committee :
 - a. The parties shall set up an adhoc Joint Amnesty Committee to follow up implementation of the provisions of this Amnesty Proclamation, and shall compile and report about all those persons who were in prison or under detention, whether civilians or military personnel, and who should have been released in response to the terms of the amnesty, and the degree of freedom of movement of persons, goods, and services inside Southern States.
 - b. The members of the Joint Amnesty Commission shall be drawn from the parties to the conflict and members of the National Human Rights groups.
 - c. The Joint Amnesty Commission shall be composed of three from each of the parties.
7. Special Amnesty Tribunal :
 - a. The parties shall set up special tribunal with judicial powers to receive, examine and determine cases which are covered by this Amnesty Proclamation.
 - b. The tribunal shall be composed of three persons from each party :
8. Schedule of offenses covered by the Amnesty :

The under mentioned are offenses covered by the Amnesty Proclamation Order covering the period from 16.th.5.83 through,1997 .

 - a. Treason .
 - b. Mutiny .
 - c. Desertions .
 - d. Defamation .
 - e. Any other political and war-related offenses committed during the above mentioned period .

ANNEX 3
Guidance for Revenue of Location Commission

a) TABLE FOR ALLOCATING RESOURCES

| | Sources of Federal Union | Coordinating Council | State |
|---|-----------------------------|----------------------|-------|
| | % | % | % |
| 1 | Income 25 | | |
| 2 | Oil Revenue of 25 | 35 | 40 |
| | Mining of 25 | 35 | 40 |
| 3 | Metals 25 | | |
| | Customs 25 | 35 | 40 |
| 4 | Federal Taxes 60 | 15 | 25 |
| 5 | Public Corporation 25 | 35 | 40 |
| 6 | Other Sources of Revenue 25 | 35 | 40 |

b) Experience of the National fund for States ~~and any other similar Country experience~~


THE FASHODA PEACE AGREEMENT


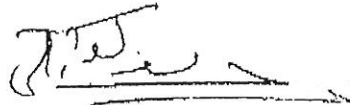
The delegations of the Sudan Government and the Sudan People's Liberation Movement (SPLM-United) met in Fashoda on 18-20 September 1997 under the mediation and chairmanship of His Majesty Bath Kwongo Dak Padiet, the Bath of the Shilluk. The opening session was addressed by His Majesty the Bath of the Shilluk, Dr. Risk Machar Tey, President of the Co-ordinating Council on behalf of the Government of the Sudan, and Dr. Lam Akol Ajawin, Chairman of the SPLM-United on behalf of the Movement. The two parties discussed the Sudan Peace Agreement of April 21, 1997. After serious and frank discussions the two parties agreed on the following amendments and additions to the said Agreement.

1. The SPLM-United shall be guaranteed full legality of status and participation in the political and constitutional processes in the Sudan during the interim period;
2. The parties to the Agreement shall have the right to freely propagate their respective options in the referendum among the people;
3. The 16th Constitutional Decree may not be amended except by (2/3) two thirds majority of the Co-ordinating Council and confirmed by a joint session of the Advisory Council and the ten Southern States Assemblies in a meeting to be held for that purpose at the head of the Co-ordinating Council;
4. The office of the President of the Co-ordinating Council shall fall vacant on:-
 - a) the end of the term of office;
 - b) death;
 - c) permanent disability or incapacitation;
 - d) resignation;
 - e) a motion of impeachment is carried by (3/4) three quarters of the Advisory Council.

Signed:

Cdr. James Gattuel Gatluk
Vice Chairman of SPLM-United.



Haza el Mek Bar
Minister of Animal
Resources, Sudan Govt.



2. Cdr. Akwoch Mayong Jago,
Secretary for Military Affairs.

2. Major General Buzra Osman
Jousif,
Upper Nile Military Cdr.

Witness



His Majesty Reth Kwongo Dak Padiet,
The Reth of the Shilluk.

Fashoda,

Upper Nile State.

20th. September 1997.



The Presidency
the 14th constitutional decree
(Implementation of the peace Agreement)1997

In the Name of God, the Compassionate, the Merciful

The 14th Constitutional Decree
(Implementation of the Peace Agreement), 1997

In implementation of the Peace Agreement, signed on 21st. April, 1997 between the Government of the Sudan and the factions signatory thereto, and in accordance with the provisions of the 13th Constitutional Decree, 1995, the President of the Republic, after the approval of the National Assembly, hereby makes the following Constitutional Decree.

Chapter I

Preliminary Provisions

Title and Commencement

1. This Constitutional Decree may be cited as "The 14th Constitutional Decree (Implementation of the Peace Agreement), 1997" and shall come into force as from the date of signature.

Interpretation

2. In this Constitutional Decree, unless the context otherwise requires:--

"Transitional Period" means the transitional period provided for in Article 15(1).

"Council" means the Southern States Co-ordinating Council, established under the provisions of Article 8(1).

"Southern States" means the ten Southern States of Bahr el Jebel, East Equatoria, Jonglei, the Lakes, North Bahr el Ghazal, the Unity, Upper Nile, West Bahr el Ghazal, West Equatoria and Warap; in accordance with the boundaries of the former three Southern Provinces namely: Bahr el Ghazal, Equatoria and Upper Nile, which existed on the 1st of January, 1956.

"The Political Forces" means the forces signatory to the Peace Agreement as well as the Political and Popular Forces.

Chapter II
Guiding Principles

- Christianity
- (1) The Sudan is a multi-racial, multi-cultural and multi-religious state. Islam is the religion of majority of the population, and and African creeds have considerable adherents.
 - (2) Freedom of religion, belief, worship rites, daawa, missionary and preaching activity are guaranteed to all, and no citizen shall be coerced to embrace any religion or creed.
 - (3) No legislation which infringes fundamental freedoms and rights of citizens shall be promulgated.
 - (4) (a) Sharia and custom are the sources of legislation.
(b) General laws, derived from the general principles common between the states, shall be applied nationally. States having peculiarity may promulgate, with respect to the peculiarity thereof, such laws as may be complementary to the federal laws, in addition to the right of states to legislate, each as to such function as may correspond thereto, including custom and codification of the same.
 - (5) Citizenship is the basis of public rights and duties and all Sudanese participate, by virtue of the citizenship thereof, on equal basis in the political life.
 - (6) Consultation and democracy shall be practised through congresses and national conventions and to develop the same, all citizens shall coalesce in forums and organizations, devoid of sectarianism and totalitarianism.
- The Judiciary shall be independent and decentralized.
- (8)- Citizens of the Southern States and all the other states shall participate in all federal, political and constitutional institutions. In

that regard, the Federal Government shall observe the standards of efficiency, capability, integrity, responsibility, and equality of opportunity between the citizens.

- down
- (9) The Federal Government shall strive to develop the states, and eradicate differences between them in the basic services, by laying a comprehensive economic and social plan.
- (10) Sudanese economy is based on the mechanism of free market social justice. Development projects shall be established to support peace and stability among the people of the Sudan.
- (11) Major federal development projects, and mining and petroleum projects shall be national wealth. The same shall be managed at the federal level, subject to the allocation to the state wherein the project is situated, of such appropriate percentage of the return of the investment, as may be proposed by the National Revenue Allocation Commission.
- (12) The Federal Government shall ensure the participation of the state in the management of such projects situated therein, and the employment and upgrading of the citizens therein.
- feasibility
projects,
- (13) The Federal Government shall give priority to the lesser developed states in the distribution of federal revenues among states, and in the choice of federal projects sites, taking into consideration the of the projects therein, and the effect thereof in achieving sufficiency of the basic needs of the country, and the balanced relationship between the development objectives of the and the density of the population and environment.
- (14) The Federal Government and the Council shall encourage and promote foreign and local investment, and encourage the establishment of branches of the public sector, the development institutions and the specialized banks in the Southern States.
- (15) Citizens of the Southern States shall exercise the right of self-determination through a referendum.

Chapter III
Division of Powers
The Federal Powers

In addition to the federal powers set forth in the 12th Constitutional Decree, the federal organs shall exercise powers in the following affairs:-

- (a) The national electricity network;
- (b) Control of epidemics;
- (c) Meteorological survey;
- (d) Weights, measures and determination of time.;
- (e) Settlement of border disputes between states.

The States Powers

In addition to the state powers set forth in the 12th Constitutional Decree, the state organs shall exercise powers, each within the borders thereof, in accordance with the federal plans, policies and legislations in the following affairs:-

- (a) State security;
- (b) Disposal and conservation of lands;
- (c) Agriculture, fisheries and pastures and care for the same;
- (d) The state electricity network;
- (e) Quarries;
- (f) Irrigation and earth moving;
- (g) Management of meteorological services;
- (h) Development of scientific research;
- (i) Libraries and museums;
- (j) Management of education, planning and training up to the university level;
- (k) State broadcasting, television, the press and printing houses;
- (l) Missionary, charitable, trust and waqf activity;
- (m) Specialized hospitals, medical centres, medical care and establishment of medical institutions for treatment and training medical cadres;
- (n) Statistics, registration of births and deaths, and marriages;
- (o) General auditing, within the framework of federal auditing.

- (p) State Attorney-General;
- (q) Matters complementary to federal laws in such affairs that are peculiar to the state, including custom, collection and codification of the same.

Residual Powers

- (1) The states shall exercise the residual powers without prejudice to the federal powers.
- (2) The federal organs shall exercise the residual powers without prejudice to the powers conferred upon the states.
- (3) In the case of a dispute arising about the residual powers between a state and the federal organs, the dispute shall be referred to the Constitutional Circuit of the Supreme Court.

Chapter IV

Division of Wealth

Sources of Revenues of the Southern States

- 7. The Southern States shall, in addition to the sources of revenues set forth in the 12th Constitutional Decree, have the following sources of revenues, namely:-
 - (a) Non-federal companies, factories and agricultural institutions profits tax;
 - (b) Property tax;
 - (c) Returns of state licenses;
 - (d) The share of the state in federal taxes levied on federal projects and services situated in the state;
 - (e) The share of the state in the fees levied on mining licenses for metals and petroleum in the state;
 - (f) The revenues collected from industrial, agricultural and commercial projects situated in the state;

- (g) The revenues allocated by the Federal Government to economic and social development projects;
- (h) Net returns of customs, air services, roads, postal and communications services and river transport in the Southern States, and the same shall be allocated to the resettlement, rehabilitation and construction projects;
- (i) Financial grants from the federal treasury for the services in the Southern States;
- (j) The development aid and donations from foreign sources.

Chapter V
The Southern States Co-ordinating Council
Establishment and Constitution of the Council

- (1) There shall be established a Council to be known as the "Southern States Co-ordinating Council" which shall be responsible to the President of the Republic, and the Council shall specify the seat thereof.
- (2) The Council shall consist of a President, fourteen Ministers and the Southern States Governors (Walis) by virtue of their offices.
- (3) The President of the Republic shall appoint a President for the Council, in consultation with the parties signatory to the Peace Agreement, who shall be responsible to the President of the Republic.
- (4) The President of the Republic shall appoint the Ministers in the Council, on recommendation thereof by the President of the Council, after consultation with the political forces in the Southern States.

Functions of the Council

9. The Council shall have the following functions, to:-
- (a) Effect political mobilization for support of peace and building of bridges of trust and unity among citizens;

- (b) Strengthen the federal system in the Southern States;
 - (c) Lay down the arrangements of voluntary return of refugees and displaced, and rehabilitation and reconstruction of the areas affected by war, demining, and opening roads and waterways;
 - (d) Lay down the investment projects plan, and mobilise support at the national, regional and international levels;
 - (e) Regroup manpower, and train the same to reform the public service;
 - (f) Effect general mobilization for development, by consolidating the process of building the capabilities of citizens to rely on themselves, and by laying down such plans as may attract the support of educational, health and food security institutions, and other social services;
 - (g) Create the appropriate circumstances for conducting the referendum, by assisting in registration of the electorate and the citizens, to effectively participate therein, and provide the security;
- mobilizing
necessary
- (h) Constitute a Consultative Council for perfecting legislation and co-ordinating the legislative process, between the State Assemblies in matters as are common between them;
- such
- (i) Request the National Assembly to postpone the passing of a federal bill pending the expression by the Council, of the opinion thereof, on the same, where such bill has an adverse effect on the interests of the Southern States;
 - (j) Receive periodical reports from governments and other organs in the Southern States, and submit the same, accompanied by their comments thereon, to the President of the Republic.
 - (k) Encourage the establishment of foreign consulates, United Nations

agencies and non-governmental organizations, in co-ordination with the federal organs;

- (l) Prepare the annual budget thereof and submit the same to the President of the Republic for approval through the concerned authorities;
- (m) Make such regulations as may be necessary for organizing the business of the Council;

Powers of the Council

10. The Council shall, in accordance with the federal rules, plans and policies, have devolved and concurrent powers, as follows:-

- (1) Devolved Powers, to:-
 - (a) Plan for security, public order and good administration, and supervise the same;
 - (b) Plan:-
 - (i) Economic development;
 - (ii) The electric network and other public services, and organize the same.
 - (iii) Scientific research for industrial, commercial and technological development purposes;
 - (c) Conclude international agreements in the fields of culture and trade, including border trade, technical co-operation and procuring foreign capital for investment and support of development from governmental and non-governmental organizations, in co-ordination with the federal bodies concerned;

population

(2) Concurrent Powers, to:-

- (a) Lay down criteria for construction, planning, land disposal and survey;
- (b) Plan public service, and supervise the same;
- (c) Organize the Southern States elections and census of therein;
- (d) Lay down the policy for protection of the environment;
- (e) Effect cultural planning, and supervise broadcasting and television services the press and printing houses;
- (f) Settle trade disputes;
- (g) General auditing within the framework of the federal powers of the Auditor-General.
- (h) Establish banks, in accordance with the provisions of the Bank of Sudan Act.
- (i) Land, river and air transport, postal and communications services inside the Southern States;
- (j) Copy and printing rights, and patents;
- (k) Any other concurrent powers, as may be delegated thereto by any federal organ.

Functions of the President of the Council

11. The President of the Council shall submit to the President of the Republic the following matters, namely:-

- (a) Recommendation to relieve or accept the resignation of any Minister of the Council.
- (b) Recommendation of the Governor's (Wali) nominations of members of the state government, commissioners and advisors, after consultation with the political forces in the state, and recommendation of the relief and acceptance of their resignations;
- (c) Nominations of members of the States Assemblies in consultation with the political forces in Southern States, pending the availability of the appropriate climate for elections.

Chapter VI

General Provisions

Appointment and Relief of the Governors (Walis)

- (1) (a) The President of the Council shall recommend to the State Assembly, after consultation with the political forces in each state, and with the assent of the President of the Republic, the names of not less than three persons of the same state, to hold the office of Governor (Wali).
- (b) The State Assembly shall elect by secret ballot one of the persons recommended in item (a) above, as Governor (Wali) of the state, provided he/she obtains more than half the total votes of the State Assembly members. If such rate is not fulfilled by any of the candidates, the ballot shall be repeated between the two candidates who obtained the highest number of votes, and whoever of them gets the majority of the votes, shall be the winner (Governor-elect).

- (c) The President of the Council shall submit the name of the Governor-elect to the President of the Republic for endorsement as Governor (Wali) of the state. The Governor shall assume the office after taking the oath before the President of the Republic.
- (2) The President of the Council shall recommend to the President of the Republic, the relief or acceptance of resignation of any of the Governors (Walis) of the Southern States, bearing in mind article 63(4) of the 13th Constitutional Decree, 1995.

Development Budget

13. The Council shall prepare a development budget for the Southern States, and submit the same to the President of the Republic for approval through the concerned authorities.

The National Revenue Allocation Commission

- (1) There shall be established a National Commission to distribute revenues and shall be constituted by a Republican Decree and the Council shall be represented therein.
- (2) The Commission, mentioned in sub-article (1), shall have competence to lay down the proposals for the criteria of distribution of the national revenues and submit the same, to the Federal Government for approval thereof by the competent authorities.

The Transitional Period

- (1) The transitional period shall be four years commencing from the date of formation of the Council.
- (2) The President of the Republic may, upon a recommendation by the Council, extend or shorten the transitional period.

The Referendum

16. (1) The referendum in the Southern States, shall be on the following options, namely:-
- (a) Unity;
 - (b) Secession.
- (2) The referendum shall be conducted by a Special Referendum Committee, to be established by law, and the voting shall be secret.
- (3) There shall be qualified for voting, in the referendum, any citizen of the Southern States, who attained eighteen years of age, and resides in, or outside the same.
- (4) The Special Referendum Committee provided for in sub-article (2) shall invite observers to ensure free and fair conduct of the referendum.

Language

Arabic is the official language in the Sudan. English shall be the second language. The Federal Government shall strive to develop the other languages.

The Peace Agreement

18. The Peace Agreement shall be the basic reference in the implementation and interpretation of the provisions of this Decree.

Amendment to the Constitutional Decree

- (1) No initiative to amend this decree shall be taken, by the President of the Republic, save after consultation with the Council.
- (2) To amend this decree the Council may, upon the approval of two-thirds of the members thereof, submit a request to the President of the Republic, with the proposed amendment.

بسم الله الرحمن الرحيم

إعلان مبادئ حل قضية جبال النوبة

إيماناً منا بأن الحوار السلمي والسياسي هو الوسيلة المثلى لحل كافة مشكلات وقضايا الوطن ، وإعترافاً منا بقضية جبال النوبة كقضية من قضايا الوطن التاريخية التي يتعين حلها عبر الحوار الموضوعي من أجل تكريس واقع تعايش سلمي وإنجاز مستقبل مزدهر للمنطقة .

وإدراكاً من الأطراف لخصوصية وتميز حل مشكلة جبال النوبة عن مشكلة أى إقليم آخر.

وإعترافاً منا بالمجهودات التي بذلها أبناء المنطقة فى الداخل والخارج يعلن الأطراف التزامهم بالمبادئ التالية كوسيلة لوضع حل نهائى للمشكلة :-

١- الاعتراف بوجود قضية فى جبال النوبة ولفترة طويلة وهذه القضية هى التى أدت الى دخول النزاع المسلح بالمنطقة منذ عام ١٩٨٤ م .

٢- يؤكد الأطراف إلتزامهم بالحل السياسى السلمى عبر الحوار البناء وسيلة مُثلى لحل كافة مشاكل الوطن .

٣- يتمسك الطرفان بوحدة السودان بحدوده الجغرافية والسياسية منذ عام ١٩٥٦ م .

٤- يؤكد الأطراف على ضرورة إتخاذ وقفة إقليمية وطرح إقليمى فى إطار السودان الموحد كوسيلة مُثلى لحل مشكلة الجبال بعيداً عن طرح الحركة الشعبية لتحرير السودان (فصيل جون قرنق) .



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٥- وافق الأطراف على إعتبار الميثاق السياسى للسلام إطاراً "عاماً" لحل ومعالجة كافة المشاكل والقضايا ذات الطابع القومى .

٦- الشريعة والعرف هما مصدرا التشريع ويجوز للولاية سنن تشريعات مكملة للقانون الفيدرالى فى المسائل ذات الخصوصية فى تلك الولاية.

٧- المواطنة هى الأساس فى الحقوق والواجبات التى تتضمن الحرية والمساواة والعدل وحقوق الإنسان .

٨- يلتزم الجميع بحرية التدين والإعتقاد ويُهيا المناخ المناسب لممارسة التعبد ونشر الدعوة والتبشير والوعظ ولا يجوز إكراه أى مواطن بإعتناق أى دين أو عقيدة .

٩- يؤكد الأطراف على الطرح الفيدرالى بإعتباره وسيلة حكم من شأنها أن توفر لأبناء المنطقة حقهم فى المشاركة فى إدارة شئون منطقتهم وتنميتها علاوة على مشاركتهم فى السلطة الفيدرالية بشكل متوازن .

١٠- توزع السلطات والموارد بعدالة ما بين الولاية والمركز ويقوم الأطراف بوضع التفاصيل لذلك .



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١١- إزالة كافة أنواع المظالم والغبن الإجتماعى والإقتصادى والثقافى ويشمل ذلك أى أراضى زراعية أو غيرها تمّ بشأنها تخصيص غير عادل وعلى رأس ذلك إعادة توزيع المشاريع الزراعية بما يراعى حرمة القرى وحقوق السكان المحليين وإتاحة فرصة أكبر وألوية لأبناء المنطقة فى إستثمار وتنمية أرضهم.

١٢- العمل على إنهاء كافة أشكال التخلف والأمية والجهل التى كانت سببا" نتج عنه الظلم والغبن ، مع تطبيق برنامج تنمية خاص بالمنطقة بما يحقق أغراض التنمية المتوازنة بين هذه المنطقة ورصيفاتها من مناطق السودان الأخرى وبما يحقق رفاهية شعب هذه المنطقة .

١٣- تلتزم الحكومة بتطبيق برنامج خاص لإعادة التعمير والتوطين لمعالجة كافة الإفرازات والآثار السلبية الناجمة عن الحرب علاوة" على برنامج طوارئ إسعافى لمواجهة القضايا الإنسانية الطارئة مثل الإغاثة وغيرها حسب ما يقتضيه ظرف وجودها .

١٤- الإعتراف بالثقافات المحلية وتطويرها وإتاحة فرص متوازنة لإظهارها والتعبير عنها ضمن الثقافات الأخرى للشعب السودانى فى كافة منابر التعبير الجماهيرية الولائية منها والفيدرالية .

١٥- أضرت الحرب بحقوق الإنسان والبيئة فى منطقة جبال النوبة بشكل بالغ ويلتزم الأطراف بمعالجة الآثار السلبية الناجمة عن الحرب طيلة الإثنى عشرة عاما" الماضية .



١٦- أمن الأطراف على وحدة السودان والتضديد بالإنفصال والنعرات القبلية ويلتزم الأطراف بتأمين حق مواطنى جبال النوبة الديمقراطى لنيل حقهم الإقليمى العادل والوطنى المتساوى والمتوازن فى إطار السودان الموحد دونما تأثير أو ضغوط داخلية أو خارجية فى ظل أى متغيرات سياسية .

١٧- هناك قضايا خارج دائرة الإختلاف والنزاع المسلح وهى موضع إتفاق بين الطرفين ، تمت معالجتها بوثيقة منفصلة خارج إطار هذا الإعلان .

١٨- يعمل الأطراف سوياً" على وضع برنامج تفصيلى لوضع المبادئ العامة الواردة فى هذا الإعلان موضع التنفيذ بما يقتضيه ذلك من جهد مشترك للتعبئة لهذه المبادئ وقفاً" للحرب ووصولاً" الى السلام الشامل والإستقرار .

نيروبي فى ٣١/٧/١٩٩٦م

مرفقات :

مرفق الوثيقة المشار إليها فى الفقرة (١٧) .



م:س/ إسماعيل على سعدالدين
نائب رئيس اللجنة المركزية للحركة الشعبية
والجيش الشعبى لتحرير السودان - قطاع
جبال النوبة ورئيس وفدنا للمباحثات



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رئيس وفد الحكومة للمباحثات



شهد بذلك :

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PROPOSALS FOR THE POLITICAL SETTLEMENT OF THE CONFLICT IN THE SUDAN

A. PARTIES TO THE NEGOTIATIONS FOR THE RESOLUTION OF THE CONFLICT AND MEDIATORS

1. The parties that address the issues of the conflict in the Southern Sudan and conduct negotiations are the government of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM).
2. (a) These consultations are carried out informally through informal mediators who are concerned and desirous and determined to exert all deliberate and fair but candid efforts with the parties for the resolution of the conflict and the achievement of a just peace
(b) The consultations are a continuation from where the parties stand thus far in the process of negotiations at the IGAD FORUM and aim at adding to the progress so far achieved by the parties within the framework of the Declaration of Principles (DOP).
(c) The informal mediators intend to and will carry over to the SPLM, the outcome of these consultations. They will consult with the SPLM on the same issues and proposals as well as on the outcome of the consultations conducted with the GOS.
(d) Any agreement reached by the parties through these informal consultations will be formalised at the IGAD FORUM and will form part of any agreements already reached and concluded.
(e) The informal mediators base their consultations (with the parties) on GOOD FAITH

B. PEACE

1. The parties commit themselves:
 - (a) to full and genuine peace: to its achievement, maintenance and promotion;
 - (b) to the peaceful, fair and equitable resolution of the conflict in the Sudan;
 - (c) to freedom of movement, conscience and residence, expression, assembly and association in the Southern Sudan and all other parts of the country during the interim period;
 - (d) to political, economic and social democracy and the rule of law during the interim period;
 - (e) to a free, fair, equitable and transparent process of referendum and to honour and sustain the outcome of such a referendum;
 - (f) to a genuine reconciliation, its strategies, goals and values. The parties bind themselves to extend the values of reconciliation to all political forces in the country during the interim period in particular the northern opposition groups that include people of the Nuba Mountains, the Ingessena regions and the NDA
 - (g) to genuine peaceful relations with neighbouring states and to a peaceable world at large

C. SELF-DETERMINATION

1. All political forces (the GOS, the SPLM, the UDSF, the National Congress, the NDA and others) in the country have recognised and affirmed the right of the people of Southern Sudan to self-determination. All know what self-determination means. It is a fundamental human right that requires a referendum on two issues: a vote either to affirm unity of the country or to opt for partition of the same, resulting in the emergence of the Southern Sudan as a sovereign independent state. The referendum on the two issues is to be conducted in the Southern Sudan.
2. Southern Sudan, during the interim period constitutes one political entity and has power to establish its own institutions and structures. Southern Sudan will comprise of:
 - (a) The Southern Sudan as it stood on 1.1.1956.
 - (b) Abyei, the home and land of the Ngok Dinka, currently linked to and administered from Western Kordofan.
 - (c) The Southern Sudan will, during the interim period, be governed on the basis of effective decentralised system of administration.

D. FUNDAMENTAL RIGHTS AND FREEDOMS IN SOUTHERN SUDAN

1. Every person has the right to life, liberty, the security of his person and the protection of law.
2. Every citizen is guaranteed freedom of expression and communication and the right to assemble peacefully and to petition his government to express his grievances.
3. (a) Every person shall have the freedom of conscience, including freedom of thought and of religion, manifest and propagate his religion or belief in worship, teaching, practice and observation.
(b) Every religious community is entitled at its own expense to establish and maintain places of education.
4. No person shall be held in slavery or servitude.
5. No person shall be required to perform forced labour.
6. Every citizen shall have the right of movement and residence in any part of Southern Sudan and the right to leave and to enter the Southern Sudan.
7. Every citizen is entitled to own, protect and dispose of his property and to receive fair compensation for it in case of confiscation.
8. All citizens have the right of association and organisation for political, cultural, social, economic, professional and trade union purposes.

9. No person shall be subjected to torture or inhuman or degrading punishment or other similar treatment.
10. An accused person has a right to speedy and public trial by an impartial regular court duly established by law. The accused has a right to be represented by an advocate.
11. All citizens are equal before the law. Subject to provisions of the referendum protocol no discrimination shall attach to any Sudanese by reason of ethnic origin, sex, religion or ideology.

E. RELATIONS BETWEEN THE GOS AND THE INTERIM ADMINISTRATION

- (a) The President of the Republic of the Sudan and Commander-in-Chief of the Sudan Armed Forces on the one hand and the Head of the Interim Administration of the Southern Sudan and Commander-in-Chief of the Sudan People's Liberation Army (SPLA) on the other shall constitute themselves into a Supreme Authority. The members of the Supreme Authority will be assisted by a fixed equal number of their respective representatives.
- (b) The Supreme Authority will have general powers to discuss and decide on issues relating to defence, foreign policy, finance and economy, legal affairs, including matters arising out of the disengagement of forces, cease-fire, public security and any other matters that may contribute to the smooth implementation and preservation of the agreement.
- (c) The Supreme Authority shall meet regularly at a venue or venues determined by it. It shall lay down its own regulations for its work.

F. INTERIM ADMINISTRATION AND ITS STRUCTURES

1. There shall be established in the Southern Sudan an Interim Administration whose duration shall be two Gregorian calendar years, commencing from the date of the signature of the agreement by the parties. A referendum on the issue of unity or partition shall be conducted within the interim period.
2. The Interim Administration, called the government, shall consist of:
 - (a) an interim executive,
 - (b) an interim legislative assembly, and
 - (c) an interim judiciary.
3. The Interim Administration shall be formed by the Sudan People's Liberation Movement (SPLM).

G. POWERS OF THE INTERIM ADMINISTRATION

The Interim Administration shall exercise the following powers:

1. Maintenance of law and order and public security through Police Force, which shall provide departments for intelligence and public security.
2. Local government
3. Public service.
4. The Judiciary.
5. Land natural resources minerals and wealth under and above it except the water and natural flow of the Bahr El Jebel, Sobat, Bahr El Ghazal and the White Nile, which are governed by international conventions.
6. Culture, religion, language and information media.
7. Initiation, negotiation and conclusion of international and regional agreements on culture, trade, credits, loans, grants and technical assistance with foreign governments and agencies, foreign non-governmental organisations and institutions.
8. Financial resources and economic policies.
9. Education including educational planning and scientific research.
10. Social welfare, including voluntary repatriation, relief, rehabilitation and reconstruction.
11. Border trade
12. Commerce and industry.
13. Air, river and land transport, postal service and telecommunication
14. Airports.
15. Surveys.
16. Statistics.
17. Referendum and elections.
18. Population census
19. Environmental conservation.
20. Tourism and wildlife conservation
21. Establishment of banks
22. Electricity
23. Copy rights, patents and publisher's rights.
24. Audit
25. Public counsel and attorneys
26. Advocacy
27. Meteorology

28. Epidemics.

29. Supervision of trade union disputes.

30. Prisons and reformatories.

The Supreme Authority will co-ordinate between the Interim Administration and the GOS on matters relating to defence, foreign policy, nationality, passports, immigration and aliens, currency, coinage, financial, fiscal and economic policies.

II. FINANCIAL AND ECONOMIC RESOURCES

The Interim Administration shall have the following sources for its financial and economic resources:

1. All taxes from individuals employed by the Interim Administration and those other employees working in the Southern Sudan.
 2. Taxes from enterprises registered or licensed in the Southern Sudan.
 3. Taxes on retail, wholesale, manufacturing, mining and agricultural business concerns, including value added taxes in the Southern Sudan.
 4. Import and export duties for goods entering into or leaving the Southern Sudan.
 5. Social security contributions by individuals employed by the Interim Administration and by employees of enterprises registered or licensed in the Southern Sudan.
 6. Taxes, incomes and royalties on real assets such as land, forests, wildlife, rivers, oil and mineral resources, consumer durables, fixed capital, assets and inventories, financial assets such as income on deposits and securities.
 7. Fines, Fees and Charges.
 8. Income from public enterprises – agricultural, commercial and industrial, whether established by Southern Sudan or GOS.
 9. External assistance in the form of grants, loans and credits to the Southern Sudan
 - (a) official and private sources: governments, its agencies and other public bodies,
 - (b) international organisations and development banks,
 - (c) commercial suppliers, commercial banks,
 - (d) non-governmental organisations
 10. Grants, credits and loans from the government of the Sudan for established services and voluntary repatriation, relief and resettlement.
- The economy of the Southern Sudan is based on free market dynamics.

I. INTERIM EXECUTIVE

1. The Interim Executive shall consist of the Head of the SPLM as Chairman and a number of ministers and advisors appointed by him.
2. The powers and functions of the Interim Executive shall include but not limited to:
 - (a) general administration of the Southern Sudan during the interim period;
 - (b) maintenance of law and order and public security through the instrument of the police force whose head and senior officers shall be appointed by the Chairman.

The interim executive will appoint a police and prison commission whose primary task will be to recommend to the Chairman appointment of police and prison officers. Such appointments shall be based on merit: education, training, experience and character. All functions and powers vested in the national security in the South before the agreement are assigned to the interim police force.
 - (c) Voluntary repatriation, relief, resettlement of the Southern Sudanese internally displaced persons and refugees returning home and rehabilitation of essential services - education, health, agriculture, roads and others.
 - (d) Registration of voters for the referendum.
 - (e) Training and recruitment of manpower for public service.
 - (f) Appointment of heads of the civil service. The interim executive shall appoint a civil service commission whose primary task shall be to recommend personnel for appointment and recommendation for promotion.
 - (g) Encouragement and strengthening of self-reliance of the people of the Southern Sudan.
 - (h) Carry out a census count.

J. INTERIM LEGISLATURE

1. The Chairman of the SPLM shall after wide consultation with Southern political forces appoint members of the interim legislative assembly representing different areas of Southern Sudan
2. The interim assembly will together with the interim executive legislate for the Southern Sudan during the interim period

K. INTERIM JUDICIARY

1. Judicial competence in the Southern Sudan is vested in an organ called the judiciary.
2. The judiciary shall be independent of the executive and the legislature

3. Members of the judiciary shall administer justice without fear or favour. All judges shall hold office for the interim period and can only be removed for misbehaviour.
4. The interim judiciary shall be headed by a chief justice who shall also be the head of its administration.
5. The judiciary shall consist of the supreme court, the court of appeal, the district court and the local courts.
6. The interim executive, shall with the advice of the chief justice, the interim attorney general, eminent jurists and the head of the civil service commission establish a judicial service commission responsible for recommendation of appointments into the judiciary.
7. The interim executive and the legislature shall execute judicial decisions.
8. In the administration of justice, judges shall be guided by justice, equity and good conscience.

L. EMOLUMENTS

1. (a) Emoluments of public officials including judges shall be determined and recommended by the civil service commission.
- (b) Terms and conditions of service of public employees and their discipline will be regulated by law.

M. REFERENDUM

- (a) A referendum on the issues of unity and partition of the country into two sovereign states will be conducted in the Southern Sudan and Abyei within the interim period of two years.
- (b) A referendum commission will be appointed by the Supreme Authority, to supervise the referendum.
- (c) The voters in the referendum will be registered Southern Sudanese of 18 years of age and above. Southern Sudanese shall be defined in the draft protocol referred to in para (e) below. The vote shall be by a secret ballot.
- (d) Registration of voters will be conducted by the interim administration. The list of returnees provided by the repatriation commission and verified by the joint military and cease-fire commissions and the Police Force, will constitute an integral part of the list of voters. Southern Sudanese returnees are qualified to vote on return to Southern Sudan any time before or during polling.
- (e) The parties will ensure that the referendum process is open, free, fair and equitable. There will be international supervisors and monitors and observers, headed by UN IGAD and

IPF will observe the process from registration of voters to polling and counting of votes. Free movement, expression, assembly and association will be guaranteed. A draft protocol governing the referendum will be agreed upon by the parties. The draft protocol shall constitute part of the agreement.

N. CEASE-FIRE AND DISENGAGEMENT OF FORCES

- (a) Sudan People's Armed Forces means forces of the Sudan Army which were physically engaged in operations in the Southern Sudan and Abyei at the time of the cease-fire agreement. Any militia forces, private armies, foreign technicians and instructors do not fall within this meaning and their presence in the Southern Sudan shall be terminated.
- (b) The Sudan People's Liberation Army forces mean the main stream SPLA forces in the South. Any foreign technicians and instructors do not fall within this meaning and their presence in the Southern Sudan shall be terminated.
- ✓(c) Belligerent forces mean forces of the Sudan and SPLA that have been engaged in combat against one another in the Southern Sudan.
- ✓(d) A joint military commission will be constituted to deal with some security aspects of the agreement. The commission will be formed from the representatives of the two belligerent forces to supervise all the military and security matters between the Sudan Government forces and the SPLA. The chairmanship of the commission shall alternate; there will be equal representation of the parties on the commission.
- ✓(e) A joint cease-fire commission shall be established from representatives of the two forces and shall include international military monitors, to observe and correct any violation of any terms of the cease-fire agreement, to assist the Interim Administration in the clearance of land mines and to report regularly and directly to the Interim Administration, and to the Supreme Authority. There will be equal representation of the parties on the commission.
- (f) The belligerent forces shall be accommodated in separate barracks and in different areas, out of touch with one another and out of range.
- (g) The deployment of the belligerent forces shall be the responsibility of the joint military commission. The forces may only be engaged for national defence and as may be from time to time decided and directed by the Supreme Authority.
- (h) The Supreme Authority shall be responsible for the administration and logistical arrangements for the two belligerent forces.
- (i) Each of the belligerent forces shall be responsible for its own equipment, training and discipline.

- (j) No state of emergency shall be declared in the South during the interim period by the GOS except after consultation and the agreement of the leader of the SPLM.
- (k) It will be the duty of the UNHCR, the repatriation commission, the joint military commission, and the police force to scrutinise lists of repatriation of Southern Sudanese refugees to the South, to ensure that they comply with the basic information including citizenship, age, sex and home and duration of refuge.

2. Oil is a strategic commodity. The agreement between the GOS and third parties on oil exploitation will be reviewed to adjust it to the requirements of this agreement and the interim period. The SPLM will be involved in review and reformulation of all oil policies.

3. Cease Fire and Cessation of Hostilities

The parties agree to a comprehensive cease-fire and cessation of hostilities in the Southern Sudan from the date of signature of this agreement. There will be an immediate disengagement and separation of the belligerent forces.

4. Agreements on amnesty protocols will be concluded and issued declaring amnesty to all those involved in illegal acts and omissions during the civil war up to the date of this agreement. Ad hoc tribunals shall from time to time be established by the Supreme Authority to try cases arising out of the provisions and interpretation of amnesty protocols.

O. GOS, SPLM AND OTHER POLITICAL FORCES

- 1. The GOS and SPLM agree that:
 - (a) the GOS will reach a political settlement with the leaders of the Ingessina and the Nuba Mountains currently engaged in a political conflict with it,
 - (b) the GOS will make reconciliation with the northern opposition leaders,
 - (c) the SPLM will make reconciliation with the Southern Sudan opposition forces

ANNEX I

UNION OF SUDAN AFRICAN PARTIES (USAP)
DECLARATION OF PRINCIPLES ON THE RESOLUTION OF THE
CONFLICT IN SUDAN

In its pursuit of a just peace, self-determination and democracy in Sudan USAP hereby proclaims its principles and position on the resolution of the conflict in Sudan:

1. **Religion and the State:**
USAP declares that religion and the state shall be separated.
2. **Self-determination for the people of Southern Sudan:**
USAP affirms that the right of self-determination is the popular demand of the people of Southern Sudan. In accordance with the resolutions of the conference of the National Democratic Alliance (NDA) on Fundamental Issues held in Asmara, Eritrea, in June 1995, this right shall be exercised through a referendum in which all Southern Sudanese shall choose between unity and independent statehood. The referendum shall be regionally and internationally supervised to guarantee that it is conducted freely and fairly.
3. **Self-determination for other peoples in Sudan:**
USAP reiterates its support for the Nuba Mountains and Southern Blue Nile in their quest for the right to self-determination to decide their future in accordance with their aspirations. USAP also supports the Beja and other marginalised people throughout the Sudan who may see the right of self-determination as a means to realise their aspirations for justice and equality.
4. **Borders of the South:**
USAP affirms that 'Southern Sudan' refers to the three provinces of Bahr el Ghazal, Equatoria and Upper Nile as they existed on 1 January 1956, including the districts of Abyei in Southern Kordofan, Kafia Kinji in Darfur and Chali el Fil in Southern Blue Nile. Any other boundaries or borders in dispute shall be subject to settlement in accordance with international law including arbitration where necessary leading to demarcation.
5. **Interim Period:**
USAP affirms that the length of the interim period, following the demise of the National Islamic Front (NIF) regime, shall be four years as agreed upon within the framework of the Asmara Agreements of 1995. All the various referenda to be carried out during this period must be completed before the end of the fourth year.

5. **Interim Authority:**

During the interim period, an interim authority for Southern Sudan shall be established under the leadership of SPLM/A and with the participation of USAP and other Southern political forces.

7. **Referendum Commission:**

A referendum commission shall be formed, consisting of representatives of the GOS, SPLM/A, USAP, other Southern political forces, IGAD Partners, UN, OAU and Arab League.

8. **Referendum law:**

A referendum law shall be promulgated and adopted at the onset of the interim period. The basic provisions of the referendum law shall include the following:

- Establishment of a referendum commission and formulation of its functions and powers.
- Criteria for those entitled to vote in the referendum.
- The options to be voted upon in the referendum shall be (a) unity and (b) independent statehood.
- The duration of the referendum.
- Determination of the majority percentage.
- Participation of international supervisors and monitors.

The parties to the conflict shall agree on a mechanism for arbitration on all aspects of the referendum. The referendum law shall be part of the peace agreement.

9. **Interim Security Arrangements:** A cease-fire and security committee shall be formed and entrusted with the tasks of supervising the cease-fire and disengagement of the belligerent forces, ensuring security throughout Southern Sudan, and overseeing disarmament and demobilisation arrangements entered into during the interim period.

10. **International Involvement:**

a) An international cease-fire monitoring and peace keeping force shall be formed, consisting of representatives of IGAD member countries, IGAD Partners, OAU, Arab League and the UN. This monitoring force shall also oversee the implementation of the democratic decision that shall be reached through the referendum. b) There shall be established an international team of supervisors and monitors to oversee the referendum in all its stages.

c) An International Peace Fund shall be set up with the purpose of mobilising international resources for funding repatriation, relief, resettlement and rehabilitation in Southern Sudan soon after the restoration of peace.

11. **Immediate Steps:**

Since all the parties to the conflict in the Sudan have accepted the principle of the right to self-determination, either vide the IGAD Declaration of Principles (DOP)

of 1994, or as per the Asmara Agreements of 1995, the said parties should take the following immediate steps:

- a) Adoption of interim administrative arrangements related to the implementation of this principle.
- b) Promulgation of a referendum law that should be construed as part of the peace agreement.
- c) Presentation of all documents relevant to this issue to all the parties or fora involved in the search for a just and lasting peace in the Sudan.
- d) Launching of a diplomatic and political campaign by USAP to cause the adoption of these measures.



Eliaba J. Surur
Chairman of USAP

Mukono, Uganda
24th October 1999

نداء الوطن

في يوم 25 نوفمبر 1999 بالعاصمة الجيبوتية وبمبادرة كريمة من الرئيس الجيبوتي إسماعيل عمر جيلي، تم لقاء بين الرئيس عمر حسن احمد البشير والسيد الصادق المهدي وبحضور الرئيس الجيبوتي لمناقشة وسائل دفع جهود الوفاق الوطني بالسودان وقد تم الاتفاق على إعلان مبادئ تحقيق الحل السياسي الشامل وتم الاتفاق على مبادئ الحل السياسي الشامل، الآتي:

أولاً: اتفاقية السلام: تتبنى أطراف النزاع وتلتزم بالمبادئ الآتية لإنهاء الحرب الأهلية وعقد اتفاقية سلام عادل تبنى على:

أن تكون المواطنة هي أساس الحقوق والواجبات الدستورية.

لا تتال أية مجموعة وطنية امتيازاً بسبب انتمائها الديني، أو الثقافي، أو الاثني.

أن تراعى المواثيق الدولية المعنية بحقوق الإنسان وتكون ملزمة.

الاعتراف بالتعددية الدينية، والثقافية، والاثنية في السودان.

إقامة حكم البلاد على أساس فدرالي، وتوزيع السلطات بين المركز والولايات.

المحافظة على قومية مؤسسات الدولة المبنية على اعتبار الكفاءة المهنية معياراً أساسياً مع إيلاء اعتبار خاص للمناطق الأقل نمواً.

المشاركة العادلة في السلطة المركزية.

المشاركة العادلة في السلطة بكافة مستوياتها واقتسام عادل للثروة.

إكمال تلك الإجراءات في فترة انتقالية قدرها أربعة أعوام .. في نهايتها يستقفي جنوب السودان بحدوده لعام 1956 .. ليختار بين وحدة طوعية بسلطات لا مركزية يتفق عليها أو الانفصال.

معالجة قضيتي جبال النوبة والانقسنما بما يحقق مطالبهم في القسمة العادلة للسلطة والثروة في إطار السودان الموحد.

ثانياً: نظام الحكم:

تلتزم القوى السياسية السودانية بإقامة نظام ديمقراطي، تعددي يكفل حقوق الإنسان وحرياته الأساسية.

النظام الديمقراطي الملانم للسودان نظام رئاسي فدرالي... يفصل بين السلطات الدستورية، ويحدد السلطات الاتحادية والولائية.

مراعاة التعددية الدينية، والثقافية في البلاد .. بما يحقق التعايش بينها .. وتضمن في المبادئ الموجهة للدستور.

الالتزام بالتنمية المستدامة هدفاً قومياً لبناء البنية التحتية والاجتماعية، وكفالة آلية السوق الحر في توافق مع العدالة الاجتماعية المتوازنة.

النظر في كافة المظالم .. وإنصاف المظلومين.

ثالثا: العلاقات الإقليمية والدولية:

تحقيق حسن الجوار الإيجابي الذي يراعي مصالح الجوار التنموية والأمنية.

إقامة علاقات خاصة مع دول الجوار ذات المصالح المتداخلة مع السودان بما يحقق الاستقرار الأمني والتنموي.

إقامة علاقات السودان الدولية على أساس التعاون الدولي ودعم الأمن والسلام الدوليين، والشرعية الدولية.

رابعا: آليات الحل السياسي:

أ/ المبادرة الوطنية .. وتشكل محور الحوار والتفاهم السوداني-السوداني .. وتعمل على دفع جهود السلام والحل السياسي الشامل عبر المبادرتين "الإيقاد، والمصرية الليبية المشتركة" عبر اتفاق المبادئ أعلاه.

ب/ العمل على إنجاح المبادرة الليبية المصرية والإسراع بعقد المؤتمر الجامع في أقرب فرصة.

ج/ التأكد على دعم مبادرة الإيقاد، كمبادرة من دول الجوار المعنية بالشأن السوداني، والمتأثرة به ودورها في تحقيق السلام.

د/ ضرورة التنسيق بين المبادرتين من خلال الحوار السوداني-السوداني، وإعلان المبادئ المتفق عليه أعلاه.

إن هذا الاتفاق يمثل تطلعات وأمال شعبنا السوداني .. في تحقيق السلام، والديمقراطية، والاستقرار، وإنما نناشد كافة القوى السياسية لتأييد هذا الإعلان للحل السياسي الشامل والانضمام إليه ودفعه لتحقيق الوحدة والسلام والوفاق، كما نناشد كافة الأشقاء والأصدقاء لدعم وتحقيق الوفاق الوطني لكافة أبناء السودان.

وفي الختام نتقدم بالشكر لفخامة الرئيس الجيوتي إسماعيل عمر جيلي على مبادرته الكريمة، واستضافته، وحسن ضيافته وجهوده المقدرة لإتمام هذا الوفاق.

التوقيع

مصطفى عثمان إسماعيل

مبارك عبد الله الفاضل المهدي

وزير الخارجية

مسؤول العلاقات الخارجية- حزب الأمة

10

PRESS STATEMENT

We, the leaders of the three political forces of South Sudan in Khartoum, (1) The Southern Forum in the Ruling Congress Party, (2) The United Democratic Salvation Front (UDSF) and (3) The Union of Sudan African Parties (USAP) and individual personalities, resolved the following:

First:

To strongly reaffirm and commit ourselves to the right of the people of South Sudan to self-determination;

Second:

That this fundamental human right shall be exercised in a transparent, free and democratic referendum on the two options of unity and secession towards the end of an interim period wherein the people of South Sudan have full control of their internal affairs;

Third:

To call upon all the people of South Sudan to rally firmly and fully around this inalienable human and fundamental right;

Fourth:

To recall and take note of the commitment of the government of Sudan and Sudanese political forces to the recognition and affirmation of the right of the people of South Sudan to self-determination as herein above defined. This recognition and affirmation have been made in the Declaration of Principles (DOP) by the government of Sudan and SPLM at the IGAD Forum; in the Asmara Resolution of NDA in 1996, in the Khartoum and Fashoda Peace Agreements in 1997 embodied in the constitution of 1998, and in the Djibouti Agreement of November 1999, between President Omer El Bashir and the Umma Party leader and former Prime Minister El Saddiq El Mahdi. In this connection, we the signatories commit ourselves to the peaceful and comprehensive resolution of the Sudan conflict, at the IGAD Forum. We call upon all the parties – the government of Sudan, the SPLM and the Northern opposition forces to adhere to the IGAD Forum and to accelerate the resolution of this conflict.

Fifth:

To inform all concerned, particularly states, governments and regional and international organizations of our full commitment to the right of our people to this fundamental human right as well as their right to exercise the same through a referendum.

Sixth:

We reaffirm our support for the national dialogue conference as contained in the Libyan – Egyptian initiative since it provides a wider platform for all the Sudanese political forces.

Seventh:

We urge the government to address the issues resulting from the public order and land laws targeting the Southern community in Khartoum state.

Eighth:

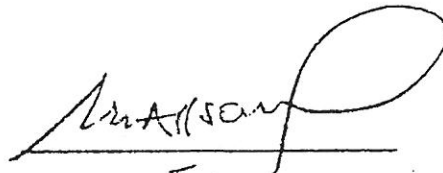
The Parties pledge their full support to the President of the Republic in his sincere efforts to resolve the Sudanese problems-democracy, pluralism, freedoms and unifying the leadership of the country.

Signed in Khartoum on December 29th, 1999

1. On behalf of USAP
Henry Tong Chol
Deputy Chairman



2. On behalf of Southern Forum in the
National Congress
Major Gen. (Rtd) Alison M. Magaya
Deputy Chairman

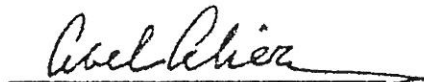


3. On behalf of United Democratic
Salvation Front
CDR. Kawac Makwei Mayar
Acting Chairman UDSF

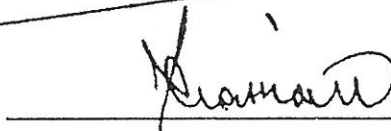


4. Personalities:

- a) Abel Alier
Former Vice President
Republic of the Sudan



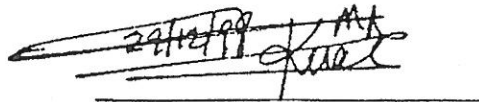
- b) Major Gen. Dominic Kassiano Bakheit
Former member,
Salvation Revolution Command
Council.



- c) Col. (Rtd) Martin Malual Arop
Former member,
Salvation Revolution Command
Council.



- d) Makuac Teny Youk
State Minister and
Representative of United Democratic
Salvation Front. *Spokes Man of UDSF*



11

IGAD SECRETARIAT ON PEACE IN SUDAN

FIRST MEETING OF THE POLITICAL COMMITTEE

BETWEEN

GOVERNMENT OF SUDAN

AND

THE SUDANESE PEOPLE'S LIBERATION
MOVEMENT/ARMY

Nairobi

15th – 20th January, 2000

LIST OF DELEGATES

ENVOYS – IGAD SECRETARIAT

| | |
|-------------------------------|--------------------|
| AMBASSADOR DANIEL R. MBOYA | SPECIAL ENVOY |
| H.E. MR. FRANCIS BUTAGIRA | ENVOY - UGANDA |
| H.E. MR. TESHOME TOGA | ENVOY - ETHIOPIA |
| H.E. MR. GHIRMAI GHEBREMARIAM | ENVOY - ERITREA |
| MR. AHMED ISSA GABOBE | ENVOY – DJIBOUTI |
| MR. MOHAMED S. OMAR | CO-ORDINATING SEC. |

GOVERNMENT OF SUDAN

| | |
|-----------------------------|--------------------|
| HON. DR. NAFIE ALI NAFIE | HEAD OF DELEGATION |
| HON. DR. MUTRIF SIDDIQ ALI | |
| HON. MRS. AGNES PONI LUKUDU | |
| AMB. MUTHIANG MALUAL MABUR | |
| JOSEPH NEWAK | |
| KHUDHI ALIMAHADI | |
| ABDALLA DENG | |
| ABDULRAHMAN IBRAHIM | |
| MR. DIRDIRI | |

SUDANESE PEOPLE'S LIBERATION MOVEMENT/ARMY

| | |
|--------------------------|--------------------|
| MR. NHIAL DENG NHIAL | HEAD OF DELEGATION |
| MR. DENG ALOR KUOL | |
| DR. JUSTIN YAAC AROP | |
| DR. ELUZAL MOGGA YOKWE | |
| MR. MARTIN OHURO OKERRUK | |
| ELIJAH MALOK ALENG | |

RAPORTEURS – IGAD SECRETARIAT

| | |
|---------------------|------------------------|
| MRS. F.W. KEIRU | |
| MS. LYDIA A. ABURA | |
| MR. MOHAMED A. GUYO | ASST. TO SPECIAL ENVOY |



**COMMON UNDERSTANDING
AND
POINTS OF DIFFERENCES**

DOP 1: The parties reiterate their commitment to the peaceful resolution of the conflict under the auspices of the IGAD Peace Process based on the Declaration of Principles (DOP).

The parties agree that:

1.1 The history and nature of the Sudan conflict demonstrate that a military solution cannot bring lasting peace and stability to the country.

1.2 A peaceful and just political solution must be the common objective of the parties to the conflict.

DOP 2: The parties agree that the right of self-determination of the people of Southern Sudan to determine their future status through a referendum must be affirmed.

The parties agree to the exercise of self-determination of the people of Southern Sudan as of the borders of 01/01/56.

The GOS contend that Abyei is not part of Southern Sudan but the position of Abyei may be discussed.

The GOS does not accept that Southern Kordofan and Southern Blue Nile are part of South Sudan and hence self-determination is not relevant.

With regard to Abyei, the SPLM/A shall respect the will and the wish of the people of Abyei through a referendum whether to be part of Southern Sudan or remain in the North. The Dinka Ngok people and the territory of Abyei shall therefore be administered as part of Southern Sudan.

The SPLM view that the right of self-determination should be affirmed to the people of Southern Kordofan and Southern Blue Nile. However, this case shall be further explored at the commencement of the Transitional Committee.

DOP 3: The parties agree in principle to maintain the unity of the Sudan.

The SPLM/A maintain, however, that the unity is conditioned to the separation of state and religion during the interim period and the outcome of the referendum on the right of self-determination.

The GOS contend that Unity of Sudan is not contingent on the issue of the separation of state and religion and administration, and that these are issues that may be negotiated.

DOP 3.1 The parties agree that the Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society, and affirm their recognition and the need to accommodate these diversities.



DOP 3.2 The parties agree that complete political and social equalities of all peoples of the Sudan shall be guaranteed by law.

DOP 3.3 On the issue of self-administration, the GOS prefers federation whereas SPLM/A prefers confederation.

The SPLM/A is not concerned with labels but rather with the substance and not withstanding its preference for a confederation, it has no objection to any arrangement during the interim period that guarantees:

- state and religion are separated
- The equitable representation at all the National Institutions of all the entities making up the union.

DOP 3.4 The GOS view is that no legislation shall adversely affect the religious right of any citizen.

On the issue of the source of law, the view of the GOS is that *Sharia*, custom and the consensus of the nation shall be the sources of legislation.

The SPLM/A reiterated its previous position on constitutional separation of state and religion.

In recognition of the multi-religious, multi-racial, multi-cultural and multi-national character of the Sudan, the SPLM/A calls for the separation of state and religion; and therefore no single religion shall be made a state religion or a source of laws. The constitution and the laws must remain secular and all organs and institutions of the state shall be neutral on religion.

DOP 3.5: The parties agree that appropriate and fair sharing of wealth among the various peoples of the Sudan must be realized.

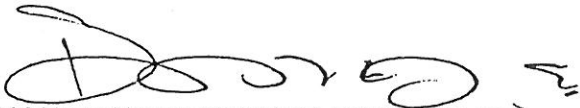
DOP 3.6: The parties agree that human right as internationally recognized, shall form part and parcel of this arrangement.

DOP 3.7: The parties agree that the independence of the Judiciary shall be enshrined in the constitution and laws of the Sudan.

- The GOS agreed that the agreement reached shall be enshrined in the constitution.
- The SPLM/A agreed that the understanding that will be reached shall be the basis of the new constitution during the Interim Period.


SIGNED BY:

SPECIAL ENVOY
IGAD SECRETARIAT
ON PEACE IN SUDAN



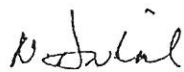
.....

HEAD OF DELEGATION
GOVERNMENT OF SUDAN



.....

HEAD OF DELEGATION
SUDANESE PEOPLE'S
LIBERATION MOVEMENT/
ARMY (SPLM/A)



.....

ON THE 20TH JANUARY, 2000

IGAD SECRETARIAT

1. AMBASSADOR DANIEL R. MBOYA
SPECIAL ENVOY
2. H.E. MR FRANCIS BUTAGIRA
ENVOY - UGANDA
3. H.E. MR. TESHOME TOGA
ENVOY - ETHIOPIA
4. H.E. MR. GHIRMAI GHEBREMARIAM
ENVOY - ERITREA
5. MR. AHMED ISSA GABOBE
ENVOY - DJIBOUTI
6. MOHAMED S. OMAR
CO-ORDINATING SECRETARY
7. MRS. F.W. KEIRU
RAPPORTEUR
8. MS. LYDIA OBURA
RAPPORTEUR
9. MOHAMED A. GUYO
RAPPORTEUR

LIST OF DELEGATIONS

GOS

1. HON. DR. NAFIE ALI NAFIE
HEAD OF DELEGATION
ADVISOR TO THE PRESIDENCY ON PEACE
2. HON. DR. MUTRIF SIDDIQ ALI
STATE MINISTER FOR PEACE IN THE PRESIDENCY
3. HON. MRS AGNES PONI LUKUDU
FEDERAL MINISTER FOR MANPOWER
4. AMB. MUTHIANG MALUAL MABUR
DIRECTOR FOR PEACE & HUMAN RIGHTS
5. JOSEPH NEWAK
6. KHUDHI ALIMAHADI
7. ABDALLA DENG
8. ABDULRAHMAN IBRAHIM

SPLM/A

1. MR. NHIAL DENG NHIAL
CHAIRMAN – POLITICAL COMMITTEE
3. MR. DENG ALOR KUOL
MEMBER
4. DR. JUSTIN YAAC AROP
MEMBER
5. DR. ELUZAL MOGGA YOKWE
SECRETARY
6. MR. MARTIN OHURO OKERRUK
CO-ORDINATOR/RAPPORTEUR
7. ELIJAH MALOK ALENG

**GENERAL HEADQUARTERS
SUDAN PEOPLE'S LIBERATION MOVEMENT
AND SUDAN PEOPLE'S LIBERATION ARMY**

Ref: SPLM/IGAD/1-E-2

Date 05-04-2000

LEGAL FRAMEWORK FOR PEACEFUL RESOLUTION OF THE SUDANESE CONFLICT

Article 1: Unity within Diversity: Establishment of a Confederation

- 1.1 Sudan shall remain united during the Interim Period, and shall be ruled as a Confederation of two Confederal States.
- 1.2 The boundaries of the two confederal states shall be as shown in the map, attached. One State shall consist of Equatoria, Bahr el Ghazal and Upper Nile as their boundaries stood on 1/1/1956, and Abyei, Southern Kordofan and Southern Blue Nile, hereinafter referred to as the Southern State. The other State shall comprise the remaining parts of the Sudan, and hereinafter referred to as the Northern State.
- 1.3 Each confederal state shall have its own constitution and laws.
- 1.4 The Confederation shall be based on close cooperation and coordination between the two confederal states in the fields of joint defence against external aggression, foreign affairs, mutual economic activities, technical cooperation and other areas of mutual benefit that may be agreed.
- 1.5 The two confederal states shall cease hostilities immediately by making a joint declaration of cease fire to be followed by disengagement of forces from the date of signature of an accord.
- 1.6 Citizens of the Confederation shall be guaranteed freedom of movement, choice of place of residence and rights of ownership of property within the territorial boundaries of each state in accordance with its laws.
- 1.7 Internally displaced citizens and refugees will be assisted with voluntary return to their homes.
- 1.8 The waters of the Nile shall be a common resource of the Confederation and other riparian states and its utilization shall be administered by agreement among them.
- 1.9 A state of the Confederation shall have the power to enter into International Agreements with foreign governments and international organizations for social and economic development.

- 1.10 There shall be established for the purposes of resettlement, reconstruction and rehabilitation in the Southern State, which is affected by war, a Special Fund, the sources of which shall be:
 - 1.10.1 Contributions from the Central Treasury of the Confederation
 - 1.10.2 Donations from foreign governments and organizations.
 - 1.10.3 Donations from citizens of the confederation.
 - 1.10.4 Any other.
- 1.11 The Special Fund, referred to in 1.10, shall be administered by a Special Commission to be set up by the Government of the Southern Confederal State.
- 1.12 The Confederation shall also have powers to enter into International Agreements with foreign states and organizations in matters of common concern and mutual benefit as stated in clause 1.4.

Article 2: The Institutions of the Confederation Shall Be:

- 2.1 The Supreme Authority of the Confederation, hereafter referred to as the Supreme Authority.
- 2.2 The Joint Ministerial Council.
- 2.3 The Joint Defence and Security Council.
- 2.4 The Legislative Assembly of the Confederation.
- 2.5 The Supreme Court of the Confederation.
- 2.6 The General Secretariat of the Confederation.
- 2.7 The Financial and Revenue Allocation Commission of the Confederation.
- 2.8 The Economic Commission of the Confederation.

Article 3: The Supreme Authority

- 1.1 The Supreme Authority shall be the highest authority of the Confederation.
- 1.2 The Supreme Authority shall consist of the Heads of the Confederal States, who in the present case shall be the Head of the GOS and the Chairman and Commander-in-Chief of the SPLM/SPLA, plus the Joint Council of Ministers, the Joint Defence and Security Council, the head of the Confederal Legislative Assembly and the head of the Supreme Court of the Federation.
- 1.3 The Presidency of the Supreme Authority shall be held by rotation between the two heads of the Confederal States.
- 1.4 When one member of the Supreme Authority is the current President of the Confederation, the other shall be the Vice-President.
- 1.5 The National Democratic Alliance (NDA) shall be represented on the Supreme Authority and in the other institutions of the Confederation.

Article 4: Responsibilities of the Supreme Authority

- 4.1 Coordination of policy on matters of Joint Defence.
- 4.2 Coordination of policy on matters of external relations.
- 4.3 Coordination of policy on matters of mutual economic and monetary nature.
- 4.4 Coordination of policy on all other matters which the Confederal States may designate as falling within the responsibilities of the Confederation.
- 4.5 Make appointments of senior personnel to confederal institutions.
- 4.6 Control of the Joint Armed Forces of the Confederation, whenever constituted.

Article 5: The Joint Council of Ministers

- 5.1 There shall be a Joint Ministerial Council of the Confederation composed of the respective Ministers of the two States for Foreign Affairs, Defence, Finance and Economic Planning, Transport and Communications, Energy, Trade and other areas of common interest, as shall be agreed upon.
- 5.2 Meetings of the Joint Ministerial Council shall be presided over by the current President of the Supreme Authority.
- 5.3 The Joint Ministerial Council shall have ordinary meetings and may hold extraordinary meetings on the request of either of the Presidents of the Confederal States.
- 5.4 The Joint Ministerial Council shall have competence over matters falling within the responsibilities of the Confederation, and shall coordinate and implement policies on common matters of concern as stated in Article 1, clause 4, except on matters of defense and security.

Article 6: The Joint Armed Forces of the Confederation

- 6.1 Each Confederal State shall establish its own Armed Forces. The armed forces of a state shall consist of the Army, Navy and Air Force, provided that no state shall maintain Armed Forces in excess of an agreed maximum.
- 6.2 Whenever the need arises, the Armed Forces of the Confederal States shall, by order of the Supreme Authority, constitute Joint Armed Forces to defend the territorial integrity and independence of the Sudanese Confederation.
- 6.3 The Joint Armed Forces stipulated in 6.2 shall be constituted by transferring to the Confederation part of their military units, staff, equipment, and facilities available in the two Confederal States.
- 6.4 Each Confederal State shall provide an equal number of forces to the Joint Armed Forces.

- 6.5 The size, composition and type of equipment of the Joint Armed Forces shall be determined by the Supreme Authority in consultation with the Joint Defence and Security Council, formed in Article 7.1.
- 6.6 The Supreme Authority shall be under the command of the Supreme Authority, and deployment and movement of the Joint Armed Forces.
- 6.7 The Joint Armed Forces shall be under the command of the Supreme Authority, and deployed only for the purposes specified in an agreement.
- 6.8 Procedures, rules and details of the organization, training, deployment and condition of service of the Joint Armed Forces shall be spelt out in a separate protocol.

Article 7: The Joint Defence and Security Council

- 7.1 The Supreme Authority shall establish a Joint Defence and Security Council, the membership of which shall consist of the two Heads of the Confederal States, Ministers of Defence, Attorneys General and the Army Commanders of the two Confederal States, and any other members the Supreme Authority may agree.
- 7.2 The Joint Defence and Security Council shall decide and coordinate on matters relating to the defence and security of the Confederation.
- 7.3 The organization, functions, powers, rules and procedures of the Joint Defence and Security Council shall be set out in a separate protocol.

Article 8: The Legislative Assembly of the Confederation

- 8.1 A Legislative Assembly for the Confederation shall be constituted from equal members from the Confederal States as shall be agreed.
- 8.2 The Confederal Legislative Assembly may legislate on matters of common concern, provided that this does not conflict with the provisions agreed upon.
- 8.3 Laws passed by the Confederal Legislative Assembly shall not apply directly on the citizens of member states unless re-enacted into law by the State Legislature of each Confederal State sitting separately.

Article 9: The Supreme Court of the Confederation

- 9.1 A Supreme Court of the Confederation shall be constituted from the Chief Justices of the Confederal States and an equal number of Justices from each State, as shall be agreed, and shall be nominated by the President of each Confederal State, subject to approval by the Legislative Assembly of the Confederation.
- 9.2 The Supreme Court of the Confederation shall have competence only over laws passed by the Confederal Legislative Assembly.

- 9.3 The Supreme Court of the Confederation shall have no competence in laws pertaining to the Confederal States.

Article 10: The General Secretariat of the Confederation

- 10.1 A General Secretariat shall be established for the Supreme Authority of the Confederation.
- 10.2 It shall prepare and document all meetings of the Supreme Authority and the Joint Ministerial Council.
- 10.3 The General Secretariat shall be organized into specialized Departments.
- 10.4 It shall be responsible for the implementation of the decisions of the Supreme Authority.
- 10.5 It shall coordinate budgetary matters of the Confederation.
- 10.6 It shall study matters relating to the functioning of the Confederation as well as all matters submitted to it by the Supreme Authority or by the Joint Ministerial Council.
- 10.7 The Supreme Authority shall by regulations establish the organizational structure of the General Secretariat including its composition and terms of service of its personnel.

Article 11: Coordination on Foreign Policy

- 11.1 The Supreme Authority shall consult and exchange information on matters relating to foreign policy.
- 11.2 The two Confederal State Governments shall endeavour to coordinate policy in the field of external relations to their mutual advantage and that of the Confederation.
- 11.3 The Foreign Ministers of the Confederal States shall meet from time to time to review matters relating to the coordination of policy in the field of external relations and shall chair such meetings by rotation.
- 11.4 The two Confederal States shall enter into a separate protocol for the coordination of foreign policy as shall be agreed.

Article 12: Finances of the Confederation

Financial and Revenue Allocation Commission

- 12.1 A Financial and Revenue Allocation Commission for the Confederation shall be established by the Supreme Authority, and shall be made up on an equal number

of representatives from each State, as shall be determined by the Supreme Authority.

- 12.2 The Financial and Revenue Allocation Commission shall be responsible for the collection of revenues of the Confederation and the allocation thereof to the Institutions of the Confederation according to the Confederal budget, or to the confederal states, as shall be agreed.

Revenue

- 12.3 The Financial revenues of the Confederation shall comprise:
- 12.3.1 Contributions of the member States.
 - 12.3.2 Income or Royalties for services rendered by Confederal institutions.
 - 12.3.3 Income from loans and Investment Projects of the Confederation.
 - 12.3.4 Any other.

Expenditure

- 12.4 Recurrent expenditure of the Confederation shall include expenditures on emoluments, salaries and equipment required for operating the various institutions of the Confederation, allocations to the states as well as allocations in support of activities in the economic, social and cultural fields.
- 12.5 Capital expenditures on machinery and equipment and physical infrastructure.

Article 13: Contributions by the States to the Confederal Budget

- 13.1 The States shall make contributions to the Confederal Budget as shall be agreed.
- 13.2 The Supreme Authority shall determine the currency in which the Confederal States shall make their contributions.
- 13.3 Each State shall pay its contribution to the Confederal Budget not later than the first quarter of the financial period.
- 13.4 The General Secretariat of the Confederation shall prepare the budget proposals of the Confederation before the end of the financial period for submission to the Joint Ministerial Council.
- 13.5 The budget shall be approved by a majority vote of the Joint Ministerial Council and authenticated by the President of the Supreme Authority.
- 13.6 The financial period shall commence and end on dates to be agreed upon by the Joint Ministerial Council.
- 13.7 The Supreme Authority shall control and ensure the sound implementation of the Confederal Budget.

- 13.8 The Supreme Authority shall authorize the collection of the revenues and disbursements of budgetary allocations and may delegate some of its responsibilities and powers in this regard to the Joint Ministerial Council and the General Secretariat of the Confederation.
- 13.9 There shall be a Board of Auditors to be appointed by the Supreme Authority for the auditing and control of the Confederal Budget.
- 13.10 All budgetary and financial matters shall be regulated through a separate protocol, as may be deemed necessary and agreed upon.

Article 14: The Economic Commission

- 14.1 The Supreme Authority shall establish an Economic Commission for the Confederation, and shall be made up of an equal number of representatives from each Confederal State.
- 14.2 The Economic Commission shall be responsible for mutual economic matters, as came in Article 1, Clause 4, and shall be under the supervision of the Joint Ministerial Council.
- 14.3 The Economic Commission shall encourage and implement joint economic projects and ventures.

SPLM IGAD COMMITTEE

Attachment: Map showing the two confederal states, with boundary running at approx 11-13 degrees north (i.e. including Abyei, South Kordofan and South Blue Nile up to Singa/El Suki in the Southern Confederal State).



DRAFT

AGENDA

FOURTH POLITICAL COMMITTEE MEETING

21ST SEPTEMBER – 4TH OCTOBER, 2000

ITEM I: Declaration of Principles
Paragraph 3.3

ITEM II: Declaration of Principles
Paragraph 3.5

ITEM III: Southern Kordofan
Southern Blue Nile
Abyei

ITEM IV: Declaration of Principles
Paragraph 3.4

ITEM IV: AOB

B. DISTRIBUTION OF POWERS

It is necessary to specify the respective powers of the Federal Government and States before a decision is taken on wealth sharing. For purposes of discussion, it is proposed that the Federal Government should have exclusive legislative authority on the following matters:

1. Foreign Affairs
2. Defence and security of the Federation
3. Federal police
4. Matters relating to State of Emergency
5. Citizenship
6. Immigration
7. Loans and international business
8. The fixing of and providing for salaries and allowances of civil and other officers of the Federal Government
9. The public debt and property
10. The regulation of trade and commerce
11. The borrowing of money on public credit
12. Postal services
13. The census and statistics
14. Beacons
15. Navigation and shipping
16. Federal Lands
17. Currency and coinage

18. Banking, incorporation of banks and the issue of paper money and the Central Bank
 19. Savings Banks
 20. Weights and measures
 21. Bills of exchange and promissory notes
 22. Federal Criminal Law
 23. The raising money by any mode or system of taxation
 24. Interest
 25. Legal Tender
 26. Bankruptcy and Insolvency
 27. Patents of invention and discovery
 28. Copyrights
 29. Naturalization of aliens
 30. Establishment and maintenance of Federal prisons
 31. Manufacturing licenses and statistics
 32. Supreme Court of the Federation and other Federal Courts
 33. Such classes of subjects expressly excepted in the enumeration of the classes of subjects above are assigned exclusively to the State legislatures
- C. In the states, the legislature may exclusively make laws in relation to matters coming within the following classes of subject; that is to say: -
1. The Constitution of the State

2. Direct taxation within the State in order to raise revenue for the State.
3. The borrowing of money on the sole credit of the State
4. The establishment and tenure of state offices and the appointment and payment of state officers.
5. The management and sale of public lands belonging to the state and of the timber and wood thereon.
6. The establishment, maintenance and management of public and reformatory prisons in and for the state.
7. The establishment and management of hospitals.
8. Shop, saloon, auctioneer and other licenses to raise revenue for the state, local or municipal purposes.
9. Municipal institutions in the state.
10. Local works and undertakings.
11. Marriage and divorce, inheritance, adoption and affiliation.
12. Criminal law, state police and/prisons
13. The administration of Justice in the state, including maintenance and organization of state courts, both of civil and criminal jurisdiction and including procedure in those courts.
14. The imposition of punishment by fine, penalty or imprisonment for enforcing law of the state made in relation to any matter coming within any classes of matters under the state competency.
15. The exploration of non-renewable natural resources in the state.

16. The development, conservation and management of non-renewable natural resources and forestry resources in the state, including laws in relation to the rate of primary production therefrom.
17. The development, conservation and management of sites and facilities in the state for the production and generation of electricity.
18. Legislation respecting education.
19. Laws in relation to agriculture in the state.
20. Regulating immigration into the state.
21. All lands, mines and minerals belong to the state in which they are situated and shall be regulated by the state.
22. Generally all matters of a merely local or private nature in the state.

2. CONTRIBUTIONS AND DIVISION OF INCOME OF THE FEDERATION/WEALTH SHARING

The above division of powers also to a certain extent involves division of income. However, there should be established a joint Financial Account for the Federation which will have all the monies to be contributed by the state governments at a level to be determined by a joint Financial Commission in accordance with a law to be enacted by the Federal Parliament for the purpose of the activities of the Federation and on matters of the Federation.

The joint Financial Commission will have the responsibility to deal with income and expenditure arising from and/or involving transactions of Federation matters and to make recommendations to state governments on matters of contributions and shares of each state government. It will also administer at all times the monetary policies of the Federation and also the financial relationship between the state and carry out any other responsibilities that may be delegated to it by the states.

يتأهب لمواجهةين في اسمرأ وماكاشوس، قرنق يطالب حلفاءه بانتزاع أحترامهم

تعكف فصائل تجمع المعارضة السودانية المنضوية تحت مظلة التجمع على إعداد عدتها لمواجهة مكشوفة وساخنة مع الحركة الشعبية التي يتزعمها جون قرنق في اجتماع قيادة التجمع المؤجل الى 4 اغسطس،

مما يجعله اجتماعا حاسما بشأن مصير تحالف احزاب الشمال مع الحركة الجنوبية التي انهمكت قياداتها السياسية والعسكرية واداراتها المدنية في المناطق الواقعة تحت نفوذها بالجنوب في تقييم اتفاق ماكاشوس بغية بلورة رؤيتها التي ستطرحها في اجتماع قيادة التجمع بالعاصمة الاريترية واعداد اوراقها للجولة الثانية من مفاوضات ماكاشوس التي تبدأ في 12 من الشهر المقبل والتي ستفجر فيها قضايا جديدة لم تتطرق لها الجولة الاولى وفي مقدمتها الترتيبات الامنية. (طالع ص 21) وعلمت «البيان» ان شخصيات من قيادات التجمع في القاهرة اطلقت سلسلة لقاءات مع ممثلي الوسطاء لاستجلاء بعض الجوانب وتوضيح بعض القضايا المرتبطة باطار التفاهم الذي انتهت اليه جولة المفاوضات السابقة وطلب التأكيد على عدد من المواقف في الجولة الثانية تهدف هذه الاتصالات الى توسيع دائرة اطار التفاهم بحيث لا يصبح الاتفاق النهائي عقدا قاصرا على حكومة الخرطوم والحركة الشعبية فقط، وانما اتفاق يشمل كافة القوى السياسية ويستهدف كذلك الاجماع السوداني على المرحلة التالية على نحو يضمن سلاما شاملا وتداولاً سلمياً للسلطة تحت مظلة ديمقراطية حقيقية. كما بدأت قيادات الفصائل في القاهرة توحيد مواقفها لمواجهة قرنق في اجتماع اسمرأ اذ ترى بعض الفصائل ان قرنق تخلى عن الالتزام بـ «مقررات اسمرأ» بتوقيعه بروتوكول ماكاشوس مع الحكومة ومن ثم يريد هؤلاء الضغط على قرنق لضمان ربط السلام بالتحول الديمقراطي.

وفيما تقلل قيادات الحركة من احتمال التصادم مع حلفائها الشماليين في اجتماع اسمرأ تعترف في الوقت نفسه بأن جولة مفاوضات ماكاشوس الثانية تعتبر «جولة حاسمة بإمكانها الدفع بقوة لجهة تحقيق السلام» حسب تعبير ياسر عرمان الناطق الرسمي باسم الحركة والذي أكد ان الحركة مصممة على اهمية ضمان اجماع وطني لاتفاقها مع الحكومة واهمية التحول الديمقراطي، غير ان عرمان قال ان «القوى السياسية مطالبة بانتزاع ترحيبها من الذين لا يرحبون بها كما ان النظام مطالب بأن يرى مشاركة تلك القوى السياسية من منظور المصالح العليا للسودان وليس من المنظور الحزبي الضيق».

وأوضح عرمان في مخابرة هاتفية مع «البيان» ان جولة ماكاشوس الثانية ستتناول بنود مذكرة التفاهم بالتفصيل غير ان هناك قضايا عديدة ستثيرها الحركة في تلك الجولة ولم يكن النقاش قد تطرق اليها في الجولة الاولى.



PROPOSALS PRESENTED BY THE ENVOYS TO THE
GOS AND THE SPLM/A ON DOP 3.4, 3.3, AND 3.5
AT THE FOURTH POLITICAL COMMITTEE MEETING
21st September – 4th October, 2000

A. STATE AND RELIGION

PREAMBLE:

RECOGNIZING that legislation shall take into account the multi-cultural, multi-religious and multi-ethnicity of the people of the Sudan;

AFFIRMING that a two-tier system of law is envisaged. At national level, all the institutions and state organs shall be neutral on religion. However, personal laws affecting marriage, divorce, affiliation, maternity and inheritance shall be governed by religious or customary laws of those involved;

NOTING that at state level, the legislation shall take into account religious and cultural peculiarities of the people concerned.

The Constitution of the Federation shall be secular and democratic that is to say inter alia, The Federation Constitution shall, without any derogation, restrictions or limitations whatsoever guarantee the right to freedom of thought, conscience, religion or belief which shall include the following freedoms: -

- a) To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

- b) To establish and maintain appropriate charitable or humanitarian institutions;
- c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- d) To write, issue and disseminate relevant publications in these areas;
- e) To teach a religion or belief in places suitable for these purposes;
- f) To solicit and receive voluntary financial and other contributions from individuals and Institutions;
- g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;
- i) To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;
- j) For avoidance of doubt no one shall be subject to discrimination by the Federal government, state, institutions, group of persons or person on grounds of religion or other beliefs;
- k) Subject to paragraphs (a) to (j) above, both inclusive, Religions, Customs and consensus may be included in the State Constitution as sources of legislation.
- l) These provisions shall not be amended unless the bill proposing the amendment has been approved by two-thirds majority of the members of the legislative assembly of all the component states of the Federation.

2. Direct taxation within the State in order to raise revenue for the State.
3. The borrowing of money on the sole credit of the State
4. The establishment and tenure of state offices and the appointment and payment of state officers.
5. The management and sale of public lands belonging to the state and of the timber and wood thereon.
6. The establishment, maintenance and management of public and reformatory prisons in and for the state.
7. The establishment and management of hospitals.
8. Shop, saloon, auctioneer and other licenses to raise revenue for the state, local or municipal purposes.
9. Municipal institutions in the state.
10. Local works and undertakings.
11. Marriage and divorce, inheritance, adoption and affiliation.
12. Criminal law, state police and/prisons
13. The administration of Justice in the state, including maintenance and organization of state courts, both of civil and criminal jurisdiction and including procedure in those courts.
14. The imposition of punishment by fine, penalty or imprisonment for enforcing law of the state made in relation to any matter coming within any classes of matters under the state competency.
15. The exploration of non-renewable natural resources in the state.

16. The development, conservation and management of non-renewable natural resources and forestry resources in the state, including laws in relation to the rate of primary production therefrom.
17. The development, conservation and management of sites and facilities in the state for the production and generation of electricity.
18. Legislation respecting education.
19. Laws in relation to agriculture in the state.
20. Regulating immigration into the state.
21. All lands, mines and minerals belong to the state in which they are situated and shall be regulated by the state.
22. Generally all matters of a merely local or private nature in the state.

2. CONTRIBUTIONS AND DIVISION OF INCOME OF THE FEDERATION/WEALTH SHARING

The above division of powers also to a certain extent involves division of income. However, there should be established a joint Financial Account for the Federation which will have all the monies to be contributed by the state governments at a level to be determined by a joint Financial Commission in accordance with a law to be enacted by the Federal Parliament for the purpose of the activities of the Federation and on matters of the Federation.

The joint Financial Commission will have the responsibility to deal with income and expenditure arising from and/or involving transactions of Federation matters and to make recommendations to state governments on matters of contributions and shares of each state government. It will also administer at all times the monetary policies of the Federation and also the financial relationship between the state and carry out any other responsibilities that may be delegated to it by the states.



Government of the Sudan Delegation to IGAD
Peace Talks

Response to the Proposals Presented by the Envoys to the
Government of Sudan and the SPLM/A on DOP 3.4, 3.3,
and 3.5
At the Fourth Political Committee Meeting
21st September – 4th October, 2000

A. State and Religion

Preamble: -

Recognizing that legislation shall take into account the multi-cultural, multi-religious and multi –ethnicity of the people of the Sudan;

Affirming that a two-tier system of law is envisaged at national level and state level. At the national level legislation shall take into account the multi-religious, multi-ethnic and multi-cultural peculiarities of the people concerned; the institutions and state organs shall not be based on religious affinity and legislation shall as well provide for equal duties and rights for all citizens on the basis of citizenship.

Noting that at state level, the legislation shall take into account religious and cultural peculiarities of the people concerned.

Realizing that personal laws affecting marriage , divorce. Affiliation, maternity, and inheritance shall be governed by religious or customary laws of those involved.

Constitutional Guarantees: -

The Constitution shall, without any derogation, restrictions or limitations whatsoever guarantee the right to freedom of thought, conscience, religion or belief which shall include the following freedoms:-

- a/ To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;
- b/ To establish and maintain appropriate charitable or humanitarian institutions;
- c/ To make , acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief.
- d/ To write, issue and disseminate relevant publications in these areas;
- e/ To teach a religion or belief in places suitable for these purposes;
- f/ To solicit and receive voluntary financial and other contributions from individuals and institutions.
- g/ To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

- h/ To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;
- i/ To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels;
- j/ For avoidance of doubt no one shall be subject to discrimination by the Federal Government, state, institutions, group of persons or person on grounds of religion or other beliefs;
- k/ Subject to paragraphs (a) to (j) above , *Sharia*, customary law, *Consensus of the nation and universal values* shall be included in the Constitution as sources of legislation.
- l/
 1. *These provisions shall not be amended unless such an amendment is proposed by one-third of the members of the National Assembly or one-third of the state Assemblies.*
 2. *The National Assembly shall pass the text of amendment by the majority of two –thirds of members.*
 3. *The amendments of these provisions of the basic fundamentals passed in accordance with sub article (2) , shall not come into force , save after the same is passed by the people, in a referendum and signed by the President of the Federal Republic.*

B. DISTRIBUTION OF POWERS :-

It is necessary to specify the respective powers of the Federal Government and states before a decision is taken on wealth sharing. For purposes of discussion, it is proposed that the Federal Government should have exclusive legislative authority on the following matters:

1. Foreign Affairs.
2. Defence and security of the Federation.
3. Federal police.
4. Matters relating to state of emergency.
5. Citizenship.
6. Immigration.
7. *National planning and Federal financial resources.*
8. Loans and international business.
9. The fixing of and providing for salaries and allowances of civil and other officers of the Federal Government.
10. The public debt and property.
11. The regulation of trade and commerce.
12. The borrowing of money on public credit.
13. Postal services.

14. The census and statistics.
15. *General elections for constitutional , Federal ,state, and local institutions.*
16. Navigation and shipping.
17. *Matters relating to state borders disputes.*
18. Federal lands , *natural resources ,mineral and subterranean wealth.*
19. *Interstate routes , waterways, railways, communications, and public utilities.*
20. Currency and coinage.
21. Banking, incorporation of banks, the issue of paper money , and the Central Bank.
22. Saving banks.
23. *National projects , corporations and companies.*
24. Weights and measures.
25. Bills of exchange and promissory notes.
26. Federal criminal law.
27. The raising of money by any mode or system of taxation.
28. *Transit of persons, goods and benefits.*

29. legal tender.
30. Bankruptcy and insolvency.
31. Patents of invention and discovery.
32. Copyrights.
33. Naturalization of aliens.
34. Establishment and maintenance of Federal prisons.
35. Manufacturing licenses and statistics.
36. Supreme Court of the Federation and other Federal Courts.

C. In the states, the legislature may exclusively make laws in relation to matters coming within the following classes of subject; that is to say :-

1. *State legislation :*
 - a) *In matters within state powers*
 - b) *Complementary to federal laws in matters peculiar to the state.*
 - c) *Customary laws*
2. Direct taxation within the state in order to raise revenue for the state.
3. The borrowing of money on the sole credit of the state.
4. The establishment and tenure of state offices and the appointment and payment of state officers.

5. The management and sale of public lands belonging to the state and of the timber and wood thereon.
6. The establishment, maintenance and management of public and reformatory prisons in and for the state.
7. .The establishment and management of hospitals.
8. Shops, saloons, auctioneer and other licenses to raise revenue for the state, local or municipal purposes.
9. Municipals institutions in the state.
10. Local works and undertakings.
11. Marriage and divorce, inheritance, adoption and affiliation.
12. State police and / prisons.
13. The administration of justice in the state, including maintenance and organization of state courts, both of civil and criminal jurisdiction and including procedure in those courts.
14. The imposition of punishment by fine, penalty or imprisonment for enforcing law of the state made in relation to any matter coming within any classes of matters under the state competency.
15. The development, conservation and management of sites and facilities in the state for the production and generation of electricity.
16. Laws in relation to agriculture in the state.

17. State financial resources.

18. Non-transit waters.

19. State lands, natural resources. Animals and wildlife wealth.

20. Information, culture and means of publication.

21. Registration of birth, deaths, and marriage documents.

22. State public audit.

23. Irrigation and embankment, pastures and their development

24. Generally all matters of a merely local or private nature in the state.

D/ The following powers shall be concurrent:

1. Public counsels and attorneys
2. Education and scientific research
3. Surveys
4. Environment and tourism
5. Meteorology and beacons
6. Epidemics and natural disasters
7. All residual powers.

CONTRIBUTION AND DIVISION OF INCOME OF THE FEDERATION/ WEALTH SHARING

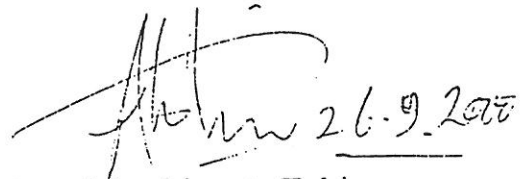
The division of powers involves division of wealth and revenue between the federal and state governments. However, a federal legislation should guarantee the equitable distribution of wealth and revenue on the basis of an agreed upon formula.

A revenue allocation commission should be established to serve this purpose.

The Development and Reconstruction Fund:

A special fund shall be established to mobilize and appropriate the necessary resources for reconstruction of the war-affected areas. The fund should provide finance for resettlement, rehabilitation, and repatriation of the

internally displaced and refugees. Rebuilding infrastructures, resumption of social services and advancing development of these areas should immediately receive appropriate finance after the signing of the peace agreement.



A handwritten signature in black ink, appearing to read 'Ahmed Ibrahim et-Tahir', with the date '26.9.2017' written below it.

Ahmed Ibrahim et- Tahir
Advisor to the President on Peace Affairs
Head of Sudan Delegation



Government of the Sudan Delegation to IGAD
Peace Talks

GOS Response to the Draft Proposal on the Issues of Abyei,
South Kordofan and South Blue Nile

In Principle

1. The Government of the Sudan (GOS) delegation reiterates its overarching position that the IGAD Peace Process could not move forward unless it confines itself to the basic mandate of the IGAD Sub-Committee on the Sudan Conflict and discusses only issues that directly arise under the DOP.

Abyei


2. The way the paper poses the issue raises the following serious concerns:
 - 2.1 It foreshadows that the issue of the borders of the south, which was conclusively settled by the parties in the first meeting of this committee, could be revisited under the pretext of Abyei or any other pretext. The GOS strictly cautions against any such regression.
 - 2.2 By assuming that Abyei was historically, culturally, and geographically "a part of southern complex", the paper has fallen into glaring errors; as when it comes to history, even the SPLM/A didn't take heart to argue that Abyei formed part of the south at any given time of the modern history of the Sudan. Culturally, the area had successfully blended a sui generis culture of its own to an extent that it identified itself differently when the area tribal chiefs declined to be annexed to Bahr el Ghazal. Geographically, the area is not within the environs of the south as it is situated to the north of river Bahr el Arab in a form of an enclave that extends northward.
 - 2.3 Existence of tribal enclaves in the Sudan is not unique to Abyei and is common to other African countries. Attempts to redraw borders on tribal lines in a bid to resolve some conflicts, is bound to trigger more disputes instead of unraveling the raging ones.
3. The problem of Abyei could be thoroughly discussed and ultimately resolved in an all-inclusive conference in the presence of all stakeholders.

South Kordofan and South Blue Nile

4. The paper was totally unfair when it drew a conclusion that because some of the people of those two areas "*raised arms along side the SPLM/A*" for military and logistic considerations, the SPLM/A is bestowed with a legitimate interest in those areas and entitled, as well, to represent the *Nuba* and *Ingessina* peoples who are northerners and predominantly muslims.
5. The GOS renews its commitment to negotiate with the people of these areas, who fought with the SPLM/A. Mediators, venues and dates could be determined in due course.

Conclusion

6. The GOS urges the facilitators to concentrate on the main theme of the talks, as other issues will tend to resolve themselves spontaneously.

 30.9.2000

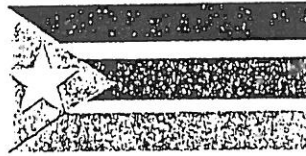
Ahmed Ibrahim et-Tahir
Advisor to the President on Peace Affairs
Head of the GOS Delegation

30th Sept. 2000
Baringo- Kenya

GENERAL HEADQUARTERS



SUDAN PEOPLE'S LIBERATION MOVEMENT
AND SUDAN PEOPLE'S LIBERATION ARMY



P.O. Box 73699.
Nairobi, KENYA
Tel: 254-2-49335/49107
Fax: 254-2-49109

Our Ref:

Your Ref:

Date 27.09.2000

**SPLM RESPONSE TO PROPOSALS PRESENTED BY THE
ENVOYS ON DOP 3.4, 3.3, AND 3.5
AT THE FOURTH POLITICAL COMMITTEE MEETING
21st September – 4th October 2000**

A. 0 (DOP 3.4) STATE AND RELIGION

PREAMBLE:

RECOGNIZING that legislation during the **Interim Period** shall take into account the multi-cultural, multi-religious, multi-lingual and multi-ethnicity of the people of the Sudan;

AFFIRMING that a two-tier system of law is envisaged, whereby at national level, all the institutions and state organs shall be secular, meanwhile, personal laws affecting marriage, divorce, affiliation, maternity and inheritance shall be governed by religious or customary laws of those involved;

EMPHASIZING that, save in the sphere of personal law, the Union government shall not enact legislation, recognize and implement court decisions or in any manner whatsoever formulate policies stemming from the tenets of any religion;

CONSCIOUS of the fact that peaceful resolution of the Sudan conflict cannot be achieved until and unless the government of Sudan (GOS) commits itself in principle to abrogation of the 1998 Constitution and to the

adoption by all the political forces of an Interim Constitution, which shall guarantee the separation of religion from politics;

MINDFUL of the need for the government of Sudan to immediately abrogate Articles 65, 4, 18, and 16 of the 1998 constitution, as a means of, *inter-alia*, creating a conducive environment for success of the peace process, as well as abrogation of Articles 31 of the National Security Act and 21 of the Political Organizations Act;

NOTING that at state level, the legislation shall take into account religious and cultural peculiarities of the people concerned and;

WHEREAS the Constitution of the Union government shall be secular and democratic that is to say, *inter-alia*, that all human rights, norms and principles enshrined in regional and international human rights instruments and covenants shall be an integral part of the constitution of the Sudan and any law, decree, executive order or policy measure contrary thereto, shall be considered null and void and unconstitutional. The Union Constitution shall guarantee the right to freedom of thought, conscience, religion or belief, which shall include the following freedoms: -

A. 1 FREEDOM OF RELIGION

1. To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;
2. To establish and maintain appropriate charitable or humanitarian Institutions;
3. To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
4. To write, issue and disseminate relevant publications in these areas;
5. To teach and propagate a religion or belief in places suitable for these purposes;
6. To solicit and receive voluntary financial and other contributions from individuals and institutions;

7. To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
8. To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;
9. To establish and maintain communications with individuals and Communities in matters of religion and belief and at the national and international levels;
10. For avoidance of doubt no one shall be subject to discrimination by the Union Government, State, institutions, group of persons or person on grounds of religion or other beliefs;
11. No political party shall be established on religious and sectarian basis;
12. The Union government shall acknowledge and respect religious pluralism in the country and shall undertake to promote and bring about peaceful interaction and coexistence, equality and tolerance among religious and noble spiritual beliefs and shall permit peaceful religious proselytization and prohibit coercion in religion, or the perpetration in any place, forum or location in the Sudan of any act or measure intended to arouse religious sedition or racial hatred;
13. These provisions shall not be amended unless the bill proposing the amendment has been approved by three-quarter majority of the members of the legislative assembly of each of the component states of the Union in separate sessions. The affected state must approve it through a plebiscite by at least three-quarter majority;
14. Subject to paragraphs (1) to (13) above, both inclusive, Religions, Customs and consensus may be included in the State Constitution as sources of legislations.

A. II OTHER FUNDAMENTAL RIGHTS AND FREEDOMS

Complete political and social equalities for all people of the Sudan must be guaranteed by Law and hence: -

1. Every person has the right to life, liberty, and the security of his/her person and the protection of law;
2. Every citizen is guaranteed freedom of expression and communication and the right to assemble peacefully and to petition his/her government to express his/her grievances;
3. No person shall be held in slavery or servitude;
4. No person shall be required to perform forced labor;
5. Every citizen shall have the right of movement and residence in any part of the Sudan subject to be B.1.3 (33) of this document, and the right to leave and to enter the Sudan;
6. Every citizen is entitled to own, protect and dispose of his/her property and to receive fair compensation for it in case of confiscation;
7. No person shall be subjected to torture or inhuman or degrading punishment or other similar treatment;
8. All citizens have the right of association and organization for political, cultural, social, economic, professional and trade Union purposes;
9. An accused person has a right to speedy and public trial by an impartial regular court duly established by law. The accused has a right to be represented by an advocate;
10. All citizens are equal before the law. Subject to provisions of the referendum protocol no discrimination shall attach to any Sudanese by reason of ethnic origin, sex, religion or ideology;

B. (DOP 3.3) INTERIM PERIOD - SELF ADMINISTRATION AND DISTRIBUTION OF POWERS

It is necessary to specify the respective powers and structures of the Union Government and States before a decision is taken on wealth sharing. Consequently the government of Sudan must commit itself to the formation of a broad based government during the interim period once an agreement is reached.

B.1.1 INTERIM ADMINISTRATION AND STRUCTURES

1. There shall be established in the Sudan an Interim Administration whose duration shall be two Gregorian calendar years commencing from the date of the signature of the agreement by the parties. A referendum on the issue of

unity or separation shall be conducted within the interim period;

2. The Interim administration shall comprise a Union and State Governments each of which shall consist of: -
 - a. An interim executive.
 - b. And interim legislative assembly, and
 - c. An interim judiciary.

B.1.2 POWERS OF THE INTERIM UNION GOVERNMENT.

1. National defense subject to B.1.3 (2) of this document and any other interim security arrangements;
2. Foreign Policy subject to B.1.3. (8) of this document;
3. Nationality and Naturalization of aliens;
4. Passports;
5. Immigration and aliens;
6. Currency and coinage;
7. Public debt and property;
8. Supreme Court of the Union and other Union Courts
9. Union Police;
10. The fixing of and providing for salaries and allowances of civil and other officers of the Union Government;
11. Postal service;
12. Beacons;
13. Navigation and shipping;
14. Union lands;
15. Central Bank, incorporation of Banks and issue of paper money;
16. Bills of exchange and Promissory notes;
17. Weights and measures, dates and standards of time;
18. Union Criminal Law;
19. Meteorology;
20. Establishment and maintenance of Union Prisons;

B.1.3 THE INTERIM ADMINISTRATION - STATE POWERS

In the states, the legislature may exclusively make laws in relation to matters falling within its jurisdiction in the following classes of subject; that is to say: -

1. The Constitution of the State;
2. The state armed forces and security organs;
3. Maintenance of law and order and public security; through Police and Prison forces, which shall provide; departments for intelligence and public security;
4. Local government;
5. Information, culture and mean of publication;
6. Social welfare;
7. Public and civil service at the state level;
8. The Judiciary up to the Court of appeal;
9. Land, natural resources, minerals and wealth under and above it, except the water and natural flow of the Bahr el Jebel, Sobat, Bahr el Ghazel and the White Nile, which are governed by international conventions;
10. Culture, religion, language and information media;
11. Initiation, negotiation and conclusion of international and regional agreements on culture, trade, investments, credits, loans, grants and technical assistance with foreign governments and agencies of foreign non-governmental organizations and institutions;
12. Financial resources and economic policies;
13. Internal and external borrowing of money on the sole credit of the State;
14. Direct and indirect taxation within the State in order to raise revenue for the state;
15. The establishment and tenure of state offices and appointment and payment of state officers;
16. The management and sale of public lands belonging to the state and of the timber and wood thereon;
17. The establishment, maintenance and management of public and reformatory prisons for the state;
18. The establishment and management of hospitals;
19. Industrial, shop, saloon, auctioneer and other licenses to raise revenue for purposes of the state, local or municipal councils;
20. Public Health and control of epidemics;
21. Municipal and council institutions in the state;
22. Local works and undertakings;
23. Marriage and divorce, inheritance, adoption and affiliations;

24. Criminal law, state police and prisons;
25. The administration of Justice in the state, including maintenance and organization of state courts, both of civil and criminal jurisdiction and including procedure in those courts;
26. The imposition of punishment by fine, penalty or imprisonment for enforcing law of the state made in relation to any matter falling within any classes of matters under the state competency;
27. Environmental Conservation and Protection;
28. The exploration and exploitation of non-renewable natural resources in the state;
29. The development, conservation and management of non-renewable natural resources and forestry resources in the state including laws in relation to the rate of primary production there from;
30. The development, conservation and management of sites and facilities in the state for the production and generation of electricity;
31. Legislation respecting education planning and scientific research up to the tertiary level;
32. Laws in relation to Agriculture in the state;
33. Regulating immigration into the state;
34. All lands, mines and minerals belong to the state in which they are situated and shall be regulated by the state;
35. Generally all matters of a merely local or private nature in the state;
36. Social welfare, including voluntary repatriation, relief, rehabilitations and reconstruction
37. Border trade;
38. Commerce and industry;
39. Air, river and land transport, postal service and telecommunication;
40. Airports;
41. Surveys;
42. Statistics;
43. Referendum and elections;
44. Populations census;
45. Tourism and wildlife conservation;

46. Establishment of banks;
47. Electricity;
48. Copy rights, patents and publisher's rights;
49. Audit;
50. Public counsel and attorneys;
51. Advocacy;
52. Supervision of trade Union arbitration in the settlement of their disputes;
53. Fishing and fisheries;
54. Missionary activities, charities and endowment;
55. Rehabilitation and benefits to the disabled and care for the dependents of martyrs;
56. Industry and quarrying.

B.1.4 INTERIM ADMINISTRATION – CONCURRENT POWERS

The Union and State governments of the Sudan during the interim period shall be competent to legislate on any other matters listed below which are deemed to be concurrent powers.

1. Public services;
2. Public counsels and attorney;
3. Local government;
4. Information, culture and means of publication;
5. Education and scientific research;
6. Health Policy;
7. Social welfare;
8. Economic and Fiscal policy;
9. Cooperation;
10. Building development, planning and housing;
11. Survey;
12. Statistics;
13. Environmental policy;
14. Loans and international business;
15. Regulations of trade and commerce;
16. The borrowing of monies on public credits;
17. Postal services;
18. The census and statistics;
19. Savings banks;

20. Criminal law;
21. The raising of money by any mode or systems of taxation;
22. Interests;
23. Legal tenders;
24. Bankruptcy and insolvency;
25. Patents of inventions and discovery;
26. Copy rights;
27. Manufacturing licenses and statistics.

B.1.5 RESIDUAL POWERS

Any residual powers that have not been expressly assigned to either the Union Government or the State Government, and not enumerated as concurrent powers are deemed to belong to the State Government.

C. (DOP 3.5) FINANCE OF THE UNION

C.1.0 FINANCIAL AND REVENUE ALLOCATION COMMISSION OF THE UNION/STATE

1. The above division of powers also to a certain extent involves division of income. However, there should be established a joint Financial Account for the Union which will have all the monies to be contributed by the state governments at a level to be determined by a joint Financial Commission in accordance with a law to be enacted by the Union Parliament for the purpose of the activities of the Union and on matters of the Union;
2. A Joint financial and revenue allocation commission for the Union shall be established by the Union Government, and shall be made up of an equal number of representatives from each state, as shall be determined by the Union Government;
3. The joint Financial Commission will have the responsibility to deal with income and expenditure arising from and/or involving transactions of Union matters and to make recommendations to state governments on matters of contributions and shares of each state government. It will also administer at all times the monetary policies of the Union and also the financial relationship between the state and

carry out any other responsibilities that may be delegated to it by the states;

4. Joint Financial and revenue allocation commission shall be created and be responsible for the collection of revenues of the Union and the allocation thereof to the institutions of the Union according to the Union budget, or to the States, as shall be agreed.

C.1.1 REVENUE

The financial revenues of the Union shall comprise of: -

1. Contributions of the Member States;
2. Income or royalties for services rendered by Union institutions;
3. Income from loans and investment projects of the Union;
4. Any other.

C.1.2 EXPENDITURE

Recurrent expenditure of the Union shall include expenditures on emoluments, salaries and equipment required for operating the various institutions of the Union, allocations to the State as well as allocations in support of activities in the economic, social and cultural fields. Capital expenditures on machinery and equipment and physical infrastructure.

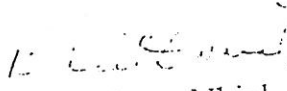
C.1.3 CONTRIBUTIONS BY THE STATE TO THE UNION BUDGET

1. The State shall make contributions to the Union budget as shall be agreed. However, the Union Government shall determine the currency in which the Union State shall make their contributions;
2. Each state shall pay its contribution to the Union budget not later than the first quarter of the financial period;
3. The Union Government shall prepare and approve its budget proposals before the end of the financial period;
4. The budget shall be approved by a majority vote of the Union Parliament;

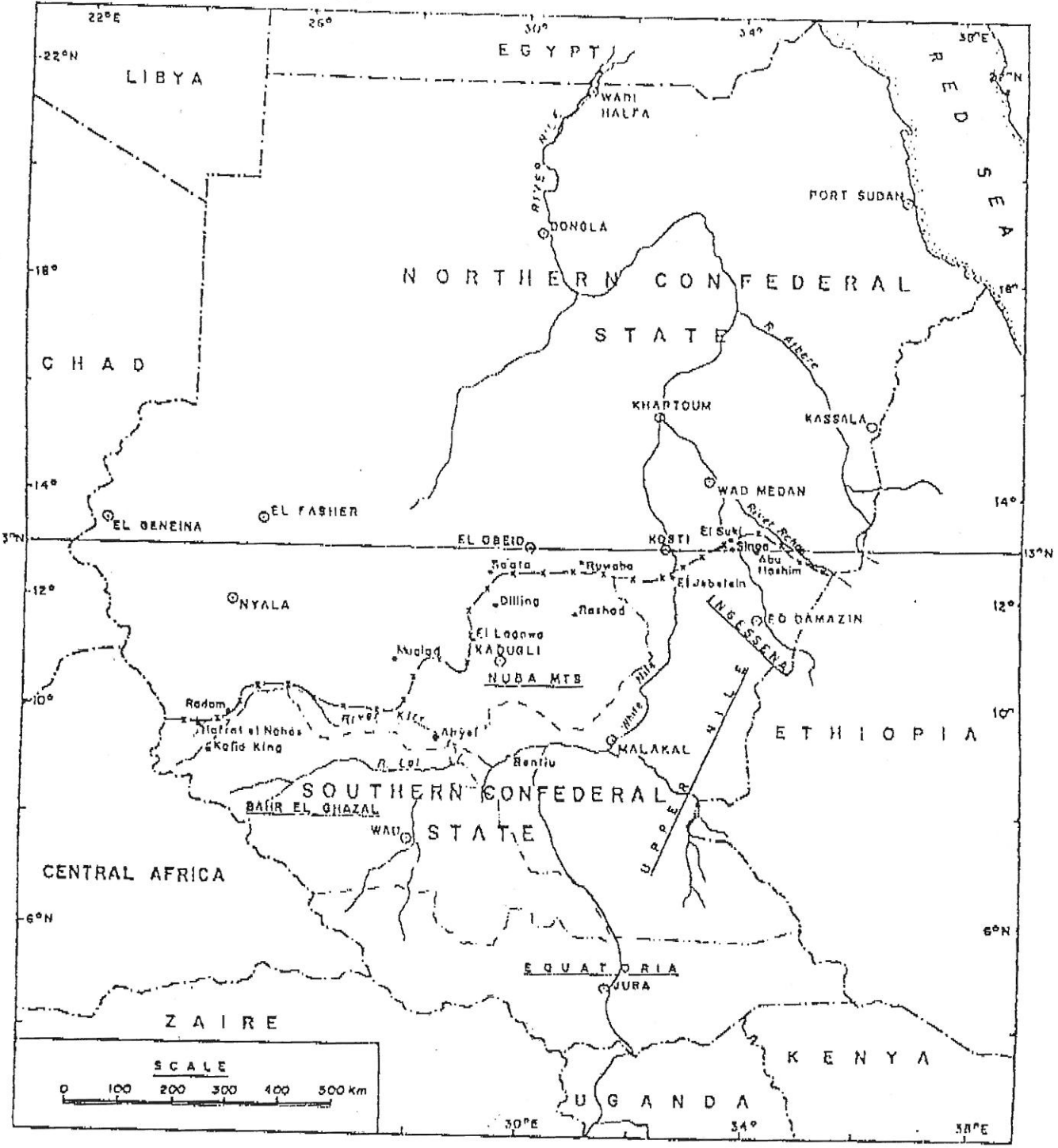
5. The financial period shall commence and end on dates to be agreed upon by the Union Government;
6. The Union Government shall control and ensure the sound implementation of the Union budget;
7. The Union Government shall authorize the collection of the revenues and disbursements of budgetary allocations and may delegate some of its responsibilities and powers to the State Government;
8. There shall be a board of auditors to be appointed by the Union Government for the auditing and control of the Union Budget;
9. All budgetary and financial matters shall be regulated through a separate protocol, as may be deemed necessary and agreed upon.

C.1.4 THE ECONOMIC COMMISSION

1. The Union Government shall establish an economic commission for the Union, and shall be made up of an equal number of representatives from each state;
2. The economic commission shall be responsible for mutual economic matters, and shall be under the supervision of the Union Government;
3. The economic commission shall encourage and implement economic projects and ventures throughout the country with special attention given to areas that are economically backward and war ravaged.


Cdr. Nhial Deng Nhial
Chairman of SPLM/SPLA Delegation,
IGAD Fourth Political Technical Committee.

THE SUDAN
CONFEDERAL STATES.

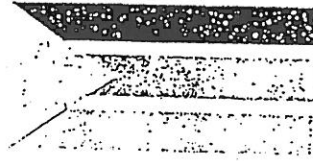


12e

GENERAL HEADQUARTERS



SUDAN PEOPLE'S LIBERATION MOVEMENT
AND SUDAN PEOPLE'S LIBERATION ARMY



P.O. Box 73699,
Nairobi, KENYA
Tel: 254-2-493357/49107
Fax: 254-2-49109

Dear R...

Dear R...

Date: 20/09/2005

PROPOSED SETTLEMENT ON THE ISSUE OF
SOUTHERN KORDOFAN AND SOUTHERN BLUE
NILE

PREAMBLE

RECOGNIZING that Southern Kordofan and Southern Blue Nile were not in Southern Sudan as per the borders of 01 01 56.

RECALLING that Southern Kordofan and Southern Blue Nile were part and parcel of the Southern territorial constituencies in the first national constituent elections in March 1957; and were integral parts of the Closed District Ordinance together with Southern Sudan;

REALIZING that the two areas have problems that need to be addressed;

BEARING IN MIND the fact that the war raging in South Sudan, Southern Kordofan and Southern Blue Nile is a manifestation of a deep political crisis which is essentially national in character and that the IGAD DOPs accordingly seek to address that crisis and find a comprehensive solution to the conflict in the Sudan;

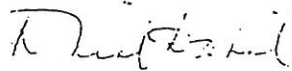
ACKNOWLEDGING that the two areas have raised arms alongside Southern Sudan and, therefore, a comprehensive resolution to the conflict would need to address the issues in these two areas;

WHEREAS the parties to the negotiations under the IGAD umbrella are the SPLM/SPLA and GOS and that both represent the sum total of their respective parts or constituent elements and are, therefore, indivisible:

CONVINCED, therefore, that the delegations of both warring parties to any peace talks, regardless of their composition should be able to address all issues pertaining to the conflict irrespective of the nature of such issues:

The SPLM/SPLA delegation hereby proposes a settlement on the issue of Southern Kordofan and Southern Blue Nile as follows:

1. That the resolution of the Sudan conflict and the attainment of peace require a robust IGAD mediation mechanism that at all times acts in unison as a single entity and, therefore, IGAD Member States shall collectively mediate the said negotiations:
2. Whenever the issue of Southern Kordofan and Southern Blue Nile comes up, the SPLM/SPLA shall appoint a team to the IGAD talks that shall always include among others, leading sons and daughters who hail from these two areas and are spearheading the struggle being waged by SPLM/SPLA there.



Cdr. Nhial Deng Nhial
Chairman of SPLM/SPLA Delegation,
IGAD Fourth Political Technical Committee

UNOFFICIAL TRANSLATION

GOVERNMENT OF THE STATE OF ERITREA FACILITATION POSITION

PREAMBLE AND SIX POINTS

First: Formation of Comprehensive Transitional Government with the following duties:

1. Building confidence among Sudanese Nationalities to achieve voluntary unity.
2. Preparation for National Government on the basis of a constitution acceptable to all Sudanese.

Second: Field-Marshal Omer El Beshir shall be the President of the State and Dr. John Garang Prime Minister, both with executive powers. Eritrea shall present proposals regarding the executive powers and formation of the Transitional Parliament and its role.

Third: The transitional Government shall be guided by the following principles:

- a) Acceptance of racial, religious, ethnic and cultural multiplicity and diversity.
- b) Guarantee equality of all citizens before the Law.
- c) Guarantee respect for human rights.
- d) Guarantee of political and Trade Union Freedoms.

Four: Promulgation of a constitution during the interim period. The constitution shall respect multiplicity and guarantees the civil, political freedoms and human rights.

The constitution shall guarantee voluntary unity. Formation of constitutional committee that shall organize mass participation in all stages of all its promulgation. All political parties shall be represented in the constitutional committee.

Five: At the end of the Transitional period a referendum on Self-determination shall be exercised in southern Sudan and conducting fair and free elections.

Six: once an agreement is reached on points 1- 5 above the parties shall announce cessation of hostilities (stopping the war) and consummation of Peace agreement.

* Negotiations between the parties shall be conducted in presence of observers from IGAD member states, countries of the Joint Initiative and other countries acceptable to the Parties.

13

Joint Libyan-Egyptian Memorandum on Sudanese Reconciliation (unofficial translation)

Believing in the strategic interdependence between Egypt Arab Republic, Libyan Jamahiriya and Sudan Republic,

Motivated by the historic responsibility to save the unity, security and stability of Sudan,

Desiring to activate and speed up the process of dialogue and successful negotiations,

Reflecting the good intentions of all concerned Sudanese parties,

The Parties hereby declare their commitment to work for the realisation of peace and comprehensive national reconciliation in Sudan based on the following principles:

1. Unity of Sudan, its land and people.
2. Citizenship is the base for rights and responsibilities.
3. Recognition of racial, religious and cultural diversity of the Sudanese people.
4. Guarantee of the principle of multi-party democracy, independence of the judiciary, separation of legislative, executive and judicial powers and promotion of freedom of expression and association in accordance to law.
5. Guarantee of basic freedoms and the right to exercise them and adherence to the protection of human rights in accordance to international instruments and the prevailing values in society.
6. Establishment of decentralised system of rule within united Sudan in a way that guarantees parallel and equitable development, and fair distribution of wealth and power. Moreover, the armed forces and security of the society and citizens shall be national.
7. Adoption of a foreign policy which adheres to execution of national interest of the country and confirms the independence of the national decision. Also the foreign policy should respect the principles and bases enshrined in the international instruments and Conventions including good neighbourliness.
8. The constitution and law should guarantee pluralism, civil and political freedoms, human rights, unity of Sudan's land and people; an Interim Government should be formed representing all political forces to cater for the implementation the political agreement, to organise the National Convention to review the Constitution, fix dates and arrange the general elections in accordance to what is agreed in the Constitutional Conference.
9. All parties commit themselves to immediate and comprehensive cessation of war and all forms of hostilities once they have agreed to the aforementioned principles (1-8).

مبادئ وأسس الوفاق الوطنى السودانى
المقترحة من دولتى المبادرة المشتركة

إيماناً بالترابط الاستراتيجى بين جمهورية مصر العربية والجمهورية العظمى وجمهورية السودان، وانطلاقاً من المسئولية التاريخية للحفاظ على وحدة السودان وأمنه واستقراره، ورغبة فى تفعيل وسرعة الاتفاق على خطوات محددة للتهديد لبدء الحوار وإنجاح المفاوضات، وتعبيراً عن صدق النوايا لدى الأطراف السودانية المعنية فسان تلك الأطراف تعلن تعهداتها بالعمل من أجل تحقيق السلام والوفاق الوطنى الشامل فى السودان والذى يقوم على المبادئ والأسس التالية:

- ١ - وحدة السودان أرضاً وشعباً.
- ٢ - المواطنة فى السودان هى الأساس فى ممارسة الحقوق وأداء الواجبات.
- ٣ - الاعتراف بالتنوع العرقى والدينى والثقافى للشعب السودانى.
- ٤ - ضمان مبدأ الديمقراطية التعددية، استقلال القضاء، الفصل بين السلطات التشريعية والتنفيذية والقضائية، وكفالة حرية التعبير والتنظيم وفقاً للقانون.
- ٥ - كفالة الحريات الأساسية، وضمان حقوق ممارستها، والالتزام برعاية حقوق الإنسان كافة وفقاً للمواثيق الدولية المعتمدة والقيم السائدة فى المجتمع.
- ٦ - إقامة نظام حكم لا مركزى فى إطار وحدة السودان، وبما يكفل تحقيق التنمية المتوازنة والمتوازنة، والتوزيع العادل للسلطة والثروة، وقومية القوات المسلحة وأمن المجتمع والمواطنين.
- ٧ - انتهاج سياسة خارجية تراعى تحقيق المصالح القومية للبلاد، وتؤكد على استقلال القرار الوطنى، وتحترم المبادئ والأسس الواردة فى المواثيق والعهود الدولية، بما فى ذلك مبدأ حسن الجوار.
- ٨ - كفالة الدستور والقانون للتعددية وللحريات المدنية والسياسية وحقوق الإنسان، ووحدة السودان أرضاً وشعباً، وتشكيل حكومة انتقالية تمثل فيها كافة القوى السياسية، وتتولى تنفيذ كافة بنود الاتفاق السياسى، وتنظيم انعقاد مؤتمر قومى لمراجعة الدستور، وتحديد موعد وترتيبات الانتخابات العامة القادمة وفقاً لما يتم الاتفاق عليه فى المؤتمر الدستورى.
- ٩ - تعهد الأطراف جميعاً بالوقف الفورى والشامل للحرب ونبذ الاقتتال بكافة أشكاله وذلك فى حالة الاتفاق على المبادئ المذكورة عالية (البنود من ١-٨).

DECLARATION

NAIROBI DECLARATION ON UNITY BETWEEN THE SPLM/SPLA AND SPDF

The leader of the Sudan People's liberation Movement/Sudan People's liberation Army SPLM/SPLA, Dr. John Garang de Mabior

AND

The leader of the Sudan People's Democratic Front and Sudan People's Defence Force (SPDF), Dr. Riek Machar Teny-Dhurgon;

MEETING in Nairobi, Kenya, on January 5 - 6th 2002 on their own without the benefit of external mediation and pressure;

HAVING EVALUATED the situation of war and peace in the Sudan and the way forward for the just resolution of the conflict;

CONVINCED that the unity of our people is paramount for the success of the liberation struggle;

CONCERNED of the recalcitrant and bellicose attitude of the NIF regime and its rejection of the Right of Self-determination for the people of Southern Sudan including Abyei, and Southern Blue Nile, Southern Kordofan and other marginalized areas of the Sudan, while imposing at the same time an Islamic state in the country;

ALARMED by the determination of the NIF regime to impose an Islamic state and dictatorship on the people of the Sudan and perpetuate it by all means;

DETERMINED to halt the vandalization and wanton looting of our oil and other natural resources and their use for prosecution of the war by the illegitimate, fascist and Islamic Fundamentalist regime in Khartoum;

FULLY AWARE that a united stand is the only sure way to bring the war to a just and speedy end;

HEREBY AGREE:

To an immediate merger of the two Movements under the historical name of SPLM/SPLA and on the basis of the following principles:

1. The administration of the Sudan as a Confederal/Federal United Secular Democratic New Sudan during an Interim Period, as a form of an Interim Unity.
2. Self-determination for the people of Southern Sudan including Abyei, Southern Kordofan, Southern Blue Nile and other marginalized areas, which has been accepted by all the political forces in the country;

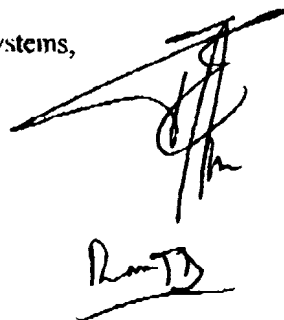



3. The New Sudan of justice and equality for all regardless of race, ethnicity, religion or gender, as an aspiration by many Sudanese, but one that is without prejudice to the Right of Self Determination;
4. Reaffirmation of the critical importance of continued SPLM/SPLA role within the National Democratic Alliance (NDA), which is currently the sole potential vehicle for realisation of the vision of the New Sudan.
5. Reaffirmation of the IGAD Peace Process and Declaration of Principles (DoP) upon which it is based, as the most credible peace process that will bring about a just and lasting negotiated political settlement in the Sudan.
6. Unity of the people and their struggle;
7. Participatory democracy;
8. Respect of institutions, separation of powers and collective leadership;
9. Decentralisation (Regionalism/Federalism) as the system of governance in the liberated areas;
10. Respect for and promotion of human rights;
11. Establishment and supremacy of the rule of law;
12. Establishment of a judicial system independent from the army and the Executive;
13. Creation of an enabling environment for the growth of civil society;
14. Peace through development, promotion of free market economy and private enterprise, and provision of social services;
15. Mobilization of all the human and material resources in the liberated areas and the Diaspora to step up the liberation struggle;
16. Recommend to the next SPLM National Convention the issue of electing democratically political leaders (local Councils, Commissioners, Governors, etc.) to run the affairs of the people in a framework of democratic governance;
17. Freedom of delivery of relief and humanitarian assistance to the needy;
18. Reorganisation of the army into national formations and local defence forces;
19. The army shall be part of and subordinate to the political organ of the Movement;
20. The above principles shall be interpreted in the context of the liberation struggle;

IMPLEMENTATION MEASURES

The two parties further agree on the following measures to effect this Declaration:

1. In conformity with this declaration, there shall be immediate cessation of hostilities and coalescence of previously antagonistic military units into a single entity to engage enemy forces in combat operations;
2. To conduct immediate military operations against forces of the NIF regime, as well as to intensify all other forms of struggle;
3. Free Movement of people, both civilians and military, in all the liberated areas, including traders, and free movement of goods and services;
4. To constitute forthwith, technical committees to work out detailed recommendations on the following issues:
 - (a) Integration of military forces,
 - (b) Integration of political structures and governance systems,



Ramin

(c) Streamlining of humanitarian institutions;

5. The Technical Committees shall present their recommendations to the two leaders for approval within one month from the date of their formation.
6. We call upon groups and individuals to join the unity process;
7. We declare the year 2002 as the year of reconciliation, peace and unity among our people and appeal to all to join and actively promote this process.

FINALLY, the two leaders call upon the international community, international and indigenous NGOs, friends and people of good will to support this initiative on peace and unity.

Made under our hands this 6th day of January 2002.

(SIGNED):



Dr. John Garang de Mabior
Chairman & C-in-C, SPLM/SPLA

Dr. Riek Machar Teny-Dhurgon
Chairman & C-in-C, SPDF

DATE: 6/1/2002

DATE: 6/1/2002

Declaration of Unity between SPLM/SPLA and SNA/SAF

March 5, 2002

Seventy-seven years after the 1924 Revolution led by Sudanese from the peripheries and center of our country and society joined together in a struggle for freedom, justice and unity; And, following a series of meetings in the liberated areas which crowned seven years of intricate but fruitful critical dialogue on national crisis and the pressing need to overcome the barriers that divide our nation along religious, ethnic, cultural and gender bases; The SPLM/SPLA and SNA/SAF have reached agreement on the following: -

a) Unification of the Two Movements into One Organization:-

- 1- The SPLM/SPLA and SNA/SAF are committed to the common political and ideological vision of a New Sudan.
- 2- Where as both movements share common political and ideological beliefs, it is in the national interest and in the interest of the struggle waged by the National Democratic Alliance (NDA) that the two movements unify their political, organizational and military structures.
- 3- The historic decision to unite the two organizations is a true expression of the will and determination of our people to overcome the divisions of history, culture and religion which have hampered the development of our country, its security and its stability.
- 4- This historic step constitutes a continuation of the struggles for national formation and national liberation on democratic bases.
- 5- The two sides have agreed on an immediate political, organizational and military unification.
- 6- Joint Committees have been formed in order to unify political, organizational, military and administrative structures.

b) Agreement has been reached on the following issues:

1- System of Rule: The SPLM & SNA affirm their absolute commitment to democratic pluralism, rule of law and respect for human rights.

2- The National Democratic Alliance (NDA): Is the unifying body for the peoples of Sudan, and is the guarantor of national consensus and the future stability of Sudanese politics. Unity between the two movements is undertaken with an unwavering commitment to NDA institutions and charters and is meant to strengthen them and to solidify unity within its ranks.

3- Peaceful Settlement: The SPLM and SNA are both committed to a peaceful resolution of the conflict in Sudan. Their unification is in accordance with this same principle and is based on their commitment to implementing peace initiatives on the basis of NDA resolutions.

4- Voluntary unity and Self-determination: The unity of the two movements creates favorable and conducive environment for voluntary unity of the country based on the right of self-determination.

5- Stability, Regional Cooperation and International Peace: This agreement is concluded at a time when the terrorist dictatorial regime of Khartoum continues to brutalize our country and to destabilize regional security and international peace. This agreement aims to make Sudan an anchor for regional and global stability and peace.

Finally: The historic agreement between the SPLM/SPLA and SNA/SAF enhances the struggles of our people for democracy, voluntary unity on new bases and the realization of a just peace and the building the New Sudan.

Signed:

Dr. John Garang de Mabior Chairman, SPLM., C-in-C, SPLA
Brig. Abdelaziz Khalid Chairman, Exec.Comm. SNA, C-in-C, SAF

APRIL 2002

A NEW APPROACH TO THE CONDUCT OF
PEACE NEGOTIATIONS

Cognizant of the heightened desire amongst our people for peace, especially after the signing of the ceasefire agreement in the Nuba Mountains and the immense popular support it has received.

Convinced that there is an opportunity being made available due to the serious interest in Peace shown by the US and EU, together with the renewed commitment within Sudan's neighbours towards the achievement of a peace settlement that would enhance the chances of stability and prosperity in the whole region.

Conscious of the keen interest by African and Arab leaders to see Peace achieved in Sudan as soon as possible.

Recognizing the shortcomings of the past modalities of negotiation, which tended to overpass potential agreement on many issues.

Further recognizing the need to streamline the different peace efforts and bring all the peace mediators in one forum.

The following is proposed:

1. A NEW CONSTRUCT FOR NEGOTIATION:

In order to eschew the deadlock in the negotiations brought about as a result of haggling over semantics rather than content, it is proposed that:

- a. Attention be directed to constructing a viable and acceptable model of governance that encompasses the following
 - i. Equality based on citizenship
 - ii. Fair sharing of national wealth
 - iii. A special status for the South in terms of political and executive powers, without derogation from its share in national structures
 - iv. Accommodation of cultural diversity in such a manner that would guarantee the rights of the adherents of all religious, ethnic and cultural affiliations
 - v. Guarantees to the implementation of the agreement

- b. Agreement is reached on the status of troops and political cadre of the SPLM/A following a negotiated settlement
- c. A referendum is conducted to ascertain the support of the South to these agreements. The conduct and content of the referendum to be agreed upon after agreement is reached on the preceding points.

2. A NEW MECHANISM OF NEGOTIATION

- a. Documents to be considered as a basis for negotiation include primarily the IGAD Declaration of Principles (DOP) and the principles of the Egyptian Libyan Initiative (ELI). In addition, any other document or proposal containing relevant ideas that might assist in the composition of the above model may be considered.
- b. Alternate chairmanship to be shifted between Kenya as representative of the IGAD Initiative, and Egypt as representative of the ELI.
- c. A sub-Summit level of negotiators to be created, composed of representatives of the two chairs, the two parties to the conflict, the US and the UK. This group shall constitute the main negotiating mechanism.
- d. Negotiations conducted by the above group, whether direct or by proxy, must be at a high and delegated level and with ready access to the Summit level.
- e. Workshops and collateral discussions over the end-result model, e.g., British contributions and EU-sponsored efforts through Max Planck Institute, to be officially linked to the negotiation mechanism.

3. A NEW STARTUP OF NEGOTIATION

A summit to be convened in Nairobi between Kenya, Egypt and Sudan, attended also by the SPLM leader, with a view to resolving the following:

- a. Re-initiation of talks on the above construct and according to the above mechanism
- b. Agreement on confidence-building measures leading to a ceasefire, including
 - i. Cessation of armed hostilities
 - ii. Cessation of hostile propaganda

- iii. **Opening of roads and de-mining**
- iv. **Facilitation of movement of civilians and humanitarian assistance across battle lines**
- v. **Facilitation of civilian and humanitarian movement along river and train corridors**
- vi. **Implementation of development and rehabilitation programmes in the South**
- c. **Start negotiation on the comprehensive ceasefire**
- d. **Timeline for talks and manner of reporting to the Summit**

IGAD (*KENYA*) “DRAFT”

[PRELIMINARY AGREEMENT]

[DRAFT POINTS OF UNDERSTANDING]

PREAMBLE

THE PARTIES TO THIS AGREEMENT (Understanding) (statement) (Memorandum)

Recalling the declaration of Principles signed in Nairobi on 20th May 1994 between the Government of the Sudan and SPLM/A that laid the basis for a viable negotiated peace agreement as a solution to the conflict in Sudan,

Reaffirming that the primary responsibility for the resolution of the conflict rests with all the people of the Sudan (with the parties to the conflict),

Convinced that a military solution cannot bring lasting peace and stability to Sudan,

Convinced further that a permanent end to the protracted armed conflict can only be achieved through a negotiated political settlement anchored in democratic and constitutional guarantees of freedom and equality of all citizens,

Gravely concerned that the continuation of the armed conflict has brought untold human suffering and destruction to the people of the country,

Determined to put an end to decades of conflict and instead to create conditions for peaceful co-existence, mutual dignity, equality, justice, security and economic development,

Recognizing that the people of Sudan are diverse and belong to different ethnic, religious and cultural affiliates and that they desire to remain united as a nation and to co-exist within that diversity,

Recognizing further that the foundations of unity in diversity can only be built and guaranteed by pillars of justice and equality for all irrespective of race, religion, tribe, ethnicity or gender,

Reaffirming that a constitutional framework that takes into account the special circumstances of each region (state) including religion, culture, strategic and economic interests as well as rights of self-governance (administration) and determination is the most appropriate one for maintaining the unity of the Sudan while allowing each region to exercise autonomy and preserve the specific character of its people,

Conscious of the need for a shared vision of peace amongst all mediation initiatives and efforts and desiring (to avoid a multiplicity of efforts) to strengthen such efforts including the Egyptian Libyan Initiative by bringing them together under one co-ordinated (IGAD) forum (roof),

Welcoming the Nuba Mountains Ceasefire Agreement signed on 19th January 2002 as an important measure towards promoting mutual confidence and determined to observe and extend it to other areas and regions in order to achieve a comprehensive ceasefire and a cessation of all armed hostilities in Sudan,

Have agreed (to commit themselves) as follows (to the following)

Article I

Framework for Negotiations (One Sudan – Two Systems)

That the overriding goal is to find a solution based on the DOP and ELI that preserves the unity of Sudan while securing all citizens rights regardless of religious confession, ethnic or social background.

Towards this end, the parties agree to negotiate for a constitutional framework (arrangement) that takes into account the special circumstances of each region as the most appropriate means to bring about durable and sustainable peace.

Article II

Expanding Ceasefire Agreement

To commit themselves to respect and secure the existing ceasefire in the Nuba Mountains and to engage themselves in serious negotiations aimed at expanding the ceasefire to new

areas in time and space, as a first step towards a comprehensive ceasefire for the whole of Sudan.

Article III

Confidence Building Measures

The parties commit themselves to strictly observe and implement, in word and spirit, other existing agreements on slavery, abductions and forced servitude, relief, rehabilitation and humanitarian programmes. In addition, the parties agree to follow up and implement the following confidence building measures: -

- a) Participate in workshops on contentious issues, i.e.: -
 - 1) Religious accommodation
 - 2) Self-determination
 - 3) Wealth sharing
- b) Gauging the reaction of constituencies to a peace deal
- c) Discussing openly the future roles for the combatants on both sides when peace has been achieved.

The parties also pledge to refrain from engaging in provocation and hostile rhetoric and propaganda directed at each other, and to work towards reducing tension and animosity with the aim of increasing mutual confidence.

Article IV

Negotiating in Good Faith and Within a Timeframe

The parties pledge to commit themselves to enter a new phase of serious sustained and genuine negotiation free of mutual suspicion and guided by a shared vision for peace and progress. Towards this end, the parties further commit themselves to achieve a final and comprehensive peace agreement within the shortest time possible (say six months or thereabout).

Signed at Nairobi _____

For: GOS

For: SPLM

For: Mediators – Witnesses For: Mediators – Witnesses

Nairobi, July 1st, 2002

The Political Charter Between the government of Sudan (GOS) and South Sudan Liberation Movement (SSLM)

This Charter has been concluded between the Government of the Republic of Sudan (GoS) and the South Sudan Liberation Movement/Army (SSLM/A), in the acknowledgement that peace is a popular demand for the people of Sudan.

1. Preamble

Whereas, the parties are desirous of resolving the Sudan conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework of governance through which power and wealth shall be equitably shared and human rights guaranteed.

Cognizant, that the conflict in the Sudan is the longest running conflict in Africa, that it has claimed untold lost of lives in the Sudan that it has destroyed the infrastructures of the country, that it has diverted economic resources and caused untold suffering, particularly with regard to the people of South Sudan.

Sensitive to historical injustice and inequalities in development between the different regions of the Sudan that need to be redress.

Recognising, that the present moment is the unique opportunity to end the war.

Committed, to a peaceful, negotiated, solution to the conflict for the benefit of all the people of the Sudan.

2. Agreed Principles

2.1 The two parties have agreed to the principle of self-determination as embodied in the Khartoum Peace Agreement and in the constitution of Sudan, without prejudice to IGAD ~~peace~~ peace agreement proposal to GoS and SPLM/A.

2.2 To settle the conflict in the Sudan through peaceful and political means.

Wal Dhansh

2.3. The Sudan unity with its current known boundaries shall be preserved during the interim period, where cooperation among the security forces shall be maintain in order to protect the Sudan internally and externally.

2.4. A referendum shall be organised by the people of the Southern Sudan to determine their political aspirations at the end of the interim period.

2.5. Citizenship shall be the basis of rights and duties in furtherance of the values of justice, equality, freedom and human rights.

2.6. Cultural diversity in the Sudan is recognised, Sudanese people are encouraged to freely express its values.

2.7. Freedom of Religion and beliefs shall be guaranteed.

2.8. Social development is the priority for the achievement of peace that the parties shall plan for confidence building and expediting the process of alleviating poverty, ignorance and illiteracy.

2.9. There shall be equitable power and resource sharing among the Sudanese citizens throughout the country.

2.10. The regional government shall be established to coordinate the affairs of Southern States for better implementation of the subsequent peace settlement.

2.11. The Parties shall work together for the stability and improvement of living conditions in the war affected areas according to the provisions of the subsequent peaceful resolutions. The Parties shall carry out the duty of implementation of the security arrangement, resettlement, reconstruction, development and preservation of rights and duties.

2.12. The Sudan shall establish constructive relations with Arabs and African States.

2.13. The Sudanese shall be mobilised to rally behind and support the subsequent peaceful settlement.

Signed this day the 21st July 2002 in Nairobi, Kenya

Edris
Edris MCHD. ARDELGADIR
State minister
Advisory of peace
The Presidency

Waf
Waf Duanu
Chairman, South
Sudan Liberation
Movement

Appendix

FINAL COMMUNIQUE

CONFERENCE

HUMAN RIGHTS IN THE TRANSITION IN SUDAN

KAMPALA, UGANDA, 8-12 FEBRUARY 1999

**THE KAMPALA DECLARATION
ON HUMAN RIGHTS IN SUDAN**

Preamble

Convened by the Steering Committee for Human Rights in the Transition in Sudan [Committee of the Civil Project in Sudan] and hosted by the Pan African Movement, representatives of Sudanese civil society and the democratic political forces met together in Kampala, Uganda, to discuss the challenges of human rights during a future transition to peace, democracy and human rights in Sudan.

Deeply concerned by the grave situation of human rights in Sudan, the Conference discussed many issues relevant to the creation of a new order in which the human rights of all Sudanese will be respected regardless of gender, ethnicity, religion, belief, race, and socio-economic background and in which the many peoples of the country will be able to live together in peace and mutual tolerance under the rule of law.

Conclusion

The Conference on Human Rights in the Transition in Sudan was a landmark and a success. The discussion, debate and recommendations were wide-ranging, an accurate reflection of the realities of Sudan, and were often practical. The spirit of the Conference was truly democratic and pluralistic.

The Conference thanks the people and Government of Uganda for their welcome and the Pan African Movement for hosting this Conference, and the Steering Committee for Human Rights in the Transition in Sudan for preparing and organising the Conference, and the donors for funding it.

The Conference was an historic opportunity in which Sudanese civil society met with itself and with the leadership of the democratic opposition in order to join forces in shaping the future of the country and ensuring that, in a future transition, the opportunity to achieve a just peace, democracy and human rights is taken and not squandered.

It is the responsibility of Sudanese civil society to continue dialogue within itself and with the democratic political forces in Sudan to help achieve this Declaration.

*The Conference on Human Rights in the Transition in Sudan
Kampala, Uganda
12 February 1999*

The Conference was attended by the following:

Civil society organisations

- Beja Relief Organisation
- Families of the Martyr's Association
- New Sudan Women's Federation
- Nuba Mountains Solidarity Abroad
- Nub Relief, Rehabilitation and Development Society
- South Sudan Law Society
- Sudan Future Care 'Amal' Trust
- Sudan Human Rights Association
- Sudan Human Rights Organisation
- Sudan Journalists' Union
- Sudanese Victims of Torture Group
- Sudan Women's Alliance
- Sudan Women's Association in Nairobi
- Sudan Women's Voice for Peace
- Sudan Writers' Union
- Trade Union Council
- Widows, Orphans, Disabled Rehabilitation Society (WODRANS)

Political parties

- Beja Congress
- Democratic Unionist Party
- Democratic Unionist Party Women's Secretariat
- Haq
- Legitimate Command
- Sudan Alliance Forces
- Sudan Communist Party
- Sudan Federal Democratic Alliance
- Sudan National Party
- Sudan People's Liberation Movement
- Umma Party
- Union of Sudan African Parties

2. Equal respect should be afforded to Islam, Christianity and noble spiritual beliefs. In line with the Asmara Declaration, citizenship is the sole basis for constitutional rights without any discrimination based on religion.
3. A policy is needed to enhance religious tolerance in Sudan, including measures in education and the media.
4. A dialogue is needed within and between religions in order to promote mutual understanding and tolerance.

VIII. Race Relations

The Conference had a wide representation of different peoples of Sudan, reflecting the wide cultural, ethnic and religious diversity in the country. The Conference agreed that:

1. There is a need for a far-reaching change in past and present attitudes towards cultural diversity, away from religious bigotry, cultural assimilation and the imposition of the NIF so-called 'civilisation project' towards a true recognition of the diversity of Sudan. This is essential to establish trust among all Sudanese.

2. A cultural policy to develop a tolerant and progressive national identity has many elements, linguistic, economic, social, and political. Traditional Sudanese values of tolerance and open dialogue should be reassessed as the foundation for such a policy. This will need an active promotion in the media and educational institutions.

IX. Disarmament and the Rights of Former Combatants

The Conference discussed the challenges that will occur during and after a Transitional Period, when many former liberation fighters, militiamen, soldiers of the current regime and others will have to be disarmed and returned to civilian life. The Conference agreed that:

1. Respecting the rights of former combatants will be a priority, including providing them with education, skills, employment and

other rewards. Disabled former fighters, widows and orphans will all need to be catered for. A Disarmament Commission should be established to research the subject and make appropriate recommendations without delay.

2. Building a truly national Sudanese army that reflects the diversity and values of Sudan will be an important challenge during and after the Transitional Period.
3. All efforts must be made to eradicate the existing culture of militarism in Sudan, whereby armed men may terrorise civilians with impunity and the armed forces consider a coup a legitimate political option.

X. Human Rights during the Armed Struggle

The Conference recognised that Sudanese citizens have taken up the armed struggle in order to win their rights, and have suffered and sacrificed much in that struggle. The Conference also agreed that respect for human rights cannot be postponed until after liberation: they must be respected now. It is a challenge to the Sudanese opposition, which currently controls substantial liberated areas in Southern, Western and Eastern Sudan, to ensure respect for human rights in those areas and the building of a civil society.

Other Issues

The demands of a full, democratic discussion of the above issues left the Conference with insufficient time to consider other, important issues which had been prepared. These include long-term constitutional options for Southern Sudan, the rights of children—the next generation of Sudanese who will in time inherit the country—the right to food and the right to land. For some issues, no full conclusion could be reached. The participants agreed that the Conference should not be a one-off exercise but instead the beginning of an ongoing process of democratic dialogue, in which these important issues can be discussed fully. Meanwhile, many who were unable to attend this Conference should also have the opportunity to contribute in future.

1. A National Sudanese Women's Conference should be convened in which the democratic leadership of Sudan should meet together with women and women's organisations.
2. Women should be fully represented in any committees drafting the Constitution or the laws including the personal law.
3. Article V of the Asmara Declaration requires revision to ensure that women are accorded the full protection of international human rights conventions.
4. The many and complex social, cultural, educational and economic issues presented in the two Issue Papers focussing on women's rights should become a priority for a future Transitional Government, and indeed for the democratic opposition during its ongoing struggle.

V. The Law and Legal Structures

The Conference examined issues of the penal code, customary law, and the structure and reform of the judicial, police and penal institutions of Sudan. The Conference agreed that:

1. In all matters of law, commitments to international human rights law should be supreme.
2. In line with the Charter of the NDA, the 1974 Penal Code, with suitable revisions to make it consonant with international human rights conventions, was appropriate for Sudan and the rights and needs of Sudanese citizens.
3. Customary law, in all parts of Sudan, has both positive and negative elements. It reflects the needs and experiences of Sudan's peoples with their diverse cultures. There is a need to codify it and reform some aspects of customary law, especially concerning women's rights, and native administration to make them consonant with basic human rights, and to coordinate customary law and the structures to enforce it.

4. Sudan's judicial, police and penal structures are in urgent need of drastic reform including the recruitment of qualified personnel, most of whom are now living in exile. This has the dual aims of 'de-NIFication' (i.e. the removal of NIF personnel and ideology) and making justice more accessible to the people, that is, cheaper, fairer and less subject to various biases and corrupting influences. Moreover legal training centres, workshops, and seminars should to qualify legal personnel should be established. Planning for this reform should begin now. In the liberated areas there are needs and opportunities for Sudanese professionals to exercise their skills to the benefit of the people.
5. Independence of the judiciary as an institution and judges as state officials should be provided with along with legal aid and a reduction in the cost of litigation.

VI. Freedom of Expression

The Conference benefitted much from freedom of expression, a right that was exercised to the full by the participants. There was a consensus that:

1. Freedom of expression is an essential right that must be protected.
2. Sudan requires a pro-active policy to promote freedom of expression, especially with regard to the multi-cultural nature of the country.

VII. Freedom of Religion

The Conference had a vigorous debate on freedom of religion in which many points of view were expressed. The Conference agreed that:

1. The current religious intolerance as practised by the NIF is a violation of the rights of all Sudanese, whether Moslem, Christian or followers of African traditional religions, and that all such religious extremism can no longer play any role in Sudan's future.

2. There is a pressing need for a fair representation of qualified women and men in any process of constitution-drafting.
3. The Constitution of Sudan should be founded upon universal human rights as enshrined in international human rights covenants.
4. A National Constitution for Sudan needs to be founded upon and enshrine a national consensus and a common set of values, while also safeguarding the fundamental rights of Sudanese citizens.

5. A National Constitution for Sudan needs to be founded on the reality of cultural and religious diversity including the devolution of power from the centre. The issues of territories, states, their borders, their residents, and their rights, privileges and duties should be clearly and definitively resolved in the said Constitution.

6. The Government of Sudan should sign and ratify several outstanding international human rights instruments including the Genocide Convention, the Convention on the Political Rights of Women, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention against Torture.

III. Self-Determination

The Conference discussed the pressing and complex issues of Self-Determination and heard the claims of the various peoples of Sudan. Many conflicting views were expressed. There was unanimity in support of the principles enshrined in the Asmara Declaration:

1. Self-Determination is an universal and inalienable human right to which all the diverse peoples of the Sudan are entitled.
2. The exercise and the mechanism for the exercise of the right of Self-Determination are integral parts of the right itself. The working out of these mechanisms is an immediate task.

Appendix: The Kampala Declaration

3. Many participants argued strongly that the right of Self-Determination, as recognised in the Asmara Declaration for the peoples of Southern Sudan and Abyei District (should the latter vote to join Bahr el Ghazal), should equally be extended to all the peoples of Sudan who may wish to exercise it either during or after the Transitional Period.

4. The varying claims of the Nuba, South Blue Nile people, Beja, and others should be resolved as a matter of priority.

5. The Constitution for the Transitional Period should lay down mechanisms, structures and procedures for the free and fair exercise of the right of Self-Determination under international supervision.

6. Without prejudice to the relevant provisions of the Asmara Declaration, the right of Self-Determination for Southern Sudan may be fulfilled or implemented through the options of unity, autonomy, federation, confederation or independent statehood, if such be the democratic choice of the people concerned.

7. Concrete criteria to define the nationalities or national groups that can be entitled to exercise the right of Self-Determination, and the territorial boundaries within which those groups reside, should be laid down and agreed upon before the Transitional Period.

8. The unity of Sudan is a political goal desired by many if not all Sudanese. This unity is possible only with a full political recognition and implementation of guarantees of demonstrable justice, human and human rights under the rule of law. Recognition of the right of Self-Determination is the ultimate guarantee for the different nationalities within Sudan to retain their allegiance to the unified Sudan.

IV. Women's Rights

The issues of women's rights and gender sensitivity were raised in a forthright manner throughout the Conference. The Conference agreed that:

The Conference expressed its appreciation to the Sudanese civil society organisations for their constructive roles which will continue to be vital in the struggle against tyranny and oppression in their many forms, and the achievement of a future of equality, justice and human rights. The Conference also welcomed the human rights commitments made by the parties in and outside the Sudanese National Democratic Alliance and endorsed the human rights provisions of the Asmara Declaration of June 1995 and other NDA agreements.

The Conference was remarkable for a spirit of free exchange and democratic accountability that augurs well for a future government under the NDA. The civil society groups represented were reassured by the remarkable readiness of the senior political leadership of the NDA to engage in a frank and open dialogue, answering tough questions about the past, present and future in a true democratic spirit.

The Conference participants came from all parts of Sudan and reflected all shades of democratic opinion. It was a true reflection of the diversity of the country. On many issues, participants expressed contrasting or conflicting opinions, but there was unanimity on the possibility—indeed the imperative—of settling these differences by discussion and democratic political process.

The Conference participants thought that the Papers [chapters] prepared by the Committee were well-researched and well-presented and represented a useful contribution to the process of building a democratic Sudan with respect for human rights.

The frank exchange of views by participants in their discussion of Sudan's independent history may be considered akin to the first meeting of an ad hoc national truth commission.

The Conference concludes with the following recommendations.

I. Accountability for Past and Ongoing Human Rights Abuses.

The Conference examined the human rights record of the present and past governments of Sudan, particularly those during the last ten years of National Islamic Front rule, and found a long history of human rights abuses including crimes against humanity, war crimes, crimes

against individuals and crimes against the constitutional order. The Conference agreed that:

1. Those responsible for grave human rights violations under the current National Islamic Government should not be forgiven but should be brought to court to account for their crimes in accordance with the rule of law and international standards, to ensure that justice is done and seen to be done.
2. Fair trials, either through the regular courts or the office of a special prosecutor, and a truth commission have vital roles to play in this process of accountability.
3. The long history of human rights abuses in Sudan stretching back the 43 years to Independence should be examined and accounted for, through mechanisms such as specified above and the perpetrators thereof shall be brought to justice.
4. Victims of human rights abuses, and their families, are entitled to rehabilitation and compensation for what they have suffered.
5. The democratic forces and civil society should themselves begin the comprehensive documentation of the crimes and criminals of the current regime.

II. The Constitution

The Conference discussed the many challenges facing the Sudanese people as they seek a Constitution for the country. The Conference agreed:

1. The process of adopting a Constitution is as important as the Constitution itself. That process should be transparent, inclusive and democratic. The fine legal expertise available within the NDA must be complemented by a wide democratic process of Constitution building.

THE PHOENIX STATE

Others

InterAfrica Group

National Democratic Alliance

National Democratic Alliance Legal Secretariat

Pan African Movement

Sudan Focal Point

Kampala Conference on Human Rights in the Transition

Closing Statement by A. H. Abdel Salam

12 February 1999

Sometime in the coming months and years, Sudan will face a transition to peace and democracy. This will be a huge opportunity to create a new Sudan in which it is possible for all Sudanese citizens to have their basic human rights respected, and for political opponents to settle their differences by dialogue and electoral competition, rather than through violence. But there are no guarantees on the successful outcome of this process. Three times before, Sudan has had transitional governments, holding out high promises of democracy, peace and development. The first occasion was at Independence, the second after the overthrow of the dictatorship of General Abboud in October 1964, and the third followed the downfall of the dictatorship of General Nimeiri in April 1985. Each time, the high hopes have been dashed. In each case, there was a widespread recognition of many of the problems facing Sudan, but no consensus on what needed to be done to tackle them. Serious divisions remained between different parties and between politicians and civic leaders which led to repeated failures to resolve, especially, the problem of the South. The experience of other African countries also indicates that post-conflict and post-dictatorship transitions are times of great opportunity, but also that the dangers of missing these opportunities are very great.

The rationale for this book, and the wider 'Civil Project in Sudan' which it reflects, is a recognition that the democratic and civil forces in Sudan need to prepare the agenda for a future transition to peace and democracy. Until now, their efforts are focussed largely on opposing the current government in Khartoum, including criticising its human rights record. Human rights monitoring is an important business that should not be abandoned or cut back. However it is also necessary for civil and democratic forces to analyse their own roles, and to come with positive and practical programmes for how to solve the most pressing problems of their country.

During the struggle against the National Islamic Front, a number of key principles have become established in Sudanese political discourse. Prominent among these is a universal avowal that respect for human rights stands at the centre of any possible future dispensation in Sudan. Human rights includes not just the core rights of freedom from arbitrary arrest, torture or extra-judicial execution, but also freedom of association, freedom of expression, freedom of religion, and accountability for past human rights abuses.

A second principle that has gained acceptance across the political spectrum is the concept of self-determination. All political forces including the NIF now recognise the right of self-determination for Southern Sudan. Consensus is also emerging that the marginalised peoples of Northern Sudan also have important grievances that must be addressed in any future comprehensive and lasting settlement. Sudan is not simply polarised North-South: it is a complex multi-ethnic country with a great diversity of peoples and cultures. Ensuring respect for social and cultural rights will be one of the great challenges facing the country in the future.

Having successfully struggled for these principles to be accepted, there is now an obligation on Sudanese democrats and civil society activists to come with practical proposals for how they might be turned into a political reality. This was the challenge that the Steering Committee for Human Rights in the Transition—since renamed the Committee of the Civil Project—took upon itself. Without abandoning their independence, several Sudanese civil society organisations began, in 1997, to plan for how they could play a more constructive role vis-à-vis the democratic political forces in Sudan. The idea was to lend academic and analytical expertise to the project of planning for the future. In the meantime it was hoped that the exercise of working together in this ad hoc consortium would itself be a lesson in pluralism: civil society organisations with different constituencies and orientations might come to learn more about one another, increasing their mutual respect and understanding. The very act of cooperation in this way should be an investment for the future. This was the beginning of the work of the Committee of the Civil Project.

The first stage of the activities of the Committee of the Civil Project culminated in issue papers, which are reproduced in this book, and the February 1999 Kampala Conference on human rights in the transition in Sudan. This conference aimed to provide an impartial

forum, hosted by independent civil society organisations, in which the most fundamental challenges for the future of Sudan could freely be discussed. In pursuit of this, it brought Sudanese civil society organisations together in one place so they could meet and discuss their common agendas, and deepen their cooperation. Opposition parties both inside and outside the National Democratic Alliance also participated, and, as an exercise in democratic accountability and constructive dialogue, were questioned in detail on their policies and programmes. As will be seen from the contributions to this book, the conference examined a wide range of human rights issues of concern to all Sudanese, with a particular concern of broadening the human rights debate to include neglected issues. It also brought academic and analytical expertise found in the Sudanese community to bear on the practical challenges of the future of Sudan. More significantly, it was an important and innovative exercise in developing a concrete agenda for human rights for the transition, ensuring that the National Democratic Alliance made specific human rights commitments for the future. Lastly, the Kampala Conference established a model for democratic dialogue, in which political opponents discuss and settle their differences through debate.

In this spirit of democracy, pluralism and human rights, Sudan can rise from the ashes; it can be a phoenix state.

Conference on Human Rights, Democracy and Development in the Transition in Sudan

Final Communique Second Kampala Declaration On
Human Rights, Democracy and Development in Sudan
Kampala, Uganda, 17-20 July 2000.

Preamble

Convened by the Committee of the Civil Project in Sudan and hosted by the Pan African Movement, representatives of Sudanese civil society and the democratic political forces met together in Kampala, Uganda, to discuss the challenges of human rights, democracy and development in the coming transition to peace in Sudan.

The Conference welcomed strong contingents of participants from inside Sudan, including Khartoum and areas controlled by the National Democratic Alliance and Sudan People's Liberation Movement/Army. In particular the Conference welcomed participants from Khartoum for the first time, and saluted their courage and commitment to human rights and democracy under extremely difficult circumstances. Their views, expressed in an open and free forum after so many years of enforced silence, carried great weight in the Conference proceedings.

Participants expressed their views in total frankness. No topic was a forbidden zone. The desire to reach consensus was reflected in the success of the Conference on reaching agreement on even the most controversial subjects. Women participants were active in all sessions

The Conference welcomed messages of support from some leaders of the Sudanese opposition who were unable to attend the Conference in person.

After four days of fruitful and extensive deliberation concerning human rights, democracy, development, civil society and peace in Sudan, the Conference adopted the following resolutions:

I. Reaffirmation of Kampala Declaration

The Conference reaffirmed the February 1999 Kampala Declaration on Human Rights in Sudan, especially reaffirming the importance of:

- 1 Adherence to international treaties and conventions of human rights as the foundation for human rights and democracy in Sudan.
- 2 The vital necessity of a process of full participation and democratic consultation in building a new democratic constitution for Sudan.
- 3 The need for full respect for freedom of expression.
- 4 Respect for women's rights as defined in international human rights conventions and protocols, should be stated in the new democratic constitution, and the mandate given to the Committee of the Civil Project to organise the Sudanese National Women's Convention.
- 5 The importance of full judicial accountability for past human rights abuses.
- 6 The necessity for wide-ranging judicial and legal reform, and
- 7 Self-determination as a basic right for all Sudanese peoples.

II. Civil Society

The Conference applauded the efforts of Sudanese civil society forces inside Sudan, under the onslaught of the current Government of Sudan, including incessant harassment, intimidation, repression, torture and killing to defend human rights and strive for democracy. The Conference also saluted the members of the democratic opposition inside Sudan and their struggle for a democratic Government.

The Conference called upon the Transitional Government to do the following:

- 1 Cancel all laws that contradict basic rights in a way that ensures full rights for expression and association as well as women's basic rights.
- 2 Undertake radical transformation in the legal and judicial structures and amend laws in a way that enshrines the values of justice, equality and the rule of law and independence of the judiciary.
- 3 Abrogate any laws that are contrary to freedom of association, including the Voluntary Work Act 1999.
- 4 Establish an independent human rights commission or high council for civil society issues within the structure of the Government to ensure the promotion of civil society.

Meanwhile, under the current circumstances, the Conference called for:

NDA, other democratic opposition parties and all civil society organisations outside Sudan to mobilise various material and human resources for enhancing and developing civil society inside Sudan with special attentions to the traditional sector.
Human rights activists, organisations and civil society should coordinate themselves in the collection and documentation of all evidence regarding human rights violations and crimes against humanity com-

mitted by governments and armed opposition forces since independence, to ensure that all responsible individuals and institutions are appropriately prosecuted. All organisations should condemn these abuses vigorously and without discrimination. The resolutions of Kampala 1 on this matter were discussed.

Civil society in all parts of Sudan, especially women, youth and others, should put pressure on the current Sudan Government to stop human rights violations, including aerial bombardment, in the war zones of Sudan.

III. Women's Rights

The Conference benefited from strong and vigorous contributions from women participants, from both political parties and civil society. The Conference noted the suffering of women in Sudan, South, East, West and North, on account of war, dictatorship and discriminatory, extremist laws and policies. The Conference reaffirmed the resolutions of Kampala 1 with regard to the importance of women's rights. In particular, the Conference resolved that:

- 1 A future Transitional Government should cancel any laws and policies that are incompatible with the rights of women as enshrined in international human rights conventions.
- 2 All political parties should ensure adequate representation of women at all levels including the highest.
- 3 There should be a National Women's Convention to address all issues of concern to Sudanese women in 2001.
- 4 Cultural exchange between Sudanese women and with regional and international women's organisations should be encouraged.

IV. Freedom of Association

The Conference affirmed and called upon the future transitional government to respect the following:

- 1 Freedom of association is a basic human right enshrined in the Universal Declaration of Human Rights and the International Covenant for Civil and Political Rights. The right to form political parties, trades unions and civil society organisations, is a fundamental right and a basic component of democracy in Sudan.
- 2 Any restrictions imposed on freedom of association should be confined solely to those areas cited in the above Conventions, in order to regulate the optimal enjoyment of these rights, and not to negate the fundamental rights of free association.
- 3 The current laws relating to freedom of association, trades unions, the bar association, the press and voluntary organisations of the Government of Sudan are a gross travesty of freedom of association and should be abrogated by the transitional government immediately on coming to power.
- 4 Trades unions, professional associations, small farmers' and herders' associations, women's and other organised community groups play an essential role in the protection of rights and the promotion of civil society.

V. Religion and the State

The Conference unanimously and emphatically affirmed that religion must be separate from the state. Any attempt to build a religious state in Sudan can only result in the perpetuation of war, human rights abuses and the division of the country. Specifically, the conference affirmed that:

- 1 Sudan is a multi-religious, multi-ethnic country in which it is vitally important to ensure freedom of conscience and tolerance of all religions. The basis for rights in Sudan must be citizenship alone, not adherence to any religion.
- 2 The provisions of the Asmara Declaration (excepting Article 5), which recognise and accept basic human rights norms contained in international human rights covenants and instruments, should be a fundamental component of any future Transitional constitutional arrangements.
- 3 The constitution and the so-called 'civilisation project' of the current Government, and all laws, regulations and policy measures linking religion and the state must be abolished.

VI. Disarmament and Demobilisation

The Conference discussed the need for disarmament and demobilisation following the achievement of a comprehensive peace settlement in Sudan. The Conference was aware of the grave threat to human rights, democracy, development and peace that is posed by the militarisation of Sudan under the current Government. Conference participants were deeply concerned by the proliferation of weapons in Sudan, and the multiplication of armed groups including militias and security forces. The Conference resolved that:

- 1 The use of child soldiers and the forcible recruitment of youth and students, are an abuse of fundamental human rights. It must be abolished and those responsible should be prosecuted. The International Convention of the Rights of the Child, to which Sudan is a signatory, should be activated and enforced.
- 2 Disarmament and demobilisation should be governed by the provisions of a comprehensive peace settlement that will hopefully be in place when the transitional government comes to power.
- 3 It will be important to 'demilitarise the mind' and create a culture of peace: i.e., remove militarism from the wider Sudanese

culture, ensuring that there is a professional military force under civilian control. The culture of peace and human rights should be part of education.

- 4 Programmes for the removal of land mines will be required. In the meantime, all belligerent parties should refrain from using land mines. Existing programmes should be supported.

Reiterating the resolutions of Kampala 1, the Conference called for careful study and implementation of the future requirements for disarmament, demobilisation and the reintegration of former combatants. There should be long-term programmes for the disarmament and demobilisation of combatants and their reintegration into civilian life, including the provision of educational and economic opportunities, psychological rehabilitation, and welfare provision for disabled former combatants, and the widows and orphans of those killed during the war

VII. Self-Determination

The Conference affirmed that Sudan is a multi-ethnic, multi-cultural country and that it is vitally important to ensure equality and respect for all nationalities, cultures and religions in the country. Participants in the Conference, who hailed from every corner of Sudan, stressed the importance of the devolution of power to the regions in a genuine federal system or comparable arrangement that empowers the disparate peoples of Sudan, to enable them to protect their traditions and cultures. Specifically, the Conference resolved that:

- 1 Self-determination is a basic right for all peoples.
- 2 There is a political consensus among all Sudanese parties, that the people of Southern Sudan shall exercise the right of self-determination before the expiry of the interim period.
- 3 The provisions in the Asmara Declaration (Article 7.3) relating to the right of self-determination of the marginalised peoples

of the Nuba and Southern Blue Nile, require further elaboration in order to ensure that their rights are fully recognised.

- 4 The Transitional period should be an opportunity in which a democratic government can address and redress the structural and long-standing grievances that have divided the Sudanese people.

VIII. The Right to Food and Freedom from Famine

The Conference stressed that the right to food is a basic human right, and all Sudanese should be able to live without fear of famine. Participants agreed that famine is not only the outcome of adverse natural factors, but that political factors play an important role. Among the factors creating famine are actions by the current Government including aerial bombardment, forced displacement and bans on humanitarian relief flights. Famines resulting from political incompetence and deliberate military action are crimes against humanity and their perpetrators should be prosecuted. Participants urge the United Nations and other donors to ensure that their assistance is effective and ethical. A serious relief dependency syndrome to the lack of development focus by international organisations including the UN was noted.

The leading role of women in food production was noted, along with their special vulnerability to famine. Food security policies need to be designed with the participation of women to address the needs of women.

The Conference agreed that the establishment of a comprehensive democratic system in Sudan is the foundation for freedom from famine and the basis for effective humanitarian action. The Conference called for effective measures to be taken against actions and policies that create hunger and famine.

IX. Refugees, Exiles, Expatriates and Internally

Displaced Persons

The Conference stressed the importance of addressing the wide range of issues that arise concerning Sudanese refugees, exiles, expatriates and internally displaced persons. These are problems of huge size and complexity that will provide huge challenges to a future democratic government in Sudan.

The Conference called upon host countries to take note of the risk to the lives of asylum seekers if they are forced to return home under the present regime, and to grant them international protection as required by refugee law.

The Conference condemned the mass displacement, maiming and killing of innocent civilians in the oil-producing areas, calling on this to be brought to the attention of the international community. It also condemned the allocation of settled land to foreigners in Southern Blue Nile, Southern Kordofan and Darfur.

Concerning the future transition, the Conference agreed that:

- 1 The problems of refugees, exiles, expatriates and IDPs can be resolved only on the basis of addressing the root causes of the problem, specifically the ongoing war and human rights violations, and impoverishment of the Sudanese people.
- 2 The atrocities inflicted upon IDPs by the current Government are completely unacceptable and any Transitional Government should ensure full respect for the rights of displaced persons including abolition of all relevant unjust laws.
- 3 The needs of refugee and displaced women and children deserve special consideration.
- 4 The future Transitional Government should enact policies for resettlement, repatriation and rehabilitation of refugees and IDPs, linking these activities to development.
- 5 The UN specialised agencies should increase their efforts to provide protection and assistance to IDPs and refugees.

- 6 The participants took note of the high taxes levied by the current regime on Sudanese expatriates working abroad, and the fact that those monies collected are not directed for the public good, and called upon the Transitional Government to review and streamline those taxes with a view to removing the hardships falling on those expatriates to enable them to interact more smoothly with their mother country.
- 7 The subject of refugees, exiles, expatriates and IDPs requires much further dialogue, discussion and analysis.

X. Land Rights

The Conference affirmed that the special claims of the local inhabitants of marginalised areas to their land and other natural resources need special consideration and protection. However, the natural resources of Sudan belong to all Sudanese. Unequal and exploitative relations between traditional farmers and commercial farmers and landowners have been one of the factors in creating conflict, impoverishment and environmental crisis in Sudan, and there needs to be attention to the question of reforming land tenure to protect smallholder farmers and pastoralists, with particular attention to the rights of women. Many of the land laws adopted by the successive governments are contrary to basic principles of equity and justice, and undermine the interests of poor people and must be repealed.

There should be attention to agricultural reform and protection of the rights of agricultural labourers in both mechanised and irrigated schemes, and smallholders and pastoralists. The rights of both the people from western Sudan known as Fellata and pastoralists should be addressed to avoid future conflicts.

Citizens adversely affected by oil development should be entitled to a just compensation during the transitional period. In the meantime the Conference called upon multinational companies exploiting oil in Sudan to suspend their operations with immediate effect and wait for a democratic government in Sudan with which they shall enter into

new agreements taking into account the rights of the people.

The Conference called for the study of land use and existing land laws including rental laws, with a view to a comprehensive reform of land law in Sudan with the view of addressing injustices and directing land resources for better and more environmentally friendly use.

XI. Economic Planning Strategies and Social and Economic Rights

The Conference discussed the numerous social and economic challenges facing Sudan in the future. Recognising the enormous economic potential of Sudan, residing in its natural resources and the skills of its people, the Conference stressed that there needs to be a collective national commitment to national plans for economic rehabilitation and development. It noted also the challenges facing Sudan in the context of globalisation.

The Conference, having taken note of the miserable and deteriorating economic conditions of the Sudanese people, strongly condemned the current Government for having destroyed available economic resources and having created an unequal society. All foreign companies, including particularly international oil companies, should make accessible to Government forces and militias operating in oil development areas the details of their contracts with the Government, especially as regards security arrangements and inputs, both financial and non-financial. Concerning the future transitional government, the Conference noted the importance of the following elements:

National Economic Development. The Conference stressed the importance of a bottom-up participatory national plan for the development of Sudan, with the emphasis on rural development so that all the peoples of Sudan benefit from the country's resources. Current regional imbalances in wealth should be redressed. The adverse economic situation of women needs special attention. The nation's oil wealth should be utilised for collective national benefit. Military spending must be reduced and made transparent. It will be necessary to create a better environment to attract more capital for investment

in Sudan, including local capital which left the country. There is a responsibility on international donors and creditors to ensure that Sudan's unsustainable external debt is cancelled, and aid assistance provided in such a way that Sudan can overcome its basic economic problems.

Poverty Alleviation. Overcoming the poverty suffered by the majority of Sudanese is an essential component of achieving human rights, democracy and peace. The current life conditions for most Sudanese, especially in the rural areas but also including many urban dwellers, are unacceptably poor. Women are the backbone of nation building. Yet they form the majority of the poorest in Sudan and require special attention in development programmes. There should be a greater emphasis on rural development to strengthen the productive base of the rural economy and minimise rural-urban migration. The National Development Plan must address itself to the provision of (a) safe and sufficient drinking water; (b) sanitation, (c) basic education and (d) primary health care.

Foreign aid must focus on programmes for poor people, the protection of the vulnerable, and the protection of the environment.

A conference on economic issues should be convened to address all pressing economic challenges that will face Sudan during the transition.

XII. Peace

The Conference discussed the different peace activities and processes in Sudan. The Conference noted the onerous responsibility facing the NDA's Committee for Comprehensive Political Settlement Initiatives, and especially recognised the challenge of merging the Libyan-Egyptian initiative with the IGAD peace process. In particular:

The Conference stressed the importance of *a comprehensive and just peace for Sudan* and rejected incomplete or partial agreements that do not resolve the enduring causes of the war and address the demand for

human rights, democracy and equitable sustainable development. If the current war is to be the last in Sudan's history, it is imperative that the war is resolved in a manner that ensures that the legitimate demands of all of Sudan's peoples are met, and the rights of all are respected.

The Conference welcomed *the opportunity for open and constructive dialogue* between the democratic political forces in Sudan and civil society organisations.

In this regard, *the Conference asserted that the NDA's Asmara Declaration (excepting articles 5 and 7.3) and the IGAD Declaration of Principles form the foundation for the achievement of peace in Sudan.* The Conference called upon all democratic forces in Sudan to ensure that these principles remain the basis for a comprehensive and lasting settlement.

The Conference *strongly supported the 'People to People' peace process under the aegis of the New Sudan Council of Churches and other civil society groups in Southern Sudan, as embodied in the Wunlit Covenant and Resolutions and Lilitir Covenant.* The Conference also endorsed the extension of 'People to People' peace processes to cover the whole of the South and, where and when feasible, to the interface zone between South and North Sudan and within North Sudan.

The Conference *welcomed the 'Engendering the Peace' process and applauded the inclusion of women in all aspects of peace processes and the struggle for, and sustainability of, a just and comprehensive peace.*

The Conference urged that *civil society should be part and parcel of the peace process.*

The Conference calls upon the Transitional Government to *entrench in the laws of Sudan all the values and practices which encourage co-existence and the peaceful resolution of tribal, regional and personal conflicts.*

The Conference proposed a good leadership workshop, conflict resolution and peace building in Sudan. Organisations of civil society, democratic forces, experts and regional and international monitors should participate.

Conclusion

The Conference on Human Rights, Democracy and Development in the Transition in Sudan was a landmark and a success. The discussions, debates and recommendations were wide-ranging; an accurate reflection of the realities of Sudan. The spirit of the Conference was truly democratic and pluralistic.

The Conference was an historic opportunity in which Sudanese civil society met with itself and with the leadership of the democratic opposition in order to join forces in shaping the future of the country and ensuring that, in a future transition, the opportunity to achieve a just peace, democracy, development and human rights is taken and not squandered.

It is the responsibility of Sudanese civil society to continue dialogue within itself and with the democratic political forces in Sudan to help achieve this Declaration. Information flow and networking among civil society and political forces is of crucial importance.

The Conference called upon the Committee of the Civil Project to continue with the Kampala Forum.

The Conference was attended by the following:

| | |
|--|---|
| Civil Society Organisations | Sudan Human Rights Studies Centre |
| Beja Relief Organisation | Sudan Journalists' Union |
| Centre for Documentation and Advocacy | Sudan Legal Aid Consultancy Centre |
| Cairo Institute for Human Rights Studies | Sudanese Martyrs' Families Organisation |
| Civil Society Support Programme | Sudanese Victims of Torture Group |
| Economic Society of New Sudan | Sudanese Women Crying out for AIDS |
| General Council of Trade Union Federations | Sudan Women's Association in Nairobi |
| Horn of Africa Centre for Development and Democracy | Sudan Women's Peace Initiators |
| International Nuba Coordination Centre | Sudan Women's Union |
| Al Khartoum Newspaper | Sudan Women's Voice for Peace |
| National Women's Democratic Alliance | Sudanese Writers' Union |
| New Sudan Council of Churches | Widows, Orphans, Disabled Rehabilitation Association of the New Sudan (WODRANS) |
| New Sudan Indigenous NGOs Network | |
| New Sudan Women's Association | Political Forces |
| New Sudan Women's Federation | Beja Congress |
| New Sudan Youth Association | Communist Party of Sudan |
| Nuba Mountains Solidarity Abroad | Democratic Forces Front (JAD) |
| Nuba Relief, Rehabilitation and Development Organisation | Democratic Unionist Party |
| South Sudan Law Society | Haq |
| Sudan African Women in Action | Legitimate Command |
| Sudanese Committee Against the Violations of Women, Youth and Students' Rights | National Alliance for the Restoration of Democracy |
| Sudan Centre for the Study of Human Rights | Sudan Federal Democratic Alliance |
| Sudan Human Rights Association | Sudan National Alliance/Sudan Alliance Forces |
| Sudan Human Rights Group | Sudan National Party |
| | Sudan People's Liberation Movement |
| | Umma Party |

Union of Sudan African Parties

Others

Human Rights Activists

Elected Members of Parliament (five) from
the last democratic Parliament in Sudan

Action of Churches Together

Human Rights Watch

Justice Africa

National Democratic Alliance (Khartoum)

The Conference thanks the people and Government of Uganda for their welcome and the Pan African Movement for hosting this Conference, and the Committee of the Civil Project in Sudan for preparing and organising the Conference, and the donors for funding it.

The Conference on Human Rights, Democracy and Development in the Transition in Sudan

*Kampala, Uganda
21 July 2000*

STRATEGIC LINKAGES II: KISUMU, KENYA, JUNE 16-23, 2001

KISUMU DECLARATION

The participants of the Kisumu Conference affirm that:

1. Liberation is the common and prime agenda for people of southern Sudan (including Abyei), Nuba Mountains, and South Blue Nile and that it is the people who are at the centre of the liberation struggle.
2. Self-determination is the central objective of the people's liberation struggle.
 - a. This inalienable right of self-determination should be exercised through internationally supervised referendums for all marginalized areas struggling for liberation as mentioned above.
 - b. There should be an extensive program of civic education in preparation for the referendum
 - c. Common commitment to self-determination should be a unifying factor for everyone involved in the struggle for liberation.

The participants of the Kisumu Conference resolve that:

3. All movements should:
 - a. Immediately cease hostilities amongst themselves and commit to open dialogue to resolve political differences.
 - b. Establish peace desks in collaboration with civil society organizations, coordinate and share information amongst themselves, and maintain close contact with the NSCC
4. The SPLM should:
 - a. Clarify its position particularly in blocking participation of civilian participants to this conference vis-a-vis the National Convention (1994), Civil Society Conference (1996) and the SPLM/A-Church Dialogue (1997), and the democratic positions espoused in these documents concerning freedom of movement and assembly.

- b. Take appropriate actions to prevent those Nuer who join SPLM/A from attacking their own people
5. The Nuer community should:
- a. With facilitation of NSCC, bring together leaders of SSLM and SPDF to establish a framework for unity and peace.
6. The NSCC should:
- a. Continue and strengthen dialogue with SPLM in a timely manner to bring it and the people in the areas under its control back into the people-to-people peace process.
 - b. Organize individual meetings with all the movement leaders to establish the foundation for another inclusive meeting on the peace process. This process should begin with SPLM and SPDF, but they should not prevent progress with all other movements.
 - c. Fully involve all elements of civil society in the process of reconciliation and unification.
 - i. Ensure that women are empowered and have an active voice at all levels of the people-to-people peace process in acknowledgement of their importance in the formation of values and historical exclusion.
 - ii. Ensure that youth are wholly represented in the process.
 - d. Encourage grass-root dialogue, forming community peace committees that should be morally supported by the various political movements. The grassroots process should remain independent from the movements.
 - e. Review the talks held in 1991-92 to reconcile the split between the Torit and Nasir factions, to ascertain whether the reasons for failure of negotiations are still valid.
 - f. Develop conceptual framework for southern unity in dialogue with the movements.
 - g. Ensure that Equatoria is encouraged and facilitated to participate fully in the people-to-people peace process.

- h. Maintain and protect its neutrality, independence from political interference, and spiritual growth and strengthen its capacity to lead the process and manage complex issues.
 - i. Engage more fully regional churches and church councils, including FECCLAHA, in the peace process.
 - j. Ensure that all participants in the people-to-people peace process should have an accurate written record with consistent high quality translations so that all groups are able to present an accurate, detailed, and unified message to their constituencies.
 - k. Assume responsibility for all levels of people to people process through:
 - i. Improved field-based monitoring, reporting and evaluation
 - ii. Establishment of early warning mechanisms
 - iii. Sensitization of local populations
 - iv. Establishment of mechanisms to sustain peace (including common services at borders)
 - l. In collaboration with the donor community, international organizations on the ground, and other elements of civil society, fully implement the recommendations and resolutions of previous conferences.
 - m. Immediately implement the planned Nuer-Nuer peace conferences and actively support the Nuer Peace Committee.
 - n. Provide in conjunction with others organizations appropriate peace and conflict management training.
 - o. Expand and strengthen Radio Voice of Hope to support the people-to-people peace process, and encompass civic messages and education.
7. The International community should:
- a. Respond to the humanitarian tragedy in all parts of southern Sudan, the Nuba Mountains, and South Blue Nile.

- b. Establish an internationally supervised military no-fly zone covering southern Sudan, the Nuba Mountains, and Southern Blue Nile to prevent aerial bombardment of civilians.
- c. Continue support for the IGAD-facilitated peace negotiations, which should be expanded to include other opposition forces fighting for the right of self-determination and voices from civil society, and remain based on the declaration of principles (DOP), which affirms the right of self-determination.
- d. Continue to support the NSCC in the implementation of the people-to-people peace process through continued funding of activities and capacity development support.
- e. Bring pressure to bear on international oil companies to cease oil exploration and exploitation until there is a comprehensive and just peace agreement.
- f. Provide support to start the campaign against HIV/AIDS.

The conference participants believe firmly that:

- 8. All elements of southern Sudanese society must recognize the dire threat that HIV/AIDS poses and must take measures to prevent it.
- 9. The practice of enslavement and trade in human beings must be condemned and halted by all elements of Sudanese society and the international community.
- 10. This conference wishes to extend its thanks to the Kenya government and the people of Kisumu.

Strategic Linkages 2

Kisumu, Kenya, 16th-22nd June 2001

NSCC Statement

Unity of purpose, unity of effort, unity of ideals; these words sum up the spirit of Strategic Linkages 2. This conference, held in Kisumu, Kenya from 16th to 22nd June 2001 at the request of Sudanese traditional leaders, was part of the people-to-people peace and reconciliation process facilitated by the New Sudan Council of Churches (NSCC). It brought together more than 200 traditional leaders, elders and women from Sudan with representatives of civil society, politicians from the diaspora and members of southern political movements.

The purpose and objectives of this conference were to provide a forum for all actors in the Sudan to convene and for all their voices to be heard, to promote dialogue and look for consensus for a way forward, and to consolidate the achievements of the people-to-people peace process.

There were participants from a broad range of backgrounds, regions, and organisations in Sudan and the diaspora including more than 50 traditional chiefs, elders and women from southern Sudan. Embassies, donor partners and other international organisations attended the entire conference as observers and witnessed the Kisumu Declaration.

NSCC invited all southern political movements to this important meeting. The SPLM/A declined our invitation and physically blocked participation of citizens – including traditional and church leaders – in areas under SPLM/A control. We regret their non-cooperation but look forward to working constructively with all factions, movements and political leaders, including the SPLM/A, to forward justice and peace in southern Sudan. We suggest that any questions on the involvement or non-involvement of any factions or movements be addressed directly to them.

The **Kisumu Declaration**, containing the resolutions of the conference, is attached.

An immediate outcome of the conference was a request for a one-day meeting for the Nuer participants to explore and resolve their internal differences. This was implemented without delay in Kisumu on 23rd June 2001, with more than 70 participants from 12 Nuer ethnic groups. Their resolutions are also attached.

NSCC

26th June 2001

Contact: Telar Deng, NSCC, peacedesk@swiftkenya.com

SOUTH SUDAN DEMOCRATIC FORUM

POLITICAL CHARTER FOR PEACE

DECLARATION OF PRINCIPLES ON THE RESOLUTION OF THE CONFLICT IN THE SUDAN

IN PURSUANCE of the resolutions of the South Sudan Civic Forum conference of 29th September 2001 in which the South Sudan Democratic Forum was founded;

AWARE of the urgent need to reduce differences within and between South Sudanese communities, military and political groups in order to focus on the liberation of our people harmoniously reconciled, peaceful and united;

CONCERNED that the current American-European peace initiative and the serious lobby of the Arab world led by Egypt could deprive South Sudan of its inalienable rights to self-determination;

HAVING CONSULTED widely with various South Sudanese political organisations and individuals both in the Diaspora and inside the Sudan;

CONSCIOUS of the fact that further consultations and agreement is necessary, preferably in a conference for all South Sudanese political forces to agree a common political agenda;

WE THE UNDERSIGNED HEREBY AGREE AND MAKE THE FOLLOWING DECLARATION:

1. The Establishment of a broad based alliance of South Sudanese civilian and political groups to be known as South Sudan Democratic Forum.
2. Negotiate with the North an agreement on interim arrangement in which state will be separate from religion during the interim period. South Sudan shall be governed during that interim period as a Federal, Democratic State.
3. The affirmation of the right to self-determination for the people of South Sudan. This right shall be exercised through an internationally supervised referendum to be conducted before the end of the interim period.
4. The affirmation of South Sudan as comprising of the three provinces of Bahr el Ghazal, Equatoria and Upper Nile with their borders as they existed on 1st January 1956. Any other boundaries or borders in dispute shall be subject to settlement in accordance with international law and arbitration.
5. Support for the people of the Abyei District and Nuba Mountains, both of Southern Kordofan, and of the people of Southern Blue Nile in their quest to decide their future in accordance with their aspirations.
6. Support for the Beja and other marginalized people throughout the Sudan to realize their aspirations for justice and equality.

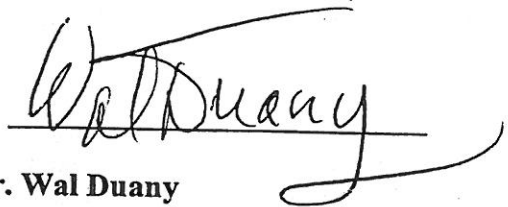
7. Endorse the IGAD Declaration of Principles (DOP) as the only viable basis for resolving the Sudan Conflict by peaceful means.
8. Commitment to pursue dialogue with all South Sudanese military and political groups to realize inclusive reconciliation, peace and unity in South Sudan.
9. Immediate formation of South Sudan Democratic Forum interim secretariat. A permanent secretariat shall be formed in an inclusive South Sudanese conference, which we hereby undertake to pursue and organise.

The South Sudan Democratic Forum calls upon the people of South Sudan, political forces, Civil Society Organisations and individuals to rally firmly and fully around the right of self-determination for South Sudan. This inalienable human and fundamental right is the only peaceful and democratic means to resolve the Conflict in Sudan.

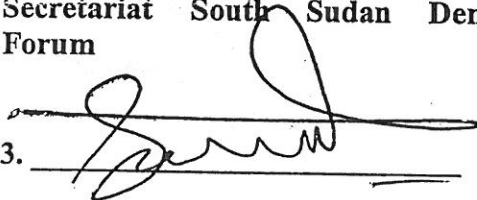
Signed this 25th day of February 2002, London, UK.

1. 

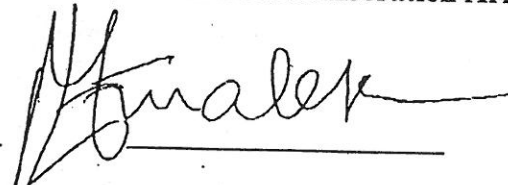
Dr. Martin Lemi Elia-Lomurö
Chairman,
South Sudan Civic Forum and Interim
Secretariat South Sudan Democratic
Forum

2. 

Dr. Wal Duany
Chairman,
South Sudan Liberation Movement
and C-in-C South Sudan Liberation Army

3. 

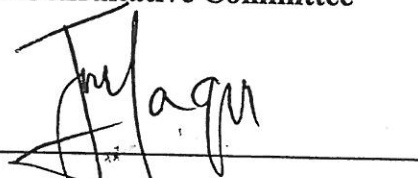
Mr. Samuel Odat Ayul
Representative,
Other Political Organisations

4. 

Mr. Mayom Malek
Representative, South Sudan Consensus
and Consultative Committee

5. 

Dr. Samuel Koung
Representative, South Sudan Referendum
Forum

6. 

Lt. Gen. Joseph Lagu (Retired)
Representative, Peace Action for Africa
and Sudan, Former Vice-President of the
Sudan

“Let my people Choose”

The Statement of the Sudanese Churches on the Right of Self Determination for Southern Sudan and the Marginalised Areas

Introduction:

The right of the people of Southern Sudan to self-determination has been and still is widely accepted by all the Sudanese political forces. Indeed, in a country famous for absence of a national consensus on the fundamentals of nation and state building, the Sudanese political forces have achieved a consensus on the Right for Self Determination (herein after abbreviated as RSD). It is not only a regionally and internationally recognized human right. It is the Right of all people to freely determine their political status and pursue their economic, social and cultural development. It is the right of people to govern themselves in a manner freely chosen by them. It is also an effective facility for conflict resolution, particularly in those countries, which have experienced prolonged conflict, and suffering, and no any prospects of a military victory for any of the parties. In such a situation, once parties to the conflict accept and apply it and abide by its outcome, war usually comes to an end.

Under traditional International law, the RSD was generally seen as a decolonisation facility. It was also seen as applicable to situations of ending racism, e.g. in South Africa and Namibia. It was generally not applicable to what could be described as “internal colonialism” in a formally independent state. It has been argued that conditions for internal colonialism arise when one racial or cultural group dominates other groups using its control of power and resources of the formally independent state.

In the sixties to mid seventies the UN extended the RSD to non-colonial situations. Accordingly common article 2 of the Covenant for Civil and Political Rights and the Covenant for Economic, Social and Cultural Rights 1966, affirmed the RSD for people in general without confining it to decolonisation context. In Africa, the principle of *Uti possidetis* (the retention of pre-independence borders drawn by the colonialists) was effectively used to oppose claims of the RSD by oppressed groups struggling for independence from independent states. But the Eritrea example suggests that under certain conditions that principle could be ignored. Importantly, experiences of successor states to the former Soviet Union, former

Yugoslavia and consensual separation of Slovakia and Czech Republic suggest that there are conditions under which independent statehood could be attained without sanctions from international law.

In the case of the Sudan, we may refer to constitutional Self-Determination. This is a process of Self-Determination based on the consensus of the people, the political forces and the government of the day. It is argued here that such consensus exist and it is evidenced by a number of documents and Covenants signed by the parties to the conflict and by public declarations of the representatives of the political forces. Where such a consensus exists, the important question is to ensure the implementation of this consensus. In case of any demonstrable delay in the implementation, the task is to ascertain the reasons for such a delay and encourage the parties to scrupulously abide by their undertakings.

Arguments as to "who is the self" in the Sudan and "that the exercise of RSD will lead to separation" need not detain us here. They have been raised before. They also have been answered. What needs to be confronted now is: given the consensus by the Sudanese political forces on RSD, what should be done to implement it? Does the delay in implementation of this consensus suggest lack of seriousness on the part of the signatories? If so, what should be done by the ecumenical family and international community to convince all the signatories that a scrupulous implementation of RSD for the people of the southern Sudan and other marginalized people is the only recipe for justice and peace in the Sudan?

Background to RSD

The Sudanese as a people were supposed to exercise the RSD in a plebiscite under the Cairo Anglo-Egyptian Agreement of 1953. It was not to be. Instead of a countrywide plebiscite, the parliament in Khartoum voted in December 1955 to request the Condominium powers (Britain and Egypt) to recognize the Sudan as an independent state effective from January 1st 1956. The Southern Sudanese representatives voted for the independence motion on the understanding that the south will have a federal status in the post-independent Sudan. That understanding was based on a special motion in the parliament, which according to Mohamed Ahmed Mahjoub, two times Prime Minister of the Sudan, was passed to "please the southerners". The motion prepared by prominent northern Sudanese members of parliament including Mahjoub himself, promised to consider federal status for the South. It was admittedly not meant to be honored. Self-determination vote

of 1955 was obtained by fraud and therefore not binding on the southern Sudanese.

During the first armed resistance (1955-1972), the South presented its claim to exercise the RSD in the Round Table Conference (RTC) 1965. The northern political parties rejected that claim. The southern Sudanese parties then presented confederal scheme as a minimum acceptable position. The northern Sudanese parties ended up conceding a restricted local autonomy for the South in which the central government would still retain considerable powers over the police, security, finance, appointments of the chief executive and judiciary in the South. Importantly, the South was to be governed as three separate regions.

The northern Sudanese scheme was predictably rejected by the southern Sudanese parties. However, when the May regime under Nimeri in subsequent negotiations conceded those points raised by the South, the Southern Sudan Liberation Movement (SSLM) accepted the Addis Ababa Agreement of 1972. Under this Agreement, the South won significant powers of self-government. However northern Sudanese traditional forces combined with Nimeri's opportunism dismantled the regional self-rule for the South in June 1983.

The SPLM/A, which launched its struggle in mid 1983, stated its objectives then as "the destruction of the old Sudan, and the creation of a New, just, democratic united Sudan". This mission statement did not mean that the Southerners had renounced their right to self-determination. This must be emphasized since the SPLM/A did not see itself as merely a southern Sudanese movement, but a movement for the whole Sudan. It was therefore left for southerner Sudanese to articulate claims that were specifically southern. Accordingly, when the National Islamic Front (NIF) seized power in June 1989, and adopted an Islamic fundamentalist programme, which threatened to negate most of what the South stood for, the stage was set for decisive choice for the South. Little wonder that the RSD for the southerners was re-asserted by the southerners in the government convened National Dialogue Conference of September–October 1989 in Khartoum. With the intensification of oppression, and with the launching of Jihad against the southerners, the Nuba and the people southern Blue Nile, the demand for self-determination gathered popularity. It was therefore after the southern Sudanese in the government controlled areas who led the demand for self-determination.

Mounting consensus over RSD.

Claiming the RSD is one thing, and an important thing at that. However working for the RSD in a systematic, programmatic and consistent manner is quite another. The South is today called upon to pursue the latter course-i.e. Working for the RSD in a systematic, programmatic and consistent manner. A strategy for self-determination in form of a Vision, Mission and Programme is therefore called for. The strategy would consist of the following:

1. Public Awareness. Deepening of public awareness among southerners in the Sudan and in *diaspora* about self-determination. This means the development of civic education programme about this theme and related themes such as human rights, rule of law, humanitarian principles, good governance, democracy etc. This public awareness would include matters such as the distinction between RSD and separation, federation, free, fair and internationally supervised referendum.
2. Such educational programme may be carried out by the civil society organizations in which the Churches, youth, women groups and professional organizations play their roles.
3. Lobby for an early enactment of a referendum law that would ensure the following:
 - a. Fair, free and internationally supervised referendum
 - b. Clearly defined options, which would include independent statehood. Needless to add that the referendum law must be a part of the interim arrangements, which shall be put in place.
4. Dialogue with all political forces and personalities in support for holding of a free, fair and internationally supervised referendum before the expiration of a fixed interim period.
5. Churches to develop a comprehensive program for securing regional and international support for RSD.
6. Call on WCC to lobby at the UN and members of the Security Council, African Union (AU) and other regional bodies such as the Arab League, European Union, Organization of Islamic States, etc for their support for RSD.
7. Promotion of peace-making and conflict prevention, mitigation and resolution capacities of civil society organizations and civil authority

to ensure that the southerners are capable of maintaining peace and stability by themselves.

8. The church should work with the civil society and civil authority to promote good governance in which justice and human rights are respected

All the above are designed to bring a state of affairs that convinces the people, partners and observers that the southerners are capable of running their affairs by themselves.

Basis for peace making through self-determination process:

While the Sudanese Churches support the IGAD sponsored mediation, based on the DoPs, it is hereby stressed that mediators hold the parties to bilateral or multi lateral covenants they have sealed. To date, the Sudanese political forces have signed a number of agreements or declarations affirming their commitment to the RSD for the people of southern Sudan and other marginalized people. These are:

1. Frankfurt Agreement between the Nasir faction at that time and GoS (Government of the Sudan) agreeing on Self determination for the southern Sudanese (1992);
2. Nairobi Declaration of March 1993, between NDA parties agreeing that the basic human rights norms, including the RSD, be the basis of the future constitution of the Sudan;
3. Washington Declaration, October 1993 between SPLM/A (Dr. John Garang) and SPLM/A-United (Dr. Riak Machar) agreeing on the RSD for the southern Sudanese;
4. IGAD Declaration of Principles (DoP) of 1994, affirming the RSD for the south and conditional RSD for all the people of the Sudan;
5. Chukudum Agreement (December 1994) between SPLM/A and the UMMA Party agreeing on the RSD for the people of the southern Sudan including Abyei;
6. Asmara Agreement of December 1994 between NDA parties affirming the RSD for the people of the South;
7. Asmara Agreement by (NDA) June 1995, affirming the RSD choosing between federation-confederation on one hand and independence of the southern Sudan on the other. Further more internal accommodation for the people of the Nuba mountains and southern

Blue Nile was to be under taken and if that failed these people would be entitled to the RSD;

8. The Khartoum Peace Agreement April 1997 between United Democratic Salvation Front (UDSF) led by Dr. Riak Machar on one hand and the GoS on the other, agreeing to the RSD through a referendum to be held in the year 2002;
9. The Fashoda Peace Agreement of the SPLM/A-United (Dr. Lam Akol) and the GoS September 1997 agreeing the RSD for the South.
- 10 Djibouti National Call of 1999 between the UMMA party and the GoS recognizing the RSD for the people of southern Sudan. The call was the first agreement among northern Sudanese leaders in which they recognized the RSD for the people of the South;
11. Article 113 of the Sudan Constitution of 1998 adopts the RSD for the south with two options: of unity or secession of Southern Sudan.
12. Geneva Agreement of 2001 between the Peoples' National Congress (Dr. Hassan El Turabi) and the SPLM/A (Dr. John Garang) recognizing the RSD for the people of the southern Sudan and criticizing the GoS for back tracking from commitment to RSD;
13. Nairobi Declaration of January 2002 between Dr. John Garang (SPLM/A) and Dr. Riak Machar (SPDF) affirming the RSD for the people of southern Sudan, Nuba Mountains and southern Blue Nile;

From the above listed agreements the following become very clear:

1. RSD has generally been accepted as one of the ways of resolving the Sudanese conflict.
2. RSD for the people of the Southern Sudan has been generally accepted.
3. The options open to the southerners are unity and independent statehood.

The Asmara Declaration by the NDA June 1995, (# 7 above), the Khartoum Peace Agreement 1997, (#8 above) and article 113 of the Sudan Constitution 1998, (# 11 above) are categorical about the options of unity on one hand and independence of south Sudan on the other. In none of the above listed agreements has the options been left ambiguous. At no time have the term RSD been used to mean internal self-determination, i.e. options within one united Sudan only. However, in some of the agreements

the RSD was to be exercised by the people of southern Sudan, southern Blue Nile and Nuba mountains.

In view of the above, peace mediators may build on this consensus of the parties on RSD and develop it into a framework for bringing about a just and lasting peace. They may urge the parties and stakeholders to abide by their commitments and particularly to enact the referendum law, which should also fix a firm date for a free, fair and internationally supervised referendum, in addition to emphasizing the options from which the people are to choose. All the above should be within the context of an agreed interim period of not more than two years. It should be noted that even the DoPs themselves in point 4 declare that if the parties to the conflict can not agree on internal arrangements based on seven elements in point 3, then each people would be entitled to exercise the right of self-determination. In other words, there is no dead lock as such under the IGAD process. If no agreement is reached, in which there is settlement in one Sudan, then this lack of agreement itself triggers the process of self-determination, not only for the South but for any other people too.

Conclusion


The Sudanese Churches firmly believe that the conflict in the Sudan is principally about justice. The struggle is against injustice and it is about providing justice for all irrespective of creed, color, belief, and race. It is therefore not about the unity of the country. Because in a country where justice prevails, there will be no incentive or reason for separation or fragmentation. It is injustice that breaks up families, tribes and countries.

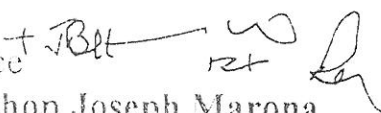
In the course of maintaining the unity of the Sudan and the struggle for justice, the oppressed people have paid dearly. To date, over 2.9 million people from these marginalized areas have lost their lives; over 4 million displaced; thousands of people maimed and wounded; millions widowed and orphaned; besides the opportunity cost of the war in terms of education, services and development is beyond quantification. Enough is enough.

It is time that the international opinion and the people of good will and above all the ecumenical family, should see to it that this suffering comes to an end. It must end in peace with justice. Our suffering people should therefore be allowed to freely determine their political status and pursue their economic, social, and cultural development. We believe that no body

is wise or knowledgeable enough to make choices for them. The elite on previous occasions had concluded Agreements on their behalf. Systems have been imposed on them but they have not lasted. Attempts are being made to prescribe certain choices for them and we believe that such prescriptions are not the correct recipes for a just and lasting peace. It is therefore time that the IGAD committee on the Sudan and the IGAD Partners Forum press for the oppressed people to freely choose their destiny and for the political forces in the Sudan and the international community to abide by the outcome of such a choice what ever it might be.

Signed:


His Grace
Archbishop Paulino Lukudu
President
Sudan Catholic Bishops' Conference


His Grace
Archbishop Joseph Marona
Primate
Episcopal Church of the Sudan



Rev. Peter Makuac Nyak
Associate Moderator
Presbyterian Church of the Sudan


Rev. Taban Elonai Andarago
Chairman SCC


Fr. Mark Kumbonyaki
Chairman NSCC

London, 6th March 2002

**General Lazarus Sambeyweo
Special Envoy to the IGAD
On Peace in the Sudan**

**POSITION OF THE SUDANESE CIVIL SOCIETY ON THE JUST AND
LASTING PEACE IN THE SUDAN.**

We the members of the Sudanese Civil Society Organisations, comprising NGOs, CBOs, Youth, Women, Faith-based Groups and Professional Associations hailing from southern Sudan, the Nuba Mountains and Southern Blue Nile and representing our various umbrella networks, namely the Federation of Sudanese Civil Society Organisations [FOSCO], New Sudanese Indigenous NGOs Network [NESI-Network], New Sudan Women Association [NSWA], New Sudan Youth Association [NSYA], South Sudan Indigenous NGOs Co-ordinating Council [SSINCC] and Sudanese Women Association in Nairobi [SWAN], met in Nairobi, Kenya on Friday July 5th, 2002, and this Position Paper in our view, sets the basis of Peace Agreement in the Sudan:

Preamble

Cognisant of the tragic fact and reality that Sudan has been deeply divided along racial, religious and class lines and consequently resulting in populations without a common heritage nor destiny which, has led to inequitable wealth, resources uneven development and unfair power sharing among other forms of discrimination and policies of deliberate marginalization and neglect.

Reaffirming our confidence in the IGAD Peace Process, under the leadership of President Daniel Toritich Arap Moi, and its Declaration of Principles, as the only viable and credible platform for a negotiated comprehensive peaceful settlement to the Sudanese conflict;

Appreciative of the more visible role now being played by the Regional and International Communities in bringing about a lasting peace in our country;

Aware of the fact that all the issues of contention have been explicitly brought out in the various rounds of negotiations between the parties to the conflict; and

Demanding the inclusion of the civil society in the process of peace making in the Sudan without any further delay.

Hereby present the following position to expedite an immediate cessation of hostilities and lasting peace with justice in the Sudan.

1. Sovereignty

Sovereignty and identity lie with the people of Sudan in their variegated and different social, cultural, religious and racial formations and not with the Arab-dominated Sudanese state, *per se*.

2. Self-determination

- 2.1 Self-determination is a democratic as well as a human right of all people around the world, and not least for the population of Sudan;
- 2.2 The people of South Sudan, within the borders of January 1st, 1956, shall exercise this right in an internationally supervised referendum during the interim period of two (2) years, with the following options: -
 - 2.2.1 Union; or
 - 2.2.2 Secession
- 2.3 The people of Abyei shall exercise the right to self-determination in a referendum before the referendum in South Sudan to choose whether they shall remain part of South Kordofan or be joined with Bahr el Ghazal. Should they opt to join Bahr el Ghazal, then they shall therefore exercise self-determination together with the people of southern Sudan;
- 2.4 The Nuba people shall exercise the right to self-determination before the end of the interim period, and after the referendum in the South Sudan. The Nuba people shall have the following options:-
 - 2.4.1 Unity with northern Sudan;
 - 2.4.2 Unity with southern Sudan; or
 - 2.4.3 Independent Statehood.
- 2.5. The people of Southern Blue Nile shall exercise their right to self-determination in a referendum concurrently with the Nuba people and shall have the following options: -
 - 2.5.1 Unity with northern Sudan;
 - 2.5.2 Unity with southern Sudan; or
 - 2.5.3 Independent Statehood.

3. Union

Recognising that religious, racial and cultural issues are the causes of the instability and suffering of the people for a historic amount of time, we the civil society of South Sudan, Nuba and South Blue Nile acknowledge that the people of the Northern State have their rights to rule themselves under Islamic laws. Thus, we also have our rights to rule ourselves in a democratic secular Southern State within a union arrangement.

- 3.1 Organs of Union State: There shall be a Union Government based in a neutral capital agreed upon by all the parties

concerned, Union Supreme Court, Union Parliament,) Union Security Forces and Union Secular Constitution.

There shall be a Northern Islamic State Government with its Islamic High Court, Parliament, State Territorial Army and State Security Forces. And the South Democratic State Government, High Court, Parliament, State Territorial Army and State Security Forces.

3.1.2 State and Religion: Under a Union State it shall be enshrined in the Constitution that the Union Government shall be democratic and non-theocratic. Sources of legislation of Union Supreme Constitution shall not be based on the basis of any religion.

4. Referendum

4.1 A Referendum Protocol shall be agreed upon by the parties and shall become part and parcel of the Peace Agreement; and

4.2 There shall be established a 'Referendum Commission' composed of the parties to the conflict, the Regional and International Bodies, namely IGAD, the African Union, European Union, Troika (USA, UK and Norway) and the UN Department of Political Affairs [UNDPA].

5. The Interim Period

5.1 There shall be an interim period of two years duration between the signing of the Peace Agreement and the referenda in South Sudan, the Nuba Mountains and Southern Blue Nile;

5.1.2 During the Interim Period, Sudan shall have three (3) Constitutions: Northern Constitution [Islamic], South Constitution [Democratic] and a Union Constitution [Democratic and Secular] and five (5) Political Entities: South Sudan Entity, Northern Sudan Entity, the Nuba Mountains Entity, Southern Blue Nile Entity and Union Entity;

5.1.3 Alternate Union Government should be formed, of which the South Sudan Democratic State to lead during the first phase of the Interim Period.

5.1.4 Oil exploitation should be stopped during the interim period.

6. Security Arrangements During the Interim Period

6.1 The SPLA shall remain intact in South Sudan, the Nuba Mountains and in Southern Blue Nile;

6.1.2 There shall be a separation of Belligerent Forces, namely the GoS Forces and the SPLA. The GoS Forces shall be moved to north of latitude 13 °N;

- 6.1.3 There shall be International Peacekeeping Forces and Monitors placed along the latitude 13 N and where the Technical Military commission deems necessary and appropriate.
- 6.1.4 The SPLA and the GoS Armed Forces shall be treated equally during the interim period in terms of logistics, salaries, and privileges;
- 6.1.5 The principles of equitable wealth sharing shall be determined in the peace agreement.
- 6.1.6 There shall be established a Joint Technical Military Commission composed of the GoS and SPLM/A and an internationally agreed force; and
- 6.1.7 The three entities; namely South Sudan, Nuba Mountains and Southern Blue Nile; shall during the interim establish regional and international diplomatic, bilateral relations, commercial, cultural, including funding.
- 6.1.8 Repatriation of internally displaced persons (IDPs) and refugees to be facilitated during the interim period to help exercise their right to self-determination.

7. Guarantees

- 7.1 Violation of any article of the Peace Agreement during the interim period shall be urgently brought to the notice of the witnesses to the peace agreement.
- 7.1.2 Once the Peace Agreement has been nullified as a result of its violation, the three entities, namely South Sudan, Nuba Mountains and Southern Blue Nile, shall declare unilateral independence either separately or in unison,
- 7.1.3 Should the Union arrangement becomes an option, the Southern State shall maintain its Territorial Army and other security forces while contributing to the Union Army and Security Forces.
- 7.1.4 The Witnesses to the Agreement shall ensure that the violation to the Agreement is rectified within a period of fifteen (15) days through intervention or we shall declare an independent state/states.

8. Witnesses

- 8.1 The following countries: Eritrea, Ethiopia, Uganda, Kenya [representing IGAD], the African Union (AU), the Troika [United States of America, United Kingdom and Norway], the Republic of South Africa, Nigeria and Arab League of States shall be

witnesses to the Peace Agreement between the GoS and the SPLM/A;

8.1.2 The role and responsibility of the witnesses is to deploy monitors, fund and provide necessary logistical support for the process, and evaluate the progress of the peace process, and oversee the smooth implementation of the Peace Agreement.



9. Conclusion

According to the document dated 30th June by the facilitators of the present round of the IGAD talks, we as civil society organisations have noted that this document carries a historical date for the NIF coup of 30th June 1989. Thus, we highly suspect that the document must have originated from the NIF government for their political means. Meanwhile, we realise that the IGAD talks started on the 18th of June – 20th July 2002. If any document should have been drafted, it should have been dated before 30th June.

And in final and ultimate conclusion, it must be stated here that it is only the people of South Sudan, Nuba Mountains and South Blue Nile who will decide for their own destiny like other people of the world.

Nairobi, 5th July 2002

Signed:

FOSCO CHAIR

NESI COORDINATOR



SSINCC CHAIR


NSWA REP.


NSYA CHAIR


SWAN DIRECTOR

cc. Troika, SPLM, GoS, IGAD countries, AU, Arab League of States, EU, Governments of Nigeria and South Africa, the New Sudan/Kenya Friendship Society, the UN Secretary General, OLS and non-OLS NGOs.

PROSPECTS FOR PEACE IN SUDAN 2002

ROLES FOR THE UNITED NATIONS

Reviewing the Peace Process

1. The Sudan peace process is at a critical stage. There is unprecedented international interest in a settlement, a forum emerging (Kenya and Egypt, supported by the U.S., U.K. and Norway—the ‘2+3’). The process has focused on the two major parties (GoS and SPLA), both of whom appear ready to engage in the process. However, there is clear reluctance to compromise by either side, and many substantive and procedural obstacles to achieving peace.
2. The Sudan peace process is extraordinarily complicated. In part this reflects the complexity of the conflict itself, with its range of actors and the multiple, inter-related factors that are contributing to the ongoing war. In part it is a function of the length of time that the conflict has continued, and the tendency of multiple peace initiatives to continue to remain in formal existence even when there is little or no life left in them.
3. Most mediators prefer to simplify the peace process, reducing the issues and the actors to a manageable level. This is understandable in order to develop a workable process. But in order to arrive at a lasting solution, an approach must also be taken that takes account of the full range of issues and actors. The current focus is exclusively on the two leading belligerents, creating a ‘2+2+3’ process.
4. At a national political level, the two major initiatives have been IGAD and the Joint Egyptian-Libyan Initiative (JELI). While IGAD is framed around its 1994 Declaration of Principles and includes the GoS and SPLA, the JELI has a less specific (and still not agreed) ‘Nine Point Declaration’, and includes the NDA and Umma Party as well as the GoS and SPLA. IGAD has made painfully slow progress in defining the issues and developing an agenda for tackling key questions. JELI has no secretariat and has relied on the initiatives of the Egyptian and Libyan foreign ministers.
5. The IGAD Partners’ Forum (IPF) has remained active in supporting the IGAD process and its secretariat, with exemplary patience. In the meantime, the IPF has coalesced into an informal troika of the U.S., U.K. and Norway, and a larger group of concerned countries. The troika have coordinated closely and also involved other governments (for example Switzerland) in an informal but effective division of roles.
6. The U.S. approach to Sudan has been to zero in on the key actors and key issues. Thus, it has focused on the ‘power issues’ between the two main protagonists (GoS and SPLA),

making the other issues and parties secondary. In the region it has similarly focused on the most powerful state (Egypt) and the only active process (IGAD) and its leading government (Kenya), assuming that the two governments will bring in the others. Outside the region, the U.S. works as part of the IPF troika. This makes sense for a simplified process: the ‘2+2+3’. It is problematic when it comes to a comprehensive solution, which needs to take account of the long history of engagement by a wider range of countries and parties, and the accumulated ‘literature of accord’—the agreements signed over the last ten years or so.

7. Subsequent to the U.S.’s more active engagement in the Sudan peace process since October 2001, an agreement has been reached in principle to merge the IGAD and JELI under the leadership of President Moi, in partnership with President Mubarak. The modalities for this unified peace forum have yet to be worked out, including such key questions as the lead negotiator and who actually will participate in the negotiations. In addition, the Kenya-Egypt axis, backed by the U.S. and the other members of the troika, is proceeding but without the close engagement of other governments in the region that were hitherto closely involved (Eritrea, Ethiopia, Uganda and Libya). Hence, the merged IGAD-JELI forum is more akin to a Kenyan-Egyptian forum.

8. Hence, it appears that the modality of the peace process is crystallising around a troika-backed Kenyan-Egyptian forum that involves the GoS and SPLA, with an as-yet-undefined role for the NDA and Umma Party. Most of the ‘heavy lifting’ is done in discreet meetings with the main parties, in which representatives of Kenya, Egypt and the troika convey similar messages.

Strengths and Weaknesses of the ‘2+2+3’ Process

9. The strengths of the current ‘2+2+3’ process are:

- It involves the principal belligerents. None of the other major parties can at present be considered a significant belligerent force.
- It reduces the negotiators/facilitators to a manageable number.
- It focuses on the core ‘power issues’ of the structure of the state and the division of power and wealth between North and South.
- It has continuity with the previous processes and the legitimacy that springs therefrom.
- Kenya is the least controversial of the IGAD member states and has a well-established neutral status vis-à-vis Sudan.
- It is a means of engaging the Government of Egypt.
- It has the backing of the troika and thus the possibility of heavyweight international pressure at the key moment.
- It has the implicit backing of both the principal parties.

10. The weaknesses of the current ‘2+2+3’ process are:

- It excludes a range of parties that may not have major forces in the field but have significant political weight, and will have more weight through any post-agreement electoral process (DUP, Umma).
- It excludes non-SPLA Southern armed groups.
- The other regional powers have not contributed significantly to the peace process in recent years. Even Ethiopia, which has been the most active in IGAD of them, has not invested major efforts in the peace process. However, the other IGAD member states and other regional players such as Nigeria should be provided with a role.
- It has not clarified whether it is building upon prior agreements between the parties (the 'literature of accord') or whether it is setting those aside. This is particularly important in view of all parties' earlier commitments to self-determination for Southern Sudan.
- It does not currently have a heavyweight full-time lead negotiator. (General Sumbeiywo has another job as head of the Kenyan army which is also rather demanding of his time and energy.)
- IGAD is not a system, but rather a collection of countries with their own interests. Kenyan leadership of IGAD maintains a façade of collectivity that is not matched by a reality of consultation. The other IGAD members are going along with the Kenyan role less from conviction than from a desire not to make things worse or complicate bilateral relations with Kenya.

11. The most obvious gap in the '2+2+3' process is a mechanism for shepherding the other players in the peace process, at national and regional level, to enable them to have a constructive input. This is a possible role for multilateral organisations including the OAU and UN.

Substantive Issues

12. The following are the major substantive issues separating the parties:

- The right of self-determination (RSD) for Southern Sudan.
Most negotiators, including the Kenyans, wish that the RSD had never been raised and agreed by the parties. But it has been. The RSD is a basic point of no-compromise for the SPLA, in light of a solid consensus among all Southern groups in favour of RSD. It is enshrined in the IGAD DoP, although the GoS argues that this is merely an 'agenda for discussion' rather than an agreement as such. However, the GoS claim in this regard is undermined by the fact that RSD for the South with the two options of unity or secession is contained in the 1998 Constitution. The GoS will have to continue to recognise RSD if it is to achieve peace. The question is, in what form, after what length of time, subject to what internal procedures, and subject to what external guarantees. Probably, the

exercise of RSD will need to be a national constitutional provision (as it is at present), subject to democratic procedure and international guarantee.

- Separation of state and religion in Northern Sudan.
The SPLA demands a secular state and the GoS argues that for Muslims there must be a provision for Islamic law. It is possible that the SPLA would accept a compromise on secularism provided that (a) the RSD for the South is guaranteed and (b) the nature of a federal arrangement is clarified, such that the Northern and Southern states have equal status, under a secular federal government, and the national capital is subject to secular laws.
- Wealth-sharing between North and South.
The key issue here is oil. Because of the nature of the resource, which can only be fully exploited if there is peace, there is in principle some room for compromise here.
- Nature of interim arrangements.
The GoS prefers to see this issue in terms of the interim administration of the South only, with some SPLA representation in the Government. The SPLA has a broader agenda that includes the nature of the federal government and the status of the national capital in a federal or confederal arrangement. The NDA position, endorsed by the SPLA in NDA fora, calls for democratisation as well. The SPLA case for confederalism merges the interim arrangements with a long term constitutional arrangement of ‘one country two systems.’
- Nature of security arrangements and a future national army.
This is probably the most important issue if any agreement is to hold. With the exception of a seminar held by the U.K. government in January 2002, it has received very little discussion. The SPLA position is for two distinct armies, the GoS seeks to integrate the SPLA into a single national army.
- Commitment to democratisation.
The parties’ stand on this is ambiguous. The IGAD DoP contains commitments to human rights, decentralisation and representative democracy, but these have never reached the agenda of peace talks. The JELI is primarily a reconciliation process between the GoS and the major northern parties, which implies a commitment to some form of electoral democracy. In its capacity as a member of the NDA, the SPLA has forwarded positions in support of democracy. But it is unclear how the ‘2+2+3’ process will support democratisation.

13. This is a formidable list of actual and potential obstacles. The key issue, however, is power-sharing and the extent to which the principal parties will remain secure in their positions after a settlement. The GoS concern over state and religion stems from a fear that it will be exposed to pressure from more radical Islamists should it compromise on this point. The SPLA unreadiness to concede a compromise on self-determination reflects the solid consensus among Southerners, including civil society, non-SPLA parties and also the rank and file of the SPLA itself, that there can be no settlement without a guarantee on the right of self-determination.

Procedural Issues

14. Differences between the parties on procedural issues are less significant, but nonetheless real. They include the following:

- Extent of representation at the peace forum.
The GoS has preferred to keep the IGAD and JELI processes apart, and is generally opposed to including the NDA and other parties in a peace forum. The SPLA has no consistent line on this.
- Acceptance of ‘literature of accord’.
Both parties, unsurprisingly, prefer to maintain the elements in past agreements that they favour while overlooking others. The SPLA is (most of the time) adamant about the IGAD DoP, while the GoS is trying hard to pretend that it never accepted the RSD. The mediators’ preference is for holding all issues open for (re)negotiation.
- Nature of international involvement including guarantees on the outcome.
The GoS has been opposed to any international monitoring or guarantees on the peace process, but has made some very significant concessions in the last six months. The SPLA seeks maximum international oversight.

15. In addition, there is an important cultural difference in negotiating approaches, based on history. While the GoS (and other Northern parties) are ready to compromise in the anticipation that they will be able to manoeuvre to advantage after a peace deal, the SPLA (and marginalised people in general) have only ever obtained concessions from Khartoum by armed force, and hence seek maximum positions in a peace settlement, fearful that they will lose out subsequently.

Other Components to the Peace Process

16. The different kinds of peace processes include the following:

- National-level search for political settlement (IGAD, JELI, Moi-Mubarak initiative to combine the two);
- Invigoration of national-level search for political settlement (U.S. initiative, IPF);
- Confidence-building and humanitarian initiatives (U.S.’s ‘four tests’, i.e. Nuba Mountains ceasefire, monitoring of protection of civilians, inquiry into slavery, ceasefire for immunisation; also demobilisation of child combatants, some OLS activities, EU-Sudan dialogue);
- Local reconciliation and peace-building (e.g. ‘People-to-People’ peace process);
- Mobilisation of civil society, women (e.g. Civil Project, ‘Engendering the Peace’, church-sponsored activities),

- Preparation for post-conflict reconstruction, democratisation ('Planning for Peace,' Civil Project, Relationships Foundation).

17. Where are the gaps? The list of ongoing activities is wide-ranging but we can identify important gaps. For example, there is little to compare with the 'People to People' peace process in Northern Sudan. The current conflict in Darfur, to give one example, cries out for a local process of reconciliation. Similarly, the ceasefire in the Nuba Mountains, recently renewed for a further six months, provides an opportunity for dialogue between the many different Nuba groups.

18. The main gap, however, is for a mechanism whereby all these different initiatives can talk to one another. Currently, there is a proliferation of ad hoc initiatives, which do not necessarily liaise with one another. The complex, multi-dimensional nature of peace in Sudan means that all these processes are necessary, and replication is not necessarily a bad thing. However, time and resources (especially scarce human resources) can be used more efficiently if there is a liaison mechanism that means that all have access to one another's outcomes. For example, Sudanese civil society organisations extensively debated a range of legal and constitutional issues in the Civil Project conferences of 1999 and 2000, and the outcomes of these discussions can provide a base for further research, dialogue and consensus-building by other complementary initiatives.

Conclusion: Roles for the UN

19. Need for liaison. The complexity of the peace processes mean that there is a need for a liaison function between the multiple different institutions engaged in the peace process in its different dimensions.

20. Need for a dynamic lead negotiator. As the '2+2+3' process moves ahead, it will need a full-time, experienced and dynamic lead negotiator. Such an individual should also be an African. The UN, in consultation with the OAU/AU, IGAD and Egypt, could provide such an individual.

21. Need for shepherding the additional stakeholders. Alongside the '2+2+3' process there are many other players, both national and regional, that need to be involved at some stage. The NDA parties, the Umma Party and non-SPLA Southern parties all have a legitimate stake in any peace deal. Agreements have been signed in Abuja, Asmara, Tripoli, Djibouti and Cairo, as well as at IGAD. The UN, perhaps in coordination with the OAU/AU, can engage the wider circle of African governments as stakeholders in the process through their collective contribution to these agreements, which are all part of the literature of accord.

22. Need for a custodian of the literature of accord. The ultimate success of peace negotiation depends substantially on ensuring that the parties adhere to their commitments made in previous negotiating fora. While not regarding any prior agreements as sacred texts, it is

important to utilise these as the basis for negotiations. The literature of accord is also widely owned: the additional stakeholders outlined above are all party to key agreements, and their support for the process is best achieved through recognising the literature of accord.

23. Need to coordinate post-settlement planning. Preparation for a post-settlement scenario cannot begin too soon. There are many issues to be addressed, some of them already tackled by the 'Planning for Peace' process and the Civil Project. The UN can play a role in bringing together Sudanese and international specialists, government, SPLA and civil society, to discuss these issues.

Justice Africa
February 2002

Sudan Peace Secretariat Advisory

Briefing Paper 1

ISLAM, POLITICS AND THE STATE

The question of religion and the state in Sudan is a deeply controversial and divisive issue. This issue paper presents four views about whether religion can be separated from the state, and if so how. The first view is a reflection of the Islamic state and society project of certain leaders of the National Islamic Front. This view seeks to tie religion to the state in key ways. By contrast, the premise of the following three views is that the project of the Islamic State can no longer be defended, but that we must respect Moslems in Sudan who believe that their religious beliefs should influence their political system.

The first viewpoint is a version of the argument for the Islamic state and society as forwarded by certain leaders of the National Islamic Front. This approach has intrinsic flaws and is a part of the problem, not the solution. Some of the problems of this approach are outlined here, by way of summary. Any comprehensive solution to the Sudan conflict takes the redundancy of this approach as its starting point. In fact, the IGAD Declaration of Principles explicitly rules out the possibility of an Islamic state and society. However, it is necessary to understand some of the complexities and implications of the recent and ongoing project of creating an Islamic state and society, in order to understand the legacy that any post-conflict government in Sudan will inherit.

The second viewpoint to be summarised here holds that religious belief and experience is an intrinsic part of human life, and therefore that the separation of religion from politics can only be achieved by force, and at the cost of denying the rights of believers and impoverishing politics. This view holds that although religion is an intrinsic part of politics, fundamental rights should be awarded to citizens on the basis of citizenship alone, without discrimination according to faith.

A third viewpoint argues that Islam—or indeed any religion—cannot be the basis of politics or the state. A state cannot have a religion. A state that respects human rights must accommodate the rights of all citizens, irrespective of their beliefs, simply because they are citizens. The experience of Islamist rule in Sudan since 1989 has proved unfortunate and unsustainable, and this is the inevitable outcome of Islamist politics, although its particular manifestation in modern Sudan reflects the particular character of the Sudan Government's programme and interests. This argument implies that it would be futile to try to develop a 'moderate' version of Islamic politics. Instead, religion should be confined to the private sphere, and public and political life should be governed by secular standards.

A final viewpoint is an attempt at an alternative position, based on specifically Sudanese values of tolerance and personal faith. This aims to develop a moderate, tolerant version of Islamic politics. Its first step is to reject the current Islamisation of politics and the state as contrary to human rights and contrary to Sudanese traditions.

This paper will begin with attempting to clarify some definitional issues. This will assist in clarity of thinking in this area, an area in which confusion is common.

Defining the Issues

No set of terms are more controversial than those concerned with religion and politics. We need to be clear on two sets of distinctions, to avoid some of the confusions that may be deliberately or accidentally introduced into the debate.

Religion and the State versus Religion and Politics

A religious state is a state with a constitution founded on an interpretation of the dogmas of a particular religion. These dogmas may be tolerant—for example, awarding rights and privileges to followers of other religions. Most theoreticians of the Islamic state and society argue that Islam awards a wide array of rights to Christians, and in fact that historically Islam led the way in tolerating other faiths. But insofar as non-Moslems have rights in an Islamic state, they have them because of the principles of a religion in which they do not believe, *not* by virtue of citizenship.

A non-religious state can still have religious politics. This is the case in Europe and North America for example. In such a state, the state itself has no religion, but it allows social and political activities to be organised along religious lines or informed by religious beliefs, provided that they remain within the law and the constitution. Similar considerations hold for ethnic mobilisation within a state that awards equal rights to citizens regardless of ethnicity or race. I.e. religious or ethnic programmes are permissible for political parties so long as they do not infringe the basic human rights of any citizens, or attempt to set up a religious or ethnic constitution.

Atheism versus Secularism

Atheism is the belief system of an individual. As such, atheism is not a sin or a violation of human rights. In some specific historical cases, states have adopted atheism as an exclusivist belief system. The USSR is a case in point, especially during the immediate post-Revolutionary era when Lenin and Stalin ordered the destruction of churches and the outlawing of religious activities. An atheist state in this sense is a version of an intolerant religious state, that seeks to impose its own beliefs (in this case, non-beliefs in religion) on the rest of the population.

Secularism is, by contrast, not an alternative to religion. Instead it is a way of finding an equitable solution to the existence of different belief systems among the citizens of a state. Secularism began as a reaction against the religious state in Europe, and is best seen as a process of remedying injustices. Secularism is fully compatible with recognising that a state can derive legislation and legitimacy from spiritual values, as a way of promoting human rights, social values, etc. In Britain for example, Prince Charles has suggested that the Monarch should no longer be regarded as ‘Defender of *The Faith* (i.e. Protestant Christianity)’ but as ‘Defender of *Faith* (i.e. the values shared by different religions).’ Secularism is thus compatible with religious politics, provided that political programmes derived from religions do not enjoin the violation of the rights of citizens.

View 1: The Islamic State and Society

Since it took power in 1989, the political programme of the National Islamic Front in Sudan has been the creation of an Islamic state and society in the country. This is widely acknowledged: but what in reality does it mean? Most commonly, outside attention is focussed on the issue of *Shari’a* (Islamic Law) which denies certain rights to non-Moslems and to women, and which includes certain punishments that are considered cruel and degrading in much of the modern world such as amputation of limbs (*‘hudud’* punishments). The Sudan Government has refrained from implementing some *hudud* punishments such as amputation, well aware of the international outcry that would follow. But in other respects it has consistently and comprehensively sought the construction of an Islamic state and society.

The NIF’s version of political Islam is an almost wholly alien phenomenon to western secular or Christian audiences (not least because the NIF, in its English language statements, restricts itself to rather anodyne claims). It is nothing less than an attempt to redefine the nature of a state. This involves collapsing conventional secular distinctions between state and civil society, private and public, secular and religious, charitable and commercial, and civil and military. Dr Hassan al Turabi, the leading political philosopher of the NIF, has written eloquently about his vision.¹

An Islamic state cannot be isolated from society because Islam is a comprehensive, integrated way of life. The division between private and public, the state and society, that is familiar in Western culture, has not been known in Islam. The state is only the political expression of an Islamic society. . . .

The ideological foundation of an Islamic state lies in the doctrine of *tawhid*—the unity of God and human life—as a comprehensive and exclusive program of worship. This fundamental principle of belief has many consequences for an Islamic state: first, it is not

¹ Hassan al Turabi, ‘The Islamic State,’ in John L. Esposito (ed.), *Voices of Resurgent Islam*, New York, Oxford University Press, 1983, pp. 241-2, 243.

secular. All public life in Islam is religious, being permeated by the experience of the divine. Its function is to pursue the service of God as expressed in a concrete way through the *shariah*, the religious law.

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[A]n Islamic state is not primordia; the primary institution in Islam is the *ummah* [community of all believers]. The phrase 'Islamic state' itself is a misnomer. The state is only the political dimension of the collective endeavor of Muslims.

In short, it no longer makes sense to speak of a boundary between 'governmental' and 'non-governmental' functions and organisations. The distinction between state action and voluntary citizens' action becomes meaningless. All are together in a common project of creating an Islamic society. Many Islamist institutions can be formally autonomous from the state, but part of an extended Islamist network of like-minded entities. Even the collection and disbursement of taxes can be done through non-state institutions, in accordance with the principles of the *zakat* (Islamic tithe). Among other things, this gives a flexibility and strength to the NIF rule that is lacking in other authoritarian systems, such as the monolithically centralist Communist systems.

This analysis is important because it indicates that the Islamist project of Dr Turabi cannot *in any way* contemplate the separation of religion and the state. The Islamisation project is a comprehensive national project intended to affect every facet of national life. If it retreats from its project of an Islamic state, it collapses.

As well as the state-society distinction, the project of an Islamic society also crosses a number of other boundaries. For example, some of the largest Islamic humanitarian agencies also operate as commercial companies, with substantial investment funds and import-export businesses. One of their models for this are the powerful Iranian foundations (*Bonyads*). The civil-military divide is also crossed: civil and even humanitarian agencies are often engaged in military or security activities. All are together in a common struggle, using violent and non-violent means, to establish an Islamic society. This section will examine some of the key concepts used by the current Sudan Government for putting these ideas into policy.

Shari'a, Islamic law, is an intrinsic part of the Islamic state and society project, and the best-known. Often, in outside commentary, the Islamic State is identified with Islamic Law. Certainly there can be no Islamic State without *Shari'a*. The Islamists' demand for *Shari'a* is a reflection of the comprehensive, social and political nature of their interpretation of Islam. For centuries, scholars and lawyers have debated the nature of *Shari'a* and, most recently, they have discussed how it can be made compatible with internationally accepted standards of human rights. This is a difficult assignment for several reasons.

1. Islamic Law relegates non-Moslems to second class status. Certain privileges are granted to Christians and Jews, though non-believers are granted virtually no status at all. Any introduction of Islamic Law as criminal law (as opposed to civil law for Moslems only) is

certain to restrict the rights of non-Moslems. This is true whether Islamic Law is introduced at a federal, state or local level, because the right of citizens to move around the country and enjoy their rights as citizens in all locations is thereby restricted.

2. The law prohibiting apostasy (conversion of a Moslem to another faith) is a violation of freedom of conscience. Apostasy is on the Sudanese statute book.
3. Islamic Law grants rights to citizens, not as citizens, but as religious believers. It follows that Moslems who regard their personhood or citizenship as prior to their status as believers, at least with regard to their legal status, will also have their rights restricted. Islamic Law can be as much a restriction on the rights of Moslems as on non-Moslems.
4. Islamic Law contains provisions that restrict the rights of women that are incompatible with internationally-accepted standards.
5. Islamic Law contains provisions such as the *hudud* penalties that are incompatible with fundamental human rights.

In short, *Shari'a* has fundamental characteristics that make it hard to reconcile it with internationally accepted standards of human rights and the equality of all citizens. Because of this, the principle of Islamic Law is incompatible with the unity of the country. Should Islamic Law be adopted in Northern Sudan on the (contestable) grounds that it reflects the Moslem majority's demand for political self-determination, the inevitable corollary of this is that others, starting with Southern Sudan, will exercise territorial self-determination and separate.

The focus on *Shari'a* has led other important concepts in the Islamist project to be unfairly neglected. Among these concepts are 'Islamic social planning', the 'Comprehensive Call to God' (*al Da'wa al Shamla*), *jihad* and *tamkiin*. An outline analysis of these concepts is important because it allows an understanding of the far-reaching nature of the project of an Islamic state and society.

'Islamic social planning' is the brainchild of Ali Osman Mohamed Taha, currently Sudan's Vice-President. It has been described by a prominent NIF academic in the following terms:²

The idea of Islamic Social Planning means a continuing revolution for the remoulding of the human being and the institutions in society in accordance with Koranic guidance...

Islamic Social Planning aims to achieve:

1. A complete and comprehensive remoulding of the Islamic personality with a view to making it a living, honest and conscious characterisation of Islamic concepts, values and teachings.
2. Building and reconstructing all state institutions on principles derived from the Koran.

² Zakaria Bashir Imam, 'From the laws of dynamism in the Holy Koran: Social and Economic planning,' *Al Inqaz al Watani*, 30 May 1996.

3. Establishing an Islamic society formed on the basis of Islamic principles and rules without coercion.
4. Establishing an Islamic state to propagate right, justice, spread peace and security in all fields and actualise solidarity, compassion and support among all people, especially Moslems.
5. Establishing an international Islamic civilisation and a new international order based on justice and fairness and the recognition of the cultures of others and their cultural, religious and ethnic distinctions.

In many ways this is an attractive philosophy, that has succeeded in mobilising the energies and commitment of many Moslems. For students in particular its idealism has clear attractions. In the light of the widespread perceived failures of western models of development and political organisation in Africa and the Arab world, such radical alternatives demand being taken seriously. Philosophically speaking, it is a coherent response of a moral community to the pressures it faces from a globalising, westernised and amoral world order. For many societies across the world, responding to the challenge of modernity while keeping an intact moral community with continuity of values from the past is proving very difficult, if not impossible, and the outcome is a breakdown in social cohesion. The Islamic society project founded by Dr Turabi and developed by his followers has held out the promise of a principled and practical response to this dilemma.

However, in the case of Sudan, this project demands close and critical attention. At a philosophical level, the project depends on the existence of a cohesive moral community with a set of common values, based on a certain interpretation of Islam. It is unlikely that in the real world—certainly in the present day if not in history—that any such communities exist at a national level. Perhaps one can find small communities that have coalesced around such common moral values. Religious communities are an obvious case, as are some traditional tribal societies. In Sudan, some Sufi orders have established moral communities of this kind, of which the best known is perhaps the Hamush Koreb Koranic villages set up by Sheikh Ali Betai in Eastern Sudan from the 1950s onwards. But at a national level it is unlikely that the level of consensus, harmony and common values required for Turabi's project could ever exist.

In Sudan this is very much the case. The NIF represents a minority constituency in Sudan, albeit a highly disciplined, motivated and well-financed one. Sudan is a highly heterogeneous country, with different religions including different varieties of Islamic belief such as Sufi traditions. The project of an Islamic state and its correlates such as Islamic social planning therefore entail at best the promotion of a particular viewpoint at the expense of others, and at worst the imposition of a politicised, extremist ideology. Sadly, Sudan has experienced the latter. In this context, the Islamist project has become a charter for war, repression and human rights abuses, which has corrupted and discredited the lofty principles of the enterprise itself.

Another related initiative, that was extremely prominent in Sudan in the mid-1990s, was the *Da'wa al Shamla* or 'Comprehensive Call to God.' This was described by one of its leading

exponents as ‘the consolidation of religious values in society and effecting a comprehensive departure from the [present] reality of ignorance and illiteracy and the actualisation of total interaction with the Islamic project.’³ Other descriptions—there is no official definition available—are similar, and similar also to descriptions of ‘Islamic social planning’ and other government Islamist programmes. The differences lie more in the practicalities of implementation.

The concept of *jihad* (usually translated as ‘Holy War’) is important to the NIF’s programme. *Jihad* is both the government’s military effort against the SPLA and other opposition forces and the non-violent struggle for an Islamic state (more widely, *Jihad* can be ‘equality, freedom and struggle in the path of God.’⁴). The NIF’s war strategy is characteristically sophisticated, at both an ideological and a practical level. In the Sudanese media, and for the consumption of those who donate to Islamic relief agencies working under the aegis of the Comprehensive Call, they call for

Transforming *jihad* from the ‘*jihad* through the gun’ to another *jihad* in the field on investment through training and equipment of *mujahadiin* [holy warriors] for the reconstruction of the land.⁵

However, the view from the ground in the war zones is somewhat different. The Sudanese war is extremely brutal in its conduct and has led to immense human suffering. It is not credible to dissociate the non-violent, spiritual or developmental interpretation of *jihad* from the violent and militaristic one.

Another important principle is *tamkiin*, which includes two related concepts. One is empowering Moslems who form a minority in any society, enabling them to take a leading position in that society. This has particular relevance to Southern Sudan and to neighbouring countries such as Eritrea, Ethiopia and Uganda. The second is ensuring that followers of the NIF’s particular brand of political Islam maintain their dominant position, within the overwhelmingly Moslem society of northern Sudan. Once again, we see that these principles invariably lead to conflict. If the project of an Islamic society requires concepts such as *jihad* and *tamkiin* in order to proceed, then it is incompatible with peace and human rights.

In conclusion, the project of an Islamic state and society, while philosophically representing a response to the challenge of how to maintain a moral community in a modern, globalised and secular world, has in practice turned out to be a violent and exclusivist project incompatible with peace and human rights in Sudan. It cannot be sustained.

³ Ibrahim Abdel Hafiz, quoted in Ordesse Hamad, ‘On NIF ideological indoctrination and Islamist education programmes,’ *Alwah*, May 1995.

⁴ Gudrun Krämer, ‘Islamist Notions of Democracy,’ in J. Beinin and J. Stork (eds.) *Political Islam*, London, I. B. Tauris, 1997, p. 74.

⁵ Quoted in: *Al Sudan al Hadith*, 19 December 1992, p. 11.

View 2: On the Necessity of Respecting Religion in Politics

Are there ways, short of the comprehensive establishment of an Islamic state and society, for a devout Moslem to live in conformity with his or her religious beliefs? The second view presented here is an attempt to reconcile religious faith with the demands of a modern heterogeneous society.

A believer is obliged, on account of his or her faith, to follow certain principles in his or her life. For a true believer, these principles do not stop at the boundary of his or her private life, but also extend into the public sphere. In fact, the political life of a community or nation ought to be influenced strongly by the sincere religious beliefs of its members. In this context, there cannot be a simple answer to the question, ‘should religion be separated from politics?’ Instead, we should seek to investigate the different connections between religion and politics, so that the political life of a nation can reflect the religious beliefs of its citizens, in such a way that the fundamental rights of all citizens are respected.

The Impossibility of Separating State and Religion

The idea of separating religion and the state emerged in Enlightenment Europe, in reaction against the political dominance of the Roman Catholic Church and the doctrine of the ‘Divine Right of Kings.’ But the philosophers and enlightened politicians who opposed the reactionary power of the Church did not seek a complete secularisation of politics, but rather a pragmatic balance between religion and state, and between religion and politics. In reality, churches and religious organisations remain very powerful in supposedly ‘secular’ western societies. Their influence is all-pervasive, and all the greater because it is subtle. In Britain, the Queen is both head of State and Church, while the House of Lords, which is part of the legislature, includes a representation of Anglican bishops. Many powerful western political parties are ‘Christian’ democrats, or have close links with churches. And even in the most avowedly secular state, the United States, the political clout of religious organisations is considerable. For example, the Republican Party owes much to the powerful support of Christian fundamentalist groups.

Modern movements for human rights and democracy have taken much inspiration from religious ideals and practices. The civil rights movement in the United States was led by Martin Luther King, who used religious ideals and church organisations to help mobilise and inspire his constituency. The campaign for nuclear disarmament was led in part by religious leaders who argued that Christianity cannot condone the mass murder brought about by the use of nuclear weapons. The churches played an important role in bringing down Communism in Eastern Europe, and restoring democracy and human rights. How can religion be separated from politics?

The State consists of people, territory, and powers: executive, legislative and judicial. The State has to recognise the religious beliefs of people. The State has to legislate to regulate some aspects of national religious communities, and the courts have to adjudicate in such

matters. Constitutional legal and judiciary procedures involve extensive oaths, which have a religious content, and so on. Religion must form an integral part of political life.

Sincerely-held religious beliefs influence the political opinions and principles of citizens. Those who argue that religious beliefs should cease to function when one enters public life must either have no beliefs themselves, or must have double standards. Such an approach is not a question of separating religion and politics, but of discarding religious beliefs.

This is the fundamental problem with secularism. As a philosophy, secularism confines and restricts the worldly significance of religious beliefs. Secularism in its mild form consists of resisting the forcible imposition of religious beliefs on a community or nation, and arguing for religious tolerance. In the modern world, all democrats must be secularists in this mild sense. But in the stronger sense of completely separating religion from politics, secularism debars the faithful from allowing their beliefs to influence public life—it is a form of political atheism.

In conclusion, while politics and religion are not identical—and can only be made identical by tyrannous rule—neither can the two be separated.

Background of the Islamic State

Moslems consider Islam as the third and last revelation in the trail of Abraham. The Quran recognised other religions in the Abrahamic tradition as peoples of the Book (though its recognition is different from how those religions recognise themselves and can in some cases contradict some of their important beliefs—for example the Quran and Bible contradict each other on the crucifixion of Christ). The Quran recognised human worth as such. Recognition of human worth as such, along with religious plurality, established the basic tolerance of Islam, in which revelation and reason complement each other. Islam therefore favours a theo-rationalism or a theo-humanism. Consequently, it was possible for Moslem thinkers and sages, without recourse to ecclesiastical authority, to develop various Moslem schools of thought through *kalam* (theosophy). Moslem philosophers developed the schools of Greek philosophy, and elaborated idea-systems to reconcile the truths of revelation and reason. Moslem mystics (sufis) acquainted themselves of the Pantheistic concepts of Eastern religious insights (particularly Indian), and injected them into the Islamic world-view. At another level, Moslem theologians applied the injunctions of the Holy texts to social reality, and elaborated various schools of Islamic jurisprudence. Islamic civilization both influenced other world civilizations, and was influenced by them.

Islam's famous tolerance during the medieval era was relative to the generally high degree of intolerance practised at the time. In those days, if a victorious army allowed its vanquished enemies to keep their faith on reasonable conditions, this was regarded as the epitome of tolerance. Today this would be seen in a different light.

In reality, the practice of Islamic rulers tended to depart from the theologians' philosophical precepts, and instead adapted itself to the systems established by other civilisations. After a brief initial period, the most prevalent system of government in the Islamic

world became monarchical rule, while the prevailing economic system became a mixture of feudalism and capitalism, and international relations were governed by realpolitik. Many Islamic idealists protested against the emergence of these pragmatic practices

Islam does not dictate any particular system of government, nor any system of economy. Instead there are certain Islamic political principles, including *shura* (participation), justice, and certain economic precepts such as providing for the poor and fair distribution of wealth, which should guide Moslems' participation in political affairs. The failure of successive Moslem rulers to respect these principles provided much material for Islamic idealists and reformers.

At the beginning of the 20th century, anxiety among many Moslems about their political predicament was renewed. The Caliphate, however imperfect, was perceived as a guardian, but it was abolished in 1924. Abu al Ala Al Mawdudi was particularly anxious about Moslems being overwhelmed by Hinduism in India, and developed a political theory according to which, belief in God means belief in His Omnipotence, which in the political sense translates into His Sovereignty. Hence power, legislation, and all temporal authority, belong to God alone. Believers in this cause are the party of God, while others are the party of Satan. In Egypt, the Moslem Brotherhood movement came into conflict with the revolutionary authority of president Gamal Abdel Nasser. Twice it was subjected to decisive suppression. Some of its leaders, notably Ustaz Sayed Qutb, under the bitter and frustrating circumstances of coercion, developed a radical protest attitude, and leaned heavily on Mawdudi's ideas. Meanwhile, in Iran, in opposition to the radical secularist programme of Shah Rida Khan and his son Mohamed, the Shia establishment organized resistance. This culminated in the radical Islamist ideology of Ayatollah Imam Khomeini, which took power in 1979.

These three militant philosophers, Mawdudi, Qutb and Khomeini, became the prime sources of militant Islamic theocratic ideology. Henceforth, Islamic protest movements drew their ideology from these sources. The National Islamic Front in Sudan, during its formative period, drew its inspiration from moderate Moslem brotherhood sources, from communist example in organization of modern social forces, and also from Sudanese sectarian parties. Its pragmatism served it very well, and the NIF developed into a well-organized and successful political organization. Initially, it was relatively liberal and non-violent. Gradually, it was influenced by the radicalisation of Islamic protest movements, which pervaded the Moslem immigrant communities in the West. This radical agenda resulted in the June 1989 coup d'etat and dictated the political programme of the 'National Salvation' regime, which the NIF established. They demanded that the Moslems of Sudan surrender to their particular vision of the future of Sudan and the political programme it entailed, or be described as enemies of God and suppressed. Non-Moslems had to accept the new regime and its extremist policies, or be the targets of Jihad. The disastrous results of this approach are plain to see.

Islam and the State in Sudan

Religion has played a central role in Sudanese history. The archaeology of the ancient kingdoms of Sudan in Meroe and Nabata shows that these civilisations were built around certain religious beliefs and practices. Subsequent historical states, both the Christian Kingdoms of Nubia and the Moslem Sultanates of Dar Fur, Funj and Tegali (among others) were also built around the unity of state and religion. The Mahdist religious revolution in the 1880s was driven partly by the violations against religion perpetrated by the Turko-Egyptian regime that had been controlling Sudan.

After the military defeat of the Mahdist state in 1898, the British rulers of Sudan were anxious to preserve the existing Moslem religious authorities. The British exercised indirect rule through tribal and sectarian leaders, and prohibited Christian missionary work in most Moslem-dominated parts of the country. This ensured that even though British imperial rule was essentially secular (in fact it was strongly influenced by certain Christian precepts), it allowed the specifically Islamic character of Sudanese public life to remain intact. At independence, Sudanese identity reasserted itself in terms of the policies of the political parties, most of which had religious identity as a major element. From the outset, religious intolerance and conflict characterised independent Sudan. The first military regime (1958-64) cracked down on Christian missionary activity, but its aggressive promotion of Arab and Islamic identity only antagonised Southerners and encouraged them to identify with Christianity—a pattern that has been repeated ever since.

Sudanese political opinion began to appreciate the need for an agreement to accommodate religious plurality. This was a recurrent theme in the 1960s, 70s and 80s. Just when a constitutional conference was envisaged in September 1989 to settle the issue among others, the June 1989 coup d'état put the clock back to the days of bigotry in the name of religion.

The Sudanese are a deeply religious people. Even those political movements that start with an anti-religious position, soon move in the opposite direction. For example, the SPLA expressed strong Marxist-Leninist tendencies at the beginning and was vigorously anti-clerical. Some SPLA soldiers are reported even to have 'smoked the Bible'—they used pages from the Scriptures to roll their cigarettes. However, at a later date, in 1992, Dr. John Garang took a positive attitude to religion and called the New Sudan Council of Churches 'The spiritual wing of the movement.' In other respects too, the SPLA has been ready to align itself with certain Christian fundamentalist organisations, and to concur with foreign missionaries who like to see the civil war as a struggle of Christianity against Islam.

Christian fundamentalism in Southern Sudan is fueled more than anything else by the radical Islamist programme of the National Islamic Front. This programme culminated in the proclamation of an Islamic Constitution in 1999. The draft constitution drawn up by the National Constitutional Commission is a much superior document to the Constitution actually adopted, but it is unmistakably Islamic.

Article 6 of the draft constitution employs Mawdudi's concept of sovereignty belonging solely to God. This concept is only one step away from theocracy, because it allows humans to

speak on behalf of God, and exercise that sovereignty. No believer would challenge a statement about the cosmological fact of God's Omnipotence. However, sovereignty is a *political* concept, which should be vested in the people. (Interestingly, the great historian al Tabari, narrates an incident in which the first Moslem king, Muawiya, was challenged by a famous companion of the Prophet Mohamed (S.A.A.W.S) not to describe public finances as God's, but as the peoples'.)

The application of Mawdudi's concept of sovereignty is fundamentally flawed and inappropriate, especially in a country such as Sudan. But this does not entail abandoning an association between religion and politics. Sovereignty should reside with the people, but should be exercised with regard to the religious faith of the people and ethical principles inherent in that faith.

Article 84 of the draft constitution specifies *Shari'a* and custom as the sources of legislation. This should be made comprehensive by broadening the sources to include all revealed truth, appropriate human developed jurisprudence, and custom, as sources of legislation. Such a broad view of the sources is acceptable in terms of Islamic principles, as well as reason. This allows us to establish a Sudanese state in which citizens' religious beliefs can be reflected in the political, constitutional and legal order, but which is not in danger of becoming an instrument of intolerance or a theocracy.

Implications

The arguments developed in this section suggest that it is neither possible nor desirable to separate religion and politics. On the contrary, politics without religion is bound to be dictatorial and sterile, while religious faith that is excluded from public life is hypocritical. But this does not mean that any one set of believers has the right to exclude or oppress another, and nor does it mean that the rulers of the state have the right to exercise God's sovereign powers.

The challenge facing Sudanese democrats who are believers is to allow for a relationship between religion and politics that allows all Sudanese citizens to be full members of the political community. This requires a number of steps.

1. To recognize Sudan's cultural and religious pluralism, to guarantee the cultural rights of all Sudanese communities and to establish mutual recognition and coexistence between the cultural communities.
2. To ensure that development plans, the media, and educational programmes should recognize the cultural diversity of the Sudan, encourage cultural development, and accommodate the different cultures in a balanced way.
3. Cultural policy should be decentralised to make room for regional cultural identities without compromising the principle of citizenship as the basis for constitutional rights and duties, and without violating rights and obligations to the national state.

4. Inherited cultures are not and should not be conceived as static. They are dynamic, and open to change and progress. Recognising the importance of cultural identity should not mean the rejection of cultural contact and exchange.
5. Certain universal principles and values should be assimilated by all cultures, they are democracy, social justice, the pursuit of knowledge, scientific knowledge, and the values common to civilizations.
6. To encourage the enlightened expressions of Islam and Christianity, to avoid all compulsion in religious matters, to encourage dialogue between the faiths, and to make room for African spiritual values which give great concern for relations between human beings and the natural world, between the rational and the instinctive, and between contemporary and past generations. The regulation of friendly contact between the faiths, and proselytisation to take place in a climate of tolerance and voluntary choice.
7. The recognition of Arabic as the national language and lingua franca. Recognition of regional languages in their respective regions. Recognition of English as the first foreign language to facilitate teaching, training, research, and contact with the outside world.
8. To encourage inter-African cultural exchanges, Afro-Arab cultural cooperation, and friendly dialogue between cultures and civilizations.

In summary, what we are seeking is not a reduction of religion, but an elevation of citizenship as the basis of Sudanese identity, and protecting the concept of citizenship from the encroachment of any extra-citizenship considerations. Hence the following principles are fundamental:

1. Citizenship alone is the basis of constitutional rights and duties.
2. No political party, which seeks power to the exclusion of others on religious grounds, should be permitted.
3. There shall be no discrimination on grounds of religion, race, gender, or culture.

Citizens should be free to pursue their religious beliefs so long as they do so democratically, and seek no political or constitutional advantage for themselves as believers, and recognize the principle that the nation and state are for all citizens, without discrimination. What we shall seek to establish and protect, are the rights of believers, the citizens of Sudan.

View 3. On the Impossibility of Islam as a Basis for Politics or the State

An alternative, secularist approach to religion and the state argues that no modern state can simultaneously respect human rights and draw its constitution and penal code from the precepts of Islam. This approach argues that both history and political theory indicate that any attempt to found a political programme on a religion is doomed to failure—and worse, to serious abuses of

human rights perpetrated in the course of pursuing the illusion of a religious state or a religious politics. It argues that a non-religious state is essential, and fully compatible with the religious beliefs of citizens, and organisation of social and political activities on the basis of religion, provided that they do not in any way contradict fundamental human rights. This view is hostile to the current Sudan Government and the political philosophy and practice of the National Islamic Front.

Critique of Islam in Politics

Since the Mahdist revolution of the 19th Century, the implementation of *shari'a* has been at the heart of the Islamist project in Sudan. In analysing the NIF as the most consistent and staunchest socio-political force pressing for the revival and adoption of *shari'a* it is important to stress the continuities and discontinuities with this Mahdist legacy on the one hand and the feasibility of a *shari'a*-centred system on the other. The NIF shares with Mahdism its revivalist perspective, grounding its discourse and legitimation on the claim that it is only by going back to the Prophetic model as embodied in the Medina state that Islam and Moslem societies can be regenerated. However, the modern and post-colonial context of the NIF (and the Moslem Brothers' movement, the NIF's parent movement) played a significant role in shaping its discourse. The NIF, along with other Islamist movements, is chiefly a 'nationalist' political movement that mainly operates within the boundaries of a post-colonial nation-state. As such its policies (despite the ideological claims) are state-centred rather than *umma*-centred.

This crucial aspect raises the question of whether it is possible to base polity (and other activities) on an Islamist ideology in a country characterised by stark religious and cultural diversity. Moslems did not raise the problem in the context of early and medieval Islamic polity because the Islamic state, once establishing itself and attaining a position of hegemony, treated non-Moslems as second-class citizens. Likewise, the Sudanese Mahdist state envisaged no problem in this respect as its ideology simply denied diversity and insisted that all citizens accept its version of Islam.

The discourse of the NIF is far more complex than Mahdist discourse and displays an 'ambivalence' that is induced by its modernist context. Because of this 'ambivalence', the NIF finds itself in the paradoxical position of embracing the pre-modern *shari'a* perspective and system while reconciling itself to some aspects of modernity that will undoubtedly undermine *shari'a* in the long run. Following the Islamist coup d'état of June 1989, the NIF found itself, and for the first time in the history of a modern Islamist force in Sudan, in the unique position of imposing its programme wholesale. In connection with the post-1989 (and current) situation we need to focus on three issues:

1. What is the nature of the Islamist project?
2. How has the Islamist project fared since June 1989?

3. Can a consensus be built around a programme of fully-fledged democratisation and sustained development?

Islamism is based on certain premises and features and an interrelated socio-cultural dynamism that has tended to launch it into political activism. The major premises and features of Islamism may be summarized in the following points:

1. Human history is a salvation history that has reached its culmination with the prophetic mission of Mohamed.
2. It is incumbent upon Moslems to revive the divine plan communicated by Mohamed and hence their post-prophetic history (till the 'end of time') is in essence an attempt to recapture the 'prophetic moment'.
3. Islam, unlike other religions, is a comprehensive system that does not address only the issues of the 'hereafter' but also provides for 'this world'.
4. As a universal system of salvation, Islam enjoys a unique position vis-à-vis historical time and space: it is appropriate for all times and climes.
5. The Islamist vision is Islamo-centric and does not recognize any knowledge- or belief-system outside its ideological construction.
6. In realizing their revivalist objective, Islamist movements perceive of themselves as 'vanguard movements' and arrogate to themselves the absolute right to use all means including violence to bring about the prophetic moment.

Both the general context of our world and the specific context of modern Moslem societies militate against the ideological premises of Islamism and its exclusivist nature. There is no evidence that the premises of Islamism are shared by vast sections of ordinary Moslems (as Islamists tend to insist) and this is particularly true in the case of Sudan. The Islamist movement has on the whole remained elitist and seizing power has all but reinforced this elitist nature.

It is however important to remember that seizing power and succeeding in retaining it since June 1989 has been the major achievement of the modern Islamist movement in Sudan since its inception in the mid-1940s. Yet the more important issue is: What has the Islamist movement done with this power? We can summarise this in the following points:

1. The Islamist regime still lacks legitimacy. Following on the footsteps of the military governments of Abboud and Nimeiri, the Islamist regime has passed its own constitution and

set up its institutions. This, however, has not resolved the legitimacy crisis at the heart of the country's political life since June 1989.

2. Though the Islamist movement has historically projected *shari'a*, and in particular the harsh punishments of the penal code, as the *raison d'être* of its political activism, it has undergone a change of heart since 1989. *Shari'a* is no longer the centrepiece of the Islamists-in-power-programme. Since 1989, the Islamist movement has been consumed by the prodigious effort of keeping itself in power and since *shari'a* has always been a controversial issue it has apparently decided that it would be judicious to steer clear of it.
3. The Islamist movement lived up to its promise of waging an all-out war against the South. It engaged in an unprecedented campaign of mobilisation changing the nature of the war to a religious one and involving hundreds of thousands of Northern civilians for the first time. However, this has not led to the realisation of the Islamist promise of a final victory over the SPLA and its allies but only to the escalation of the war and the intensification of its accompanying misery.
4. Though the Islamist movement has always seen the Ansar force as its natural ally and the Khatmiya force as a potential ally, it has so far failed in winning them over to a formula that would give birth to a 'pan-Islamist alliance' committed to Northern religious and cultural hegemony. Though the discourse of the NIF has stressed an anti-*ta'ifiyya* position, its political practice has invariably been at variance with this posture—always seeking alliances with *ta'ifiyya* forces.
5. The Islamist regime surpassed all former regimes in the scale and intensity of its human rights violations. The regime's military nature and the religious and exclusivist nature of its ideology (particularly in the light of the fact that the dominant Sunni expression of Islam does not tolerate opposition) have combined to bring into being a context that has been conducive to some of the grossest human rights abuses since Independence.
6. The economic thought of Sudanese Islamists has always tended to ally itself with a capitalistic interpretation of Islam (partly in reaction against the Sudanese Left and in particular against the Sudanese Communist Party). Since 1989, this has been translated into a policy of unregulated capitalism characterized by wholesale privatisations benefiting the NIF's neo-capitalists and a systematic dismantling of subsidised public services. The regime's economic mismanagement and widespread corruption compounded by the ever escalating cost of the civil war have all led to unprecedented economic degradation and an ever widening gulf between rich and poor.

7. The institutions of civil society have always been subjected to systematic suppression under military regimes in Sudan but their plight under the Islamists has been far worse. Trade unions and human rights and women's associations were among the regime's prime targets in its persecution onslaught.

The period since 1989 has not only led the country to an impasse but has clearly demonstrated the total failure of the Islamist programme. What remains of the country is still likely to labour under the shadow of Islamism unless a firm commitment to the privatisation of Islam is made—i.e. the removal of Islam from the political sphere, and its confinement to the sphere of personal faith and individual practice. The domination of Islam as a religion and/or as a political ideology of public and legal space can only lead to a condition of totalitarianism. Despite the claim of divine provenance, Islam has historically been a 'construction' of what Moslems have wanted it to be (this is why it would in fact be more accurate to speak about 'Islams' rather than 'Islam'). Some modern Moslems have been engaged in what may be described as a 'secularist reconstruction' of Islam. Many believe that such a reconstruction will eventually establish itself as an expression of a new *ijma'* (consensus).

A Secular State in Sudan

A secular state is the only solution to the challenge of creating a Sudanese state that respects the rights of its citizens. This is not only because of the large number of Sudanese who are not Moslems, nor even because of the many Moslems who adhere to different interpretations and schools of Islam. It is also because citizenship should be the only foundation for rights. An individual, of whatever religious belief or non-belief, should enjoy human rights solely and simply because that individual is a human being, and not because those rights are inscribed in a religious text.

A secular state will tolerate believers in the world religions, noble spiritual believers, and non-believers. A secular state may draw guidance in its laws and practices from the traditions of religions. A secular state may permit social and political organisation on the basis of religious beliefs, provided that any practices and programmes of such organisations do not violate any human rights of any citizens, or advocate their violation.

In the case of Sudan, it can also be argued that it is in practice impossible to have religiously-based parties without these advocating an Islamic state and advocating legislation and programmes that would infringe internationally-recognised human rights. This is not a point of principle but a point of practice. Against this, it can be argued that prohibiting any form of religiously-inspired parties is an infringement of freedom of association.

The role of the Sudanese and international human rights community is crucial not just in terms of advocating a firm commitment to human rights norms and monitoring human rights abuses but also in critically addressing the issues of Islamist totalitarianism. The Sudanese human rights community has been the more effective because of its unwavering commitment to

the universality of human rights. It is important for the Sudanese (and international) human rights community to insist that the norms and values of universal human rights be at the heart of the country's political life and practice in future.

View 4. Towards an Indigenous Cultural Alternative

An alternative to both an Islamic politics and a secular state is an indigenous cultural alternative, which incorporates some specific characteristics of Sudanese Islamic traditions into politics. Secular democracy can be an intermediate stage on the road to the development of such an alternative. An Islamic state cannot play this role, particularly in a country such as Sudan where, since independence, Islam has throughout been a source of conflict and a means of domination in Sudan.

The indigenous cultural alternative approach is well-represented in the political philosophy of the Republican Brothers. This is an important philosophical approach to the challenges of Islam in modern Sudan. However, since the execution of Ustaz Mahmoud Mohamed Taha in 1985, the Republican Party has not reorganised, and does not represent a significant political force in Sudan. This view is also highly critical of the NIF philosophy and practice.

According to this view, there can be no prospect of a solution to the Sudanese civil war without addressing the problem of Islam and the state. Shari'a and an Islamic state are simply unacceptable to Southerners (among others). Currently, Southerners put their case before the international community as one of self-determination. Ironically, the Islamisation projects themselves are rationalised by their respective parties as a self-determination option of the Moslem majority. The Moslem majority here is taken for granted by these parties—none of them has been ready to put the claim to the test, to see whether this majority would really opt for Shari'a democratically. The drive for Islamisation is basically based on emotions, simplistic slogans, and vague half-baked ideas. It is not based on a solid and comprehensive ideology of reform that would face up to the social, cultural, intellectual and ethical challenges posed by modernity. Sudanese Islam lacks a reform ideology that guarantees, safeguards, and secures the human rights of all citizens. As a result, Islamist parties have so far failed to convince the Sudanese, Moslems and non-Moslems alike, that the Islamisation projects will not infringe on their fundamental and human rights. The practical experience of the NIF in government has demonstrated to the Sudanese Moslems to what extent the slogans of Islamisation are false, for they resulted in the cruellest, harshest and most inhumane regime in the 20th century history of Sudan. Through its experience in government, the NIF has stained the name of Islam, and portrayed it as inherently authoritarian and discriminative. Thus it needs a great deal of hard work by humanist Moslems in order to change such a negative publicity, present an alternative to the NIF's project, and persuade the Sudanese people to choose it democratically.

On the basis of this, one can see a secular democratic political order in Sudan, as the only way out that would help to secure the unity of the country, and guarantee the rights of its citizens. Religion should be separated from the state. The constitution should mirror the multi-cultural identity of the country. Shari'a should not be used as a source of legislation. Freedom of thought and freedom of expression should be guaranteed by the constitution, and protected by the laws of the land. The educational system should undergo a radical reform in order to remove the extremist ideology that taints it, especially the religion curricula. In other words, religion should be removed from the political arena, and be left to the organisations of the civil society.

But nevertheless, secularism can remain only a short-term solution. We can opt for it not because it is perfect, but because it is effective, and probably the only possible option that could work during a future transitional period. But for Sudanese Moslems, secularism cannot possibly be the final word, because it leaves unanswered many questions pertaining to cultural legitimacy, alienation, and the nation's role in the world. Despite the NIF's abuses carried out in the name of Islam, these questions are nevertheless legitimate that are waiting to be answered.

The actual experience in the world of Islam has showed that there is a problem with reforms based on secularism. Many believe that these reforms are usually like an alien intrusion, superficial and rootless, always under attack and thus vulnerable to reversal. People do not relate culturally to these reforms. They may live with them, but they will not live them. Reforms can only be sustained if cultures embraced them. As the communist bloc experience has shown, an imposed ideal cannot be sustained. Secularism in Turkey is yet another example; after nearly eighty years in power, its reforms still need the power of the gun to secure their continuity. People's consciousness is that secular ideas and systems originated in alien cultures, and they were imported or borrowed from abroad. Unless these reforms are indigenised—that is, they obtain cultural legitimacy, they will not last. This implies the complex task of discovering and developing indigenous cultural resources of democracy, freedom and universal equality

Indigenous Sudanese cultures evolved for thousands of years, and adapted themselves to many outside influences, among which are Christianity and Islam. Islam later became one the major components of the indigenous culture of Northern Sudan. What is special about Islam in Sudan is that it spread mainly through Sufi personalities, or holy men. Sufi leaders are the masters of indigenisation of reform. They demonstrated that they had great knowledge of the human 'psyche' and human societies. Their main characteristic is tolerance of modes of behaviour that are incompatible with their system of beliefs and co-existence with the other and the different. They influenced the societies they lived in without disturbing them. Thus these societies adopted Islam, and indigenised it through the centuries.

However, traditional Sufist orders in Sudan today are not as philosophically sophisticated as their founders were in the Arab countries where the orders originated. Although they spring from a different source from the *fiqh*, the small Sufi orders in Sudan were in reality the most ardent supporters of the 1983 September Laws. In these circumstances, the more sophisticated Republican views are also as alien as foreign secular philosophies such as liberalism or Marxism.

Sufi Islam generally continued to lack legitimacy in the mainstream *fiqh*-oriented Islam. The conflict between the *fuqaha* and the *sufiyya* within Sunni Islam never ceased, despite the effort of Abu Hamid al-Ghazali who tried to bridge the gap between the two conflicting interpretations of the sources of the religion. Whereas Sufis stress the spiritual aspect of the religion, the *fuqaha* stress the legal aspect. The *sufis* emphasize practice *'amal*, as the way of obtaining knowledge and the *fuqaha* emphasize theoretical knowledge that can be attained by reading and reciting. *Sufis* stress *taqwa*, piety, and humbleness, in dealing with people and the *fuqaha* tend to be arrogant and they place themselves above the people.

Thus *fiqh*-oriented Islam is in certain ways alien to the Moslems of Sudan. While *Sufi* Islam evolved for more than five centuries, *fiqh*-oriented Islam was introduced by individual graduates from al-Azhar of Cairo, and it represents in a certain way an alien body in the indigenous cultural matrix of Northern Sudan. Since that time sustained, rather than sporadic, attacks on indigenous Islam started. The conflict between the Mahdi and the *Ulama* represents another landmark of this conflict. Institutions such as *al-ma'had al-'Ilmi*, and the Islamic University along with graduates of al-Azhar, represented the springboard of the assault against indigenous Islam. These institutions later became the cradle that nurtured the movements of the Moslems Brothers, later the NIF, and the *Wahabiyya*, both imported from Egypt and Saudi Arabia respectively. Both view the people's Islam as adulterated and in need of being corrected. The only political group that based its reform ideology on the indigenous *sufi* Islam is the Republican Brothers movement (RB), founded by Ustadh Mahmoud Muhammad Taha. In the light of this, Taha's reform ideas could be proposed as a long-term indigenous alternative.

The NIF is alien on three counts; first it did not grow in Sudan. It originated Egypt, and still holds the Egyptian trademark in many aspects. Second, its contents are antithesis of the local understanding of the religion. Third, it looks down upon the local culture as inferior to their imported epistemologies and knowledge system. (Turabi has repeatedly said that the Sudanese are on the whole weak in their religiosity.) The Republican movement, on the other hand, is considered indigenous on three counts. First, it is a pure Sudanese product. Second, its contents embody the Sudanese local *sufi* Islam. Third, it values and respects the local culture and intends to universalise it.

To take some examples:

1. The Republicans visit the Sufi centers in Sudan, and participate in their religious activities such as *dhikir*, *inshad*, etc. (Other Sudanese political and religious movements share this approach.)
2. They respect the Sudanese toub garment as a reflection of the indigenous Sudanese response and adaptation of the dictates of Shari'a for women.
3. The Republicans propagate their cause in peaceful manner. They do not impose their views on people, and do not intimidate them, for instance by threatening them by hell in the Day of Judgement.

4. The Republicans follow the methods of adaptation and evolution of cultures to call for the evolution of Shari'a, in order to embrace and indigenise the best achievements of human heritage. They attempt to utilise the cultural sources of Northern Sudan to construct a model of government that combines democracy, socialism, and universal equality.

The Republicans were not alone in trying the above approaches. For example the NIF permitted group membership to their party in order to accommodate Sufi sects within its ranks—with some success. This transformed the NIF from an elitist organisation to one with a genuine constituency in parts of rural Sudan.

In conclusion, the Republican version of reform can philosophically represent the light at the end of the tunnel, as it seeks to provide existential as well as epistemological answers to the challenges posed by modernity.

However, critics will argue that this approach is ultimately incompatible with a secular state that respects universal human rights standards. It opens the door to a theocratic state, albeit a relatively progressive and tolerant one. In addition, the lack of political base of the Republicans today means that this cannot be considered a realistic political alternative for the transition to democracy in Sudan.

Conclusion

The four contributions above reflect different viewpoints. All but the first fully acknowledge the importance and validity of international human rights standards, and the fact that religious faith and religious values are important in their own right and for the standards of that they bring to personal, social and political life. The first viewpoint seems to lead inexorably to conflict. The latter three viewpoints differ with the consequences of their analysis and the recommendations that they come with, both on points of principle and practice. These differences are all compatible with a number of agreements made by parties to the Sudanese conflict, including the IGAD Declaration of Principles, the NDA's Asmara Declaration, and the Djibouti Agreement between the Umma Party and the Sudan Government. It is characteristic of Sudanese political agreements to affirm *both* universal human rights *and* the importance of values drawn from Islam and Sudanese cultural traditions. Hence such political agreements do *not* resolve the basic problem of the role of religion—specifically Islam—in Sudanese political life.

The Advisory Group would like to conclude with three observations.

1. Politics is not the fulfillment of religious duties, and the state cannot have a faith. The function of politics and the role of a state are to negotiate power and the checks on the use of power, between different people, with different classes, cultures, religions and interests, in a way that is compatible with the rights of all.

2. Every group and individual are entitled to their fundamental rights, and will enjoy these in a secular state that respects internationally-recognised standards of human rights. The state of Sudan is signatory to most international human rights instruments from the Universal Declaration of Human Rights onwards. The question of how to reconcile these fundamental human rights, to which everyone is entitled solely on the basis of their humanity, with religious beliefs is a task for believers.

3. A non-religious state does not preclude religion having a role in politics. In a secular state, political parties and political programmes can still be inspired by religious beliefs, provided they do not infringe the rights of others. The separation of religion from the state does not entail an atheistic politics.

Sudan Peace Secretariat Advisory

Briefing Paper 2

SELF-DETERMINATION

This briefing paper is concerned with some of the numerous issues relating to self-determination as it affects the peoples of Sudan. The paper is organised around the following principal issues:

1. Who is entitled to self-determination and why.
2. Modalities for the implementation of self-determination in Southern Sudan.
3. Modalities for responding to the grievances of the marginalised peoples of Northern Sudan.
4. Constitutional options for Southern Sudan.

I. Who is Entitled to Self-Determination and Why

In principle, the claim to self-determination should be based on universal principle, subject to legal argument. In practice, the entitlement to self-determination is negotiated politically. The brute reality is that it is granted to those who have fought for it, and achieved sufficient success that they cannot be ignored. This means that the parties' calculations over the implementation of the right of self-determination are constantly influenced by political and military factors, creating an indeterminacy that is destabilising.

Government Position

The Sudan Government has publicly committed itself to the principle of self-determination for Southern Sudan and Southern Sudan only. Constitutional Decree no 14 of 1997, stipulates in article 3(15) that 'citizens of the Southern States shall exercise the right of self-determination through a referendum.' The Decree further provides that 'the referendum shall be held after four years from the date of the formation of the Coordinating Council for the Southern States.' The options in the referendum will be unity or secession.

However there are strong indications that the Sudan Government has had second thoughts about this commitment. Most of the principles of the Khartoum Agreement with SSIM and SPLA-Bahr el Ghazal Group have subsequently been undermined by the Sudan Government, leaving a paper agreement only. The principle of self-determination is conspicuous by its absence from the ongoing negotiations with the governments of Libya and Egypt.

The Sudan Government does not recognise the right of self-determination for the people of the Nuba Mountains and Southern Blue Nile. It also has not accepted the right for the people of Abyei.

The SPLM Position

The SPLM position is ambiguous. It has signed a number of agreements that extend the right of self-determination to Southern Sudan only, including:

1. 1992 Abuja agreement with SPLA-United.
2. 1994 IGAD Declaration of Principles.
3. 1995 NDA Asmara Agreement (with special provisions for Abyei).

However the position adopted in the April 2000 'Legal Framework' presented to IGAD claimed a 'Southern Entity' that included Abyei, Southern Kordofan and Southern Blue Nile. According to this position, all the people of this entity should collectively exercise the right of self-determination as one unit.

The NDA Position

The NDA position also contains some ambiguity. The substantive position of the NDA recognises self-determination, but there are obligations on all NDA members to support unity.

The basic document of reference is the Asmara Declaration of 1995, encapsulating the resolutions of the conference on fundamental issues. The Asmara Declaration in its preambular paragraphs emphasised the fact that unity of the Sudan cannot be durably based on force or coercion but on just and the free consent of all the various groups in the Sudan. The resolution on self-determination committed the NDA to the following:

1. Affirms that the right of self-determination is a basic human, democratic and people's right which may be exercised at any time by any people.
2. Recognises that the exercise of the right of self-determination constitutes a solution to the ongoing civil war and facilitates the restoration and enhancement of democracy in the Sudan.
3. Affirms that this right shall be exercised in an atmosphere of democracy and legitimacy under regional and international supervision.
4. Declares that the people of Southern Sudan (within its boundaries as they stood on 1/1/1956) shall exercise the right of self-determination before the expiration of the interim period.
5. Resolves that the views of the people of Abyei District as regards their wish to either remain within the administrative setup of Southern Kordofan region or join Bahr el Ghazal region shall be ascertained in a referendum to be held within the interim period

but before the exercise of the right of self-determination for the South. If the outcome of the referendum establishes that the majority of the people of the District wish to join Bahr el Ghazal, the people of Abyei shall accordingly exercise the right of self-determination as part of the people of Southern Sudan.

The draft Transitional Constitution of the NDA has incorporated the Asmara Declaration into its provisions. However, the article regarding the right of self-determination for Southern Sudan has been drafted in a way that clearly reveals the direction to which the outcome of the referendum will be influenced. Article 65(1) reads:

While giving maximum priority to the unity of the Sudan, the right of self-determination for Southern Sudan in its boundary as it stood on January 1, 1956, shall be guaranteed and shall be exercised within the interim period.

This article has to be read in conjunction with Resolution 111(12) of the Asmara Declaration which stipulates that

the constituent members of the NDA shall adopt one common stand on options to be presented in the referendum in the South which options shall be a) unity (confederation/ federation) and b) independent statehood.

The implication of these provisions on the fair and free conduct of the referendum is potentially worrying, in that it may prevent a free expression of views. What needs to be pointed out here is the fact that the draft constitution has omitted any mention of the options which will be presented to the people to choose from in the referendum.

Basis of the Claim

The claim for self-determination in Southern Sudan is based on the colonial history of the territory and the systematic and gross violation of human rights in the territory throughout the independence period of the Sudan.

The right of self-determination may be divided into two aspects, namely internal and external self-determination. Internal self-determination is concerned with issues of democratic government. External self-determination has been applied most frequently to colonial situations. In the colonial context it amounts to a transfer of territory from the colonial power to the independent state. Here self-determination in effect operates to restore lost status and not assert a new right. Southern Sudanese envisage their claim to self-determination in this light: it was a right implicitly promised to them on independence in 1956, but since then many agreements have been dishonoured, and the right has never been exercised.

This paper not engage in any substantiation or exposition of the legal, historical or political grounds which justify the right of self-determination for Southern Sudan as that is not the immediate purpose. The issue has been argued elsewhere. Instead we shall take it for

granted that there is now a recognised right of self-determination, beyond dispute, and focus on the mechanisms for its implementation. No right can be isolated from the institutions and procedures available for its enforcement. Our focus here will be on the mechanisms for the implementation of the right of self-determination in Southern Sudan.

Self-Determination Outside Southern Sudan

The argument for the right of self-determination for Southern Sudan can be extended to minorities in Northern Sudan. It has been extended to the following areas and peoples:

1. The people of Abyei district, Kordofan.
2. The Nuba people of Southern Kordofan.
3. The people of Southern Blue Nile.
4. Other marginalised peoples in Northern Sudan such as the Beja and the people of Darfur.

It is difficult to reject these claims completely. The people of Abyei are mostly Dinka, who for historical reasons joined Kordofan rather than Bahr el Ghazal during the colonial period. Many are serving in the SPLA. The Nuba and Southern Blue Nile people have a similar history of marginalisation and repression to the Southerners, and many have joined the SPLA and are demanding equal treatment with the South. There are also political forces including armed groups from the Beja and Darfur demanding that their peoples and areas be granted full rights.

The National Islamic Front has an additional difficulty in rejecting these claims, because its own arguments for an Islamic state have been based on the principle of self-determination for Moslem peoples.

The SPLM position presented to IGAD is that the 'New Sudan' or 'Southern Confederal Entity' includes Abyei, the Nuba Mountains and Southern Blue Nile as well as the South. This assimilates the claim of the marginalised to self-determination to the Southerners' claim for self-determination, rather than granting them their rights on their own behalf.

The main problems that arise with granting the right of self-determination to these peoples is that it runs directly counter to the principle of territorial integrity. Granting self-determination to these groups would involve, at the very least, drawing radical new administrative boundaries across Northern Sudan, and at worst, might entail dividing Sudan along these new frontiers. This is particularly difficult because areas such as the Nuba Mountains and much of Southern Blue Nile are akin to a chessboard, with the 'African' peoples inhabiting one set of squares and the Sudanese Arabs the other: no simple territorial division can be made. Abyei is a different case, as it is territorially compact and contiguous with Southern Sudan.

For mediators, the claims of the marginalised in Northern Sudan are an immense complication. However they cannot be ignored. Some responses are outlined in Section III.

II. Modalities for the Implementation of Self-Determination in Southern Sudan.

All parties have been reluctant to specify the modalities for implementing the right of self-determination for Southern Sudan. However, it is important that the commitment already made in principle is made more concrete.

The central event in self-determination will be a referendum. A referendum on self-determination in Southern Sudan would be a political event of unprecedented occurrence. This therefore, requires that all the possible issues connected with it be examined and discussed. As to its nature and outcome, it will certainly be mandatory and not advisory. The parties concerned intend it to be an authoritative verdict of the people.

Identifying the voters

This may appear on the surface as a simple matter since one can easily say that the voters will be Southern Sudanese. But this certainly would beg the question as to who are the Southern Sudanese? Are Southern Sudanese defined by geography or by ethnicity or some other common factors?

During normal parliamentary elections in the Sudan, those who used to vote in the Southern territorial or geographical constituencies were those Sudanese who have lived in the constituency in the preceding six months before the start of the registration of voters. Accordingly, individuals from any part of the country used to vote anywhere in the Sudan provided that they can show that they have been resident in the constituency area in the past six months. Under this rule, Southerners can vote or nominate themselves in Northern Sudan and vice versa. In the 1986 general elections, many Southerners voted heavily in Khartoum constituencies while some indeed contested the parliamentary seats. All this, is in accordance with the law. There is guaranteed freedom of movement and residence in all parts of the Sudan for all Sudanese. What problem does this give rise to in the context of the referendum on self-determination for the people of Southern Sudan and its outcome?

There is a living example in Africa in which an incumbent government sought to influence the outcome of a referendum in a territory which it wanted to annex, by sending a huge number of its citizens to that territory so that they can register and participate in the referendum. This was precisely the controversy over the referendum in Western Sahara between Morocco and the Polisario Front, which has led to the apparently indefinite postponement of the Saharawis' exercise of their right of self-determination.

In Southern Sudan if the referendum were to be conducted under a national government with a declared policy of unity, then the chances of having a truly fair and democratic referendum may not be altogether certain. This may occur because the government may use state power to bring about its preferred option of unity. This may include flooding the South with pro-unity voters from other parts of Sudan using freedom of movement under the constitution.

How are we to define a Southern Sudanese? A Southern Sudanese may be defined to include any person who is domiciled in the three Southern regions (former provinces) of Bahr el Ghazal, Equatoria and Upper Nile in their boundaries as they stood on 1 January 1956 and belonging to one of the indigenous ethnic or tribal groups in those regions through one or both of his parents. (Special provisions can be made for Abyei along the lines laid down in the Asmara Declaration.) This would exclude persons taking up temporary residence in Southern Sudan for purposes of employment or trade from other regions of the Sudan. Southern Sudanese who have taken temporary residence in the other parts of Sudan because of the war should return home to be able to vote at the material time for the referendum. Nomads who also reside in Southern Sudan for only part of the year would also be excluded. Those who have taken refuge abroad should be allowed to cast their votes in the countries of refuge or residence at the Sudan diplomatic missions. All voters of course should be of a voting age.

The SPLM proposal for a 'greater South' that includes Southern Kordofan and Southern Blue Nile complicates this issue greatly, because it brings a range of new groups into the Southern entity. These groups include not just the ethnic Nuba, Ingessena and other 'African' peoples of Southern Blue Nile, but also large groups of Arabs and Fellata (Sudanese of west African origin). Many of the Arabs and Fellata are nomadic or semi-nomadic and there is considerable potential for confusion and disagreement over who is entitled to vote. The Arabs and Fellata do not consider themselves as part of the South and are fervent unionists. The expansion of the boundaries of the South to these areas also increase the possibilities for vote-rigging, for example by including *all* members of Arab and Fellata tribes that have some presence in the area on the voting roll.

Having identified in principle who is entitled to vote it will be necessary to conduct a census to enumerate and register the voters. This will enable the size, composition and location of the eligible population to be known and will be an important safeguard against fraud. Conducting a census or voter registration exercise is a difficult exercise, and will be especially so in Southern Sudan which has been ravaged by many years of war, and where there are no reliable existing population figures. (The population of Southern Sudan has never been enumerated. The 1955/6 census was based on a sample only and the subsequent censuses of 1973 and 1983 are considered unreliable because they were conducted just after the first war and during the second. No reliable census has been conducted since the outbreak of the war and, in truth, no-one has an estimate of the total number of people of voting age in the region.) Conducting a credible census is a huge task that will take much time and expertise, including advice and monitoring from international specialists, and should be begun early during the transitional period.

It is important that all who are eligible to vote are able to do so and that there are seen to be no biases or omissions in the registration process. If eligible citizens believe they have been unjustly deprived of their opportunity to vote, they may dispute the result. Alternatively, if some individuals or groups believe that the registration process is discriminating against them, they may decide to boycott or disrupt the process. A high turnout will give greater legitimacy to the exercise and its outcome.

It is important to note that Southern Sudanese will be voting on the status of the South. It is not all Sudanese voting on a one-state or a two-state option. Northern Sudanese should not be entitled to vote in this referendum.

Who organises the referendum?

The Sudan Government proposes to organise the referendum itself. The present Constitution provides for a General Election Commission. Article 133(1) gives the President the power to appoint the Chairman and members of the commission, which is theoretically independent. The Commission is answerable to the President and the National Assembly. The functions of the commission are spelt out under article 133(2) to be:

1. Preparation of the general electoral roll and periodically revising it.
2. Running the general referendum determined by the constitution or law.
3. Any other electoral functions defined by law or assigned by the President of the Republic.

The Khartoum Agreement between the incumbent government and some former Southern rebel groups provides for the establishment of a Special Referendum Commission (SRC) which will ensure that 'the referendum is free and fair'. It is set up by Presidential decree in consultation with the Coordinating Council for the Southern States. The initial period within which the referendum will be conducted is defined in very flexible way. It is four years and may be increased or decreased according to circumstances and the wishes of the parties to it.

The General Election Commission and SRC cannot be considered truly independent and should not be the basis for a referendum in Southern Sudan.

The SPLM proposes that it should exclusively control the organisation of any referendum. Again, such a referendum commission would not be truly independent.

Setting up an Independent Referendum Commission, is a preferable option. The composition, powers and functions of this commission should be contained in a special referendum law enacted by the National Legislature body for the interim period. A truly Independent Referendum Commission should include representatives of all parties, should be formed under the auspices of neutral and impartial international supervisors, and should function in the context of respect for human rights and civil and political liberties. Models can be taken from electoral commissions established in the wake of civil wars and decolonisation, as well as referendums.

The Independent Referendum Commission could include the following representation:

1. The central authority;
2. The provisional administration in the South;
3. Civil organisations;
4. International or inter-governmental organisations guaranteeing the peace process (such as the UN or IGAD).

International monitoring

The Khartoum Agreement has no provision for international monitoring. The SPLM has yet to come with a proposal for the monitoring of a referendum, and its general approach to negotiation means that it would be unwise to consider it as supporting of the agreements it has signed as a member of the NDA. Both the NDA's draft Transitional Constitution and the Asmara Declaration have provided for regional and international monitoring of the referendum on self-determination. This is an important guarantee for the free and fair expression of the wishes of the electorate. International monitoring of the referendum may enhance transparency and discourage manipulation of the electoral process by some vested interests to achieve their desired outcome.

It is important that the monitoring is not confined to ascertaining fair play on the day of the vote itself, but also includes the preparations for the referendum, including the registration of voters, the conduct of the campaign, access to the media by the contending groups, and other related issues.

Options in the referendum

There is no ambiguity at all in the way the Sudan Government's Constitutional Decree No 14, the SPLM proposals and the NDA's Asmara Declaration has defined the choices that will be presented to the people. The resolution on self-determination clearly puts the options to be (a) the preservation of unity of the country or (b) the South becomes an independent and sovereign state.

Forms of unity to be considered range from unitary to federal or confederal arrangement. These options could be placed before the voters in a single referendum. Alternatively, the referendum could be solely on the issue of unity or separation, and should the vote be for unity, the various constitutional options can then be considered in a second referendum.

The preferred option is for a referendum with two choices, unity or separation. This is likely to give the clearest result and strongest mandate. Further constitutional issues can then be decided by subsequent referendums or legislative decisions.

It is also stated in the draft NDA Transitional Constitution that as soon as a change of government takes place in Khartoum and a government of the NDA is installed in power, a constitutional conference would be convened within six months to resolve all the pending issues among the parties and draw up a national constitution that would be put to a referendum throughout the Sudan. This implies that there will therefore be two referendums to be held in the Sudan during the interim. This may cause confusion. It means that the issue of self-determination will *first* be voted upon by all the Sudanese when they vote for the new constitution and, *if* the new constitution is approved and comes into force, then the South and the District of Abyei can in turn vote in a referendum on the options that will be presented to

them. In effect this will amount to a nation-wide referendum for the adoption of self-determination and other related issues which the constitution will include.

The question that poses itself is, what happens then if the national referendum fails to approve the constitution drafted by the NDA during the constitutional conference? Specifically, what happens if a majority of voters in the whole of Sudan reject the option of self-determination? Can the interim government in the South proceed to organise the referendum on self-determination?

This is an hypothetical situation but one which cannot be ignored. Were this to occur, it would be wholly unacceptable to the people of Southern Sudan, whose right to self-determination is not dependent upon the wishes of non-Southern Sudanese. It is an obligation for the NDA to implement self-determination during the interim period whether or not there is support for it in a national referendum. It follows that, if the constitution is put to a national referendum, Sudanese voters should be aware that the right of self-determination for Southern Sudan has already been decided upon.

What majorities are required?

Constitutional Decree no 14, SPLM proposals, the Asmara Declaration and the NDA draft Transitional Constitution have not set out requirements with respect to the percentage of the voters required to vote in favour of the outcome that has to be implemented. In most such cases, a simple majority will carry the day either way. However, some Northern Sudanese lawyers who have studied the issue would prefer a supermajority (say two thirds) requirement for separation. It is important that this issue be addressed and resolved clearly.

Preventing Manipulation

In order to prevent manipulation and eliminate any apathy among the electorate, the Transitional Government will have to create a political and legal environment in which the people of Southern Sudan will not find themselves coerced into adopting a position that is against their vital interests for which they have bitterly fought over a long period of time. Therefore the decision on the options of unity and independent statehood must never be influenced or manipulated by those who will find themselves in authority at the material time.

There is widespread and justifiable distrust of the Khartoum authorities by Southerners who have long experience of broken promises. In this regard, one must recall again article 65(1) of the NDA draft Transitional Constitution which gives a somewhat qualified recognition to the right of self-determination for Southern Sudan. The right is predicated on giving priority to unity of the Sudan. This will definitely continue to raise many concerns among Southerners.

The issue here is one of democracy and equal opportunities for opposing views. It is essential that there are guarantees on civil and political liberties during the transitional period preceding the referendum. These must include freedom of association, freedom of information and freedom of expression. Political parties and platforms opposed to the views

of the dominant parties must be allowed to organise and campaign. There must be free and fair access to the media for proponents of all views.

Human rights organisations should be present in Southern Sudan during the transitional period to monitor the conduct of the campaign and the respect for civil and political liberties.

Accepting the Outcome

Southern Sudan is likely to be a ‘contested referendum’, as opposed to ‘affirmatory referendums’ such as those that approved the independence of Eritrea, when there was only one realistic outcome of the process. The main political parties including the Sudan Government, NDA member parties and SPLM, are all committed to campaigning on a unionist platform. But there is undoubtedly a significant Southern constituency that currently supports separation, and pro-independence parties and platforms will be prominent in any free and open pre-referendum campaign. The referendum will be hard-fought.

It follows that, for the historic opportunity of a referendum on self-determination for Southern Sudan to be successful and legitimate, not only must there be a free and fair campaign, but all parties must commit themselves in advance to respecting the outcome.

III. Modalities for Responding to the Grievances of the Marginalised Peoples of Northern Sudan

Responding to the legitimate demands of the marginalised peoples of Northern Sudan is perhaps the trickiest issue of all. These people took up arms on account of their grievances, and have fought for their rights, in some cases as an intrinsic part of the SPLA, since the mid-1980s. Their cases are extremely complex and demand a separate study. Only a summary will be provided here. Some of the issues, including the positions of the parties to the conflict and the Nuba community, are taken up in more detail in paper 3, on interim arrangements.

The Case of Abyei

The case of Abyei is the simplest as the area is geographically compact, contiguous to Southern Sudan, and is chiefly populated by ethnic Dinka who are in all other respects identical to their neighbours in Bahr el Ghazal. Only a historical accident during the early colonial era took the Abyei people into Kordofan.

The NDA Asmara Agreement has a simple but fair formula for handling the case of Abyei. This is that, during the transitional period before the exercise of self-determination in Southern Sudan, the people of Abyei are entitled to vote as to whether their district should be part of Kordofan or part of Bahr el Ghazal. If they choose the latter, then they will exercise their rights as Southern Sudanese during the main referendum.

This formula needs to be taken seriously in part because the Umma Party was one of the signatories of this agreement, and the pro-northern constituency in Abyei is historically aligned with the Umma.

The Case of the Nuba and Southern Blue Nile

The Nuba and Southern Blue Nile (SBN) people are not Southerners, but have a similar history of suffering repression and marginalisation. The chief fact that they have in common with the South is that they have a strong representation in the SPLA, which administers territory in both areas. Being adjacent to the South, it is possible to draw a line on a map to create a 'greater South' that includes both the Nuba and SBN along with the South. But this map is misleading in two respects.

1. There is no simple boundary between the Nuba and SBN people and their Arab neighbours. They are mixed in with the Baggara Arab tribes, occupying adjacent villages throughout much of these territories.
2. The Nuba and SBN people are ethnically distinct from their Southern neighbours, while they have ethnic similarities with other non-Arab peoples in the North such as the Fur, Daju and Masalit, who are not included in the 'greater South'.

The claim of the Nuba and SBN to self-determination is in fact based on two distinct arguments.

1. All marginalised peoples in Northern Sudan have a right to having their legitimate grievances redressed. This can be expressed as the universal right to self-determination.
2. There are SPLA forces in the Nuba Mountains and SBN, and the SPLA is keen to retain political and military unity.

Argument 1 is valid. Its logical outcome is that the Nuba and SBN people are separately entitled to self-determination in their own right. Should they so choose, one possible outcome of that exercise could be unity with a Southern Sudanese entity.

Argument 2 is not relevant. The right to self-determination is not based upon and should not correspond with the membership or disposition of forces of a belligerent party.

It is also important to note that there is a consensus among *all* Southern parties—including those in the Sudan Government, the Union of Sudan African Parties, and independent forces in Upper Nile and elsewhere—on self-determination for the South including the option of separate statehood. But there is no such consensus among the different political forces representing the people of South Kordofan and SBN. The consensus in these locations is that grievances must be addressed. Unfortunately there has been no political process such that the demands of the Nuba and SBN people can be properly incorporated into a national agenda for peace. Enabling this to occur is an important challenge for the peace process.

The Nuba and SBN people have suffered from being footnotes to the positions of all the main contenders on the Sudanese political scene. Their position is usually raised only when other issues have been resolved. On other occasions, the failure to achieve a consensus on the Nuba and SBN issue is raised as a means of blocking progress on other issues. This is unfortunate. In fact, the Nuba and SBN case raises central questions about the nature of an ethnically and culturally plural Sudan, that are important to any lasting settlement.

The Case of Other Marginalised Groups in Northern Sudan

The Nuba, SBN people, Beja, Darfur people and other marginalised groups in Northern Sudan all have legitimate grievances in their own right that must be addressed in a comprehensive peace settlement. There are various formulae that can be the basis for addressing this problem, including:

1. A federal, multi-polar system of government.
2. ‘Self-determination within a united Sudan’—i.e. various formulae for ‘internal self-determination.’
3. Special autonomous areas (an unattractive option for most of the marginalised).

These options demand separate detailed study and consultation. This must be considered a priority in any comprehensive peace settlement.

IV. Constitutional Options for Southern Sudan

The future of Southern Sudan is primarily a matter for Southern Sudanese. But, if Sudan is to remain united—the preferred outcome for the Government of Sudan, the SPLM/SPLA and the parties in the NDA—then it will also be necessary for Northern Sudanese political leaders to propose a constitutional arrangement that the Southerners find sufficiently attractive for them to remain in a united Sudan. Some of the arrangements discussed in this paper may well suit this scenario. But, for example, if the Northern Sudanese leaders opt for an Islamic constitution it is unlikely that Southerners will want to remain part of the same country.

In the case of a vote for unity, it is highly unlikely that the Southern Sudanese will opt for anything less than a federation between a Northern State and a Southern State. The South will be self-governing. In this case there will need to be the following:

1. An appropriate constitutional relationship between the Southern and the Northern states as equals under a Federal Government,
2. An appropriate relationship between the South and the Federal Government and
3. An internal state constitution for the Southern State.

In the case of independence, Southern Sudan will need a constitution. Outline planning for this constitution should begin in advance of the referendum. Also, there will be many legal and practical questions that will arise from separation.

A constitution needs to enshrine high ideals and aspirations, and it needs to be practical, that is, it needs to be suited to the social and political realities of Southern Sudan, and to be usable as a tool for guiding the development of the state (whether independent, federal or confederal) and its people.

The Double Transition

Settling the constitutional question will not be quick nor easy. It would be a mistake to rush: there are many impediments to a successful establishment of civilian, constitutional and democratic rule in Southern Sudan (whether that be an independent South or a Southern State within a united Sudan). Southern Sudan will face not one but two transitions in the coming years:

1. Transition 1: to the free and fair exercise in self-determination.
2. Transition 2: to constitutional, civilian and democratic rule.

The correct timing and sequencing of these two transitions, and their coordination with social and political reconciliation, economic reconstruction, the creation of a national army and other grave issues confronting the Southern Sudan government, will be of enormous importance. It is also important not to rush. In particular, elections should be seen as the final culmination of the process, rather than an immediate requirement.

This chapter asks a number of questions and makes a preliminary proposal for how these two transitions may be timed and coordinated with economic reconstruction.

Transition 1: Self Determination

Details of this transition are addressed in Briefing Paper 3, on interim arrangements. There should be a provisional government, drawn from all Southern political forces, its composition and powers agreed at the final stage of the peace process. The powers of this provisional government will be limited.

At this stage, a few constitutional issues will need to be addressed. Among the most important are:

1. The overall constitutional option should the vote be for unity (i.e. are Southerners voting for a unitary state, for federation or confederation).
2. The establishment of criteria for eligibility to vote in the referendum on self-determination and the creation of an electoral roll. This presupposes a de facto ruling on who is eligible to be a citizen of Southern Sudan.

3. The composition of a transitional assembly, to be formed shortly after the referendum on self-determination, to oversee the first stage of nation-building and the writing and adoption of a constitution.

Transition 2: To Constitutional Government

It will take a further period of time, probably two to four years, for Southern Sudan to adopt a constitution (whether for an independent Southern State or for an autonomous, federal or confederal South within a United Sudan). During this period there should be an elected transitional assembly. If the referendum votes for unity, there will also be elections for the national Sudanese parliament. For the sake of brevity, the following discussion will speak of a 'Southern State', which does not presuppose any particular outcome of the referendum.

This second transition should see the following:

1. The election of a transitional state/national assembly. This assembly should also include a quota of members chosen by the SPLM.
2. The formation of a transitional government of Southern/national unity.
3. The creation of a Southern/national army and the separation of the military from civil politics.
4. The drafting of a Constitution for the Southern State by a Constitutional Commission.
5. The negotiation of the terms of separation or association between Southern Sudan and Northern Sudan.
6. The adoption of the draft Constitution by the state/national assembly. (This could either be the transitional assembly or a conference specifically elected for this purpose.)
7. This transition would culminate in elections for the assembly (and if chosen, Senate) and for the state or national President.

The economic policies adopted during this transition will be instrumental in determining its success or failure. Given the almost total collapse of the formal economy, it will be necessary for aid donors and creditors to be generous and patient in the conditionalities attached to assistance to Southern Sudan.

Constitutional Options in the Case of Unity

These options need to be examined, if only to rule them out as unacceptable, during Transition 1, the transition to self-determination. They need to be examined in detail during Transition 2.

When considering the options, the status of the national Sudanese army vis-à-vis the South is bound to be a sensitive and controversial issue. Success in handling this issue is essential to success in the broader constitutional enterprise. Details cannot be examined here. But two points should be made:

1. Any form of unity implies a national army.
2. One of the major concerns of the Southerners will be the maintenance of overwhelmingly Southern armed forces in the South.

A Unitary State

The SPLA first argued for a unitary Sudanese State on the grounds that the 1972 arrangements for Southern autonomy had proven unworkable, and that it was preferable to have proper representation for the South in a unified state. There are strong reasons for supporting such arguments. Under any system of government so far experienced in Sudan, power has resided in Khartoum, and devolution of power to regions has proven to be a way of marginalising the regions. Strong representation of the regions in the centre may be the best way to ensure that the regions obtain their share of power and wealth. But it is likely that there will have to be decades of political and economic development in the peripheries before the power of the ruling elite, centered on the riverain North, to be constrained. And the popularity of the idea of self-determination indicates that a unitary government is not likely to be popular.

An Autonomous Southern Region

The history of this arrangement (1972-83) was not positive, and means that few Southerners will be ready to accept this. The primary reason is that control over the constitutional status of the South does not rest in the South. The guarantees on autonomy will need to be exceptionally strong for such an arrangement to be workable—for example the presence of an international peacekeeping force. This option should be considered a low priority.

A Single Federal Southern State

This is an obvious and attractive option which is on the table already. Questions that will arise will be:

1. What kind of federation—there are many options to choose from. The SPLM, and other Southern forces, will argue that the current federal status under the NIF constitution is unacceptable. In an alternative system, what division of powers and responsibilities between the state government and the federal government will be needed? A North-South federation is one option, a multiple-state federation is another (with several northern states). Most assume that Khartoum will be the Federal Capital, as well as the state capital of the Northern State. Is this appropriate? Or would the location of the Federal Government in Khartoum bring undue advantages to the Northern State? Is there another realistic location for the Federal Government?

2. What will be the internal constitutional arrangements for the self-governing Southern State? This is a very complex question which is addressed in more detail below.
3. How much constitutional autonomy will the Southern state have? Can it change its parliamentary system? Can it subdivide into smaller states? Usually with a federal system these sorts of constitutional changes can only be effected at the centre. Moreover, there are potential tensions between the NDA proposal of a national referendum on the Constitution and the South's autonomous right to enact its own constitutional provisions. This is an important issue because such disagreements are the commonest cause of the breakdown of federal systems—and indeed exactly this kind of disagreement was the basis for the collapse of the autonomous status of Southern Sudan under the Addis Ababa agreement.
4. Will the Southern State have the *continuing* right of self-determination up to and including independence? This seems only logical: once the right of self-determination has been acknowledged, it cannot be retracted. If this is the case, under what conditions would it be entitled to exercise that right? (If the Southern State has the right of self-determination, it follows that the Northern State or States will have it too.)

Multiple Federal States in the South

Will the South be a single state or several states? The three provinces of Upper Nile, Bahr el Ghazal and Equatoria could each be a State with federal status vis-à-vis a Federal Government in Khartoum. Or, as in the current Sudan Government constitution, there could be more states. (The current constitution has ten.)

The arguments in favour of this centre on the fears of certain groups in the South that they will be dominated in a unitary Southern State. These fears could also be assuaged by a devolution of power within a single Southern State.

The arguments against this focus on the experience of Sudanese history over the last two decades, which suggests that the South will be strongest if it is united. Khartoum is likely to play 'divide and rule' in the South, and the constitutional guarantees on the rights of Southerners are likely to be very precarious.

This option should be ruled out.

A Confederal State

Confederation is also attractive because it precludes interference by the Khartoum government in the internal affairs of the South. It has been floated as a proposal already. However it also has some drawbacks.

1. Confederation usually arises when two hitherto independent entities come together to form a single state. Under this arrangement there will be a relatively easy option of

- secession if things don't go according to plan. (As Singapore opted out of the Malaysian Confederation.) As this is not the case in Sudan, complications will arise.
2. Confederation usually assumes that the two entities are already very institutionally and economically separate, or it won't work well—there will be too many sources of friction between the confederees. Most importantly, if the South opts for confederal status in the transitional period then a range of issues, essentially concerning separation, will have to be addressed *immediately*, i.e. before the referendum. This could be a major source of difficulty during the transition for several reasons:
 - (i) because these are controversial issues, and the transition is going to be controversial enough as it stands,
 - (ii) because they are complicated issues and will take up a lot of time and energy on the part of the relatively small cadre of educated Southerners in government and
 - (iii) because it will seem to many in the North that the decision on separation has been made in a de facto sense already, causing further frictions.
 3. The SPLA has proposed establishing a confederal state for the transitional period. If this is set up, then for all intents and purposes, the referendum on self-determination will be between maintaining the status quo (confederation) and independence. Closer union with the North will not be an option.
 4. One attraction of confederation is that it is the loosest relationship still compatible with sovereign union.
 5. A second attraction is that the question of the enduring right of self-determination is settled: a confederal state automatically retains the right to opt out of the confederation.
 6. Thirdly, the South retains its autonomy to enact its own constitutional provisions, and the dilemmas and potential disagreements over constitutional powers outlined in the discussion on a federal state would not arise.

This discussion implies that for Transition 1, the South should have either autonomous status guaranteed by the UN and IGAD or there should be a transitional North-South federation or confederation, also with international guarantees. For the long-term, in the case of unity, the options are different. Autonomous status is not a realistic option, and the choice is between federation and confederation, with all the different possibilities that lie therein.

A Constitution for a State of Southern Sudan

In the case of unity, Southerners will demand their own constitution for the Southern entity. The following section does not seek to examine in detail the options for an internal constitution for a self-governing State of Southern Sudan, but to enumerate the relevant issues which will need further study.

Some of the following issues will arise in a straightforward form if the South opts for confederal status (or indeed independence). They will be complicated if the South opts for a federal union. For example, it will be difficult to have different parliamentary systems for the State of Southern Sudan and for the Federal Assembly.

While the following discussion focuses on the future ‘permanent’ constitution for Southern Sudan, some of the provisions may also be considered appropriate for the interim constitution that will be in force during Transition 2. For example, an ‘interim federation’ might be in order during this period.

1. A unitary Southern entity or a federation?

Some arguments in favour of a unitary Southern entity include the following:

- (i) Southern Sudan is simply too poor to afford state governments in different places.
- (ii) Mineral resources (oil and gold) are concentrated just in a few areas, and if there were a federal system this would bring disproportionate wealth and power to the areas sitting on top of these resources.
- (iii) After years of warfare including internecine strife it is time to build a sense of Southern Sudanese national identity that can only be done by all Southerners working together in a single administration and government.
- (iv) A federal system within the South increases the opportunity for ‘divide and rule’ by the Khartoum government.

There are also arguments in favour of a Southern Sudanese Federation, including the following:

- (i) There is deep animosity between certain groups within Southern Sudan due to the way in which successive governments have used ‘divide and rule’ tactics in the South. These animosities often follow ethnic lines, and can best be contained by recognising the rights of different regions.
- (ii) Federated powers are a powerful brake on abuse of central power.
- (iii) Sudanese experience with regional government is that it does not prevent ethnic conflict; on the contrary it exacerbates it by providing new foci for political competition at a regional level.

Note that a Southern Sudanese Federation would work only if the South enjoyed either confederal status or was independent: a federation within a federation would be unduly complicated.

2. Autonomous areas? A special status for the city of Juba?

In the case of a federation, it is inevitable that the capital city will have to enjoy special status. In the case of a unitary state, it may be necessary to provide special autonomous status, at least for a limited period, to certain areas. If the fear of serious potential

conflicts between ethnic groups is not sufficiently strong to warrant a federal constitution, there may be specific cases in which the grant of autonomous status to certain groups is called for.

3. What electoral system?

There are many options for electoral systems that should be studied carefully. Some of the questions that need to be asked include the following:

- (i) A unicameral or a bicameral system? An alternative formula to federation for ensuring some protection to minority interests is a bicameral system of legislature, with minorities given greater weight in the upper house.
- (ii) Single member districts (SMD), proportional representation (PR) or a combination of the two?
- (iii) Parliamentary decision-making rules can be simple (e.g. majority alone) or complex, requiring super-majorities or votes from various regions for certain critical measures to be allowed to pass.
- (iv) There can be constitutional requirements for power-sharing across parties or regions.
- (v) The role of the electoral commission or other independent agencies for arbitration over electoral disputes. These can be very important: it is important that conflict-mediation mechanisms should be built into the electoral process at the design stage.

It is important that the electoral system be designed with both the founding election and subsequent elections in mind. Anticipating certain difficulties with the founding election, the system may be over-designed to deal with those difficulties, and other problems may arise with later elections. It is important that the system is drawn up with a long-term perspective. Meanwhile, some of the particular problems anticipated with the founding election may demand one-off solutions, for example a pre-election pact between major parties to share power in a coalition government.

If Southern Sudan opts for a federation with the North, its choice of electoral system will be constrained by the Sudanese Federal Constitution. But it is important to note that some of the provisions outlined, such as conflict resolution mechanisms built into the electoral system, can also be ad hoc initiatives designed specially for the circumstances of Southern Sudan.

4. A presidential or a parliamentary system?

There are strong arguments in favour of either system of government, but a presidential system is probably most appropriate for Southern Sudan. It will require strong leadership for Southern Sudan to recover politically, socially and economically. But it is also essential to have a system that has powerful checks on arbitrary power to prevent the emergence of a dictatorship.

Legal Questions Affecting the Establishment of an Independent State of Southern Sudan

Among the issues needing attention will be the following:

1. The Nile Waters agreement with Egypt: what will be the South's status?
2. Qualifications for citizenship of Southern Sudan.
3. Southerners resident in the North and Northerners resident in the South.
4. Mutual security arrangements and defence pacts.
5. Monetary policy
6. Division of the national debt
7. Division of joint assets.
8. Demarcation of borders
9. Management of cross-border tribal movements.
10. Accession to international treaties, humanitarian conventions and human rights law.

The Second Transition: From SPLM/SPLA to Constitutional Government

Under most scenarios, the immediate political future of Southern Sudan will be dominated by the SPLM/SPLA, but there will be significant other political forces in competition. One of the major challenges for Southern Sudan will be to ensure that the dominant SPLM/SPLA respects alternative forces in Southern Sudan, while the opposition is ready to provide the political space and time needed for the SPLM/SPLA to undergo the necessary transformations.

During and after a transition, the SPLM/SPLA will be both a political party and an army. It cannot stay this way indefinitely. The preferred trajectory is that the SPLM should evolve into a political party and the SPLA into the backbone of the Southern armed forces. This is a difficult process that cannot be accomplished quickly. If SPLA soldiers are immediately 'depoliticised' and become professional officers in a state army, the SPLM will lose most of its cadres and will be in a weak position to mobilise a political constituency for elections. This would be a destabilising situation, unacceptable to the SPLM.

After a settlement, civilian SPLM cadres and their military colleagues will not lose their camaraderie and common interests. In most countries where a liberation movement has

come to power, politicians and soldiers have remained as close colleagues, and this has ensured regime stability. Ex-liberation fronts in government have proved remarkably enduring and immune to political coups. A system of rule, based on the dominance of the SPLM/SPLA in political and military spheres, will be attractive to many in the SPLM leadership. This could either be a 'no-party' system such as in Uganda, a one-party system (now a discredited alternative) or a system in which one party consistently dominates the assembly, and small parties are in perpetual opposition.

This option has serious drawbacks. Experience from elsewhere in Africa indicates that the cost of a single unchallengeable political-military establishment has been the exclusion of important political and ethnic constituencies, resulting in some cases in prolonged civil wars, and in others in repressive governments. Many are aware of similar dangers in Southern Sudan, where significant constituencies support political-military movements other than the SPLM, raising dangers of internal conflict.

In Southern Sudan there is the additional complicating factor that a cadre of Southern politicians have experience of civilian electoral politics which they will use to good advantage, perhaps winning constituencies against the less electorally-sophisticated SPLM cadres. Civilian politicians are unlikely to command military forces, but a clash between a civil opposition which is able to use sophisticated public relations methods, especially with reference to the international community, and a military-political elite in power, would be dangerous.

Some of the elements required to effect this transition to constitutional rule include the following:

1. Disarmament and demobilisation of former combatants of the SPLA and other armies, and their reintegration into civilian life.
2. The creation of a national army for Southern Sudan, with fair representation of all groups and a common professional, non-political ethos.
3. A process of internal reconciliation between different groups in the South who have, in recent years, fought one another.
4. Assistance to the SPLM to enable it to train its cadres in the requirements of civilian politics, including electoral campaigning, etc.
5. Internal reconciliation between groups formerly in conflict.

But these measures will be insufficient unless the Southern political system provides an opportunity for the SPLM/SPLA to relinquish its party-based control of the armed forces, by means of guarantees on its continued political role. The most important factor will be time: none of the processes necessary to establish a workable democracy in Southern Sudan will occur quickly. There is a serious danger that if there is a too-rapid move towards electoral democracy, this will spark violent competition between different political forces, including human rights abuses and the risk of derailing the entire democratisation process.

Conclusion

The issue of self-determination is an extremely complicated one. For various reasons, most of the parties to the conflict are reluctant to address it in detail. The major parties are all avowedly unionist, and often regard discussing self-determination as tantamount to advocating secession for the South or the breakup of the country into many constituent parts. However, the IGAD Declaration of Principles has laid out some basic facts that remain fundamental to a just and lasting solution to the conflict. Southern Sudan is entitled to exercise the right of self-determination, in a free and fair manner. It is an obligation on the mediators in the conflict and the international community in general to examine how this right should be implemented. The marginalised peoples of Northern Sudan are also entitled to have their rights respected in full.

Appendix

Draft Outline Referendum Protocol

1. Establishment of a Referendum Commission. The parties hereby agree to establish a Referendum Commission that shall carry out the referendum on self-determination before the end of the interim period.
2. Composition of the Referendum Commission. The Referendum Commission shall consist of representatives of the GoS, SPLM, USAP, other Southern political forces, Sudanese civil society groups, IGAD and IGAD partners, UN, OAU and Arab League.
3. Functions and powers of the Referendum Commission. The Referendum Commission shall have sole responsibility to conduct, supervise and monitor the referendum on self-determination.
4. Referendum location. (A) The referendum shall be conducted in the Southern Sudan and Abyei within the interim period agreed upon by the parties to the conflict. (B) 'Southern Sudan' refers to the three provinces of Bahr El Ghazal, Equatoria and Upper Nile as they existed on 1 January 1956.
5. Referendum options. The options to be voted upon in the referendum shall be (a) unity or (b) independent statehood.
6. Registration of the voters. Registration of the voters shall be conducted by the interim administration. The list of returnees provided by the Repatriation Commission and verified by the joint military and cease-fire commissions and the Police Force shall constitute an integral part of the voters' list. Southern Sudanese returnees are qualified to vote on return to Southern Sudan any time before or during polling.
7. Criteria of the voters. (A) The voters in the referendum shall be registered Southern Sudanese of 18 years of age and above. (B) Southern Sudanese shall be defined as persons of Southern Sudanese parentage.
8. Duration of the referendum. The duration of the referendum shall be two weeks.
9. Determination of majority percentage. Majority percentage to determine the winning option between unity and independent statehood shall be a simple majority of the votes counted that is fifty per cent plus one.
10. Role of international supervisors and monitors. There shall be established an international team of supervisors and monitors to oversee the referendum in all its stages.

Sudan Peace Secretariat Advisory

Briefing Paper 3

INTERIM ARRANGEMENTS

This briefing paper is concerned with some of the issues that will arise during an interim period between the signing of a peace agreement and the implementation of self-determination in Southern Sudan. There are also relevant considerations concerning a transitional period in Northern Sudan, which may coincide with the interim administration in the South.

This paper is structured around the main issues that will arise in a future transition, outlining the positions adopted by the principal parties to the conflict, beginning with the Sudan Government and SPLM, including the NDA, Union of Sudan African Parties (USAP) and (where relevant) Nuba and Southern Blue Nile communities. A short commentary is attached to each section, followed by an extended commentary at the end of the paper.

Although Sudan is a unique, and uniquely complicated case, there are other examples of interim periods following the end of conflict that provide models. One model is the Addis Ababa Agreement which brought Sudan's first civil war to an end in 1972. Experience of the collapse of that agreement underpins many aspects of the SPLM and NDA proposals for a future interim period. Other models are post-conflict transitions in which a sovereign government retains constitutional authority, providing concessions to an armed opposition. The peace process in Northern Ireland is one such instance, in which the British Government is retaining its authority while bringing Sinn Fein and the IRA into constitutional politics. For obvious reasons the Sudan Government prefers solutions that tend towards this model. The post-war transition in Eritrea is a contrasting model, in which the victorious EPLF took sole charge of the territory in 1991, forming a Provisional Government, which subsequently changed seamlessly into the Government of the State of Eritrea following the vote for independence two years later. The SPLM proposals for the interim period reflect this preference, though many will question the parallels between the EPLF's complete military victory and the current military position of the SPLA. Other models fall between these extremes. On the whole, NDA proposals, notably those adopted in the 1995 Asmara Agreement, reflect such intermediate models. It is important to recall that the NDA proposals reflect the outcome of protracted negotiations on this issue between parties representing widely differing constituencies, from both Northern and Southern Sudan.

The paper covers issues including the duration of the interim period, the nature of the Southern Interim Authority, security arrangements, resource issues, international involvement and the questions of disputed areas including Abyei, the Nuba Mountains (Southern Kordofan) and Southern Blue Nile. In each case, the positions of the parties are assessed with regard to their

intrinsic fairness, their reflection of existing political and social realities, and the likelihood that they will contribute to a positive outcome.

Duration of the Interim Period

The parties have not agreed on the length of the interim period.

Position of the Sudan Government

Different statements by the Sudan Government have indicated a range of preferences for the length of the interim period, some as long as ten years. The clearest and most formal enunciation of the government position is however to be found in the April 1997 Khartoum Peace Agreement, which states:

- (i) The length of the interim period shall be four years. However, it may be shortened or extended if need arises by recommendation from the Coordinating Council to the President of the Republic.
- (ii) The interim period shall commence as from the date of the formation of the Coordinating Council and shall end as soon as the referendum is accomplished and the results declared.

There are three interpretations of this position:

1. The Interim Period is due for completion in April 2001 and there should be a referendum then.
2. The Interim Period started a year later with the formation of the Coordinating Council, implying a date for a referendum in 2002.
3. The Khartoum Agreement is null and void because (a) it was not properly incorporated into the national Constitution, (b) its provisions have not been honoured by the Sudan Government and (c) the Coordinating Council exists on paper only, and one of the Agreement's principal signatories, Riek Machar, among others, has repudiated it and abandoned the government.

Most probably, any new agreement will set the Khartoum Agreement aside and re-negotiate the duration of the interim period again from scratch.

Position of the SPLM

The most recent position forwarded by the SPLM at the IGAD talks in April 2000 does not specify the length of the Interim Period. However there are two interpretations of the SPLM position that can be made:

1. Previous statements to IGAD indicate that the SPLM prefers an interim period of two years maximum before the exercise of the right of self-determination.
2. The position on self-administration outlined in the April 2000 'Legal Framework' document encompasses *both* interim administration *and* the long-term status of the South (as a Confederal State). Under this proposal, there is no substantive difference between the interim and permanent governments of the Southern Confederal State. This makes the length of the interim period unimportant. In fact, this proposal even makes the exercise of self-determination unimportant, as the powers of the government of the Southern Confederal State are akin to those of a sovereign state.

This can be described as the SPLM adopting the 'Eritrean model' for the interim: establishing a form of interim government on day one which will be continued essentially unchanged into the post-interim period. Other aspects and implications of this position will be examined, below.

Position of the NDA

In its Asmara Declaration the NDA committed itself to an interim period of four years. This position was endorsed by USAP in its Mukono meeting of October 1999. This interim period is a compromise between the preferences of the major Northern parties in the NDA, which preferred a longer interim period (some saw eight or ten years as the appropriate time) and the SPLM which preferred a shorter period. USAP has always preferred a short period but its Mukono Declaration holds to its commitments undertaken in Asmara.

One of the challenges facing the SPLM is to reconcile its position as adopted as a member of the NDA with the position it has taken unilaterally in negotiations with the Sudan Government at IGAD.

Nature of the Southern Interim Authority

Many of the fundamental components of the interim arrangements rest on the nature of the Southern Interim Authority. Once again we are faced with three contrasting models of how this can be implemented.

Sudan Government Position

The Government's position is laid out in the 1997 Khartoum Agreement, reflected in the 14th Constitutional Amendment and positions presented to IGAD subsequently. The basic entity is the Coordinating Council for the Southern States, and the nature of the proposed interim authority can best be understood by looking at the definition and powers of the Coordinating Council in the Khartoum Agreement.

7.1 Definition

- (a) In accordance with this Peace Agreement, there shall be established a Coordinating Council in Southern States during the Interim Period. The Coordinating Council shall be responsible for coordination, supervision, socio-economic planning, confidence building, peace nurturing, policy making as well as political mobilisation.
- (b) The President of the Coordinating Council shall be accountable to the President of the Republic.
- (c) The President of the Republic in consultation with the parties signatory to this Agreement shall appoint the President of the Coordinating Council.

7.2 Functions of the Coordinating Council

1. General Supervision of the implementation of this peace agreement as well as all peace matters.
2. Voluntary repatriation of the returnees, and the displaced, rehabilitation and reconstruction of war-affected areas in the Southern States.
3. Ensuring confidence building measures among the Sudanese citizens.
4. To embark on mobilisation of the people therein for the referendum.
5. Legislative Functions:
 - (a) The Coordinating Council shall establish an Advisory Council for perfection of the legislative process.
 - (b) The Coordinating Council shall coordinate legislation with the Southern States Legislative Assemblies in matters common to these States.
 - (c) The Coordinating Council may request adjournment of any legislation tabled in the National Assembly if deemed to adversely affect the interests of the Southern States until such a time the Coordinating Council presents its opinion.
6. Encourage establishment and supervision of foreign consulates, UN agencies and NGOs in South Sudan in coordination with the Federal Government.

The Khartoum Agreement provides relatively few safeguards on the constitutional powers awarded to Southern Sudan. The mention of ‘political mobilisation’ alludes to the reality that it was more in the way of a joint security or defence pact between Khartoum and certain Southern factions in the context of the ongoing war.

Constitutional Decree No 14 was supposed to represent the incorporation of the Khartoum Agreement into the national constitution, so that it could be properly implemented. In fact—as pointed out by Riek Machar—the Decree represented a considerable weakening of the Khartoum Agreement. This reflects the reality of the non-implementation of the Khartoum Agreement and the way in which the central government retains most of the power over the South.

The reality is that the Coordinating Council was only set up after one year, a disturbing sign of lack of commitment to the Agreement. Currently it exists on paper only, with its Chairman (Riek Machar) having defected. The Sudan Government has repeatedly failed to implement most of its commitments. The agreement is therefore left with very little credibility. Simply because of this fact, it will be necessary for the Sudan Government to make more substantial concessions to the South in any future negotiations.

As of May 2000, the Sudan Government has not made concessions in this direction and in fact all proposals tabled since 1997 have moved in the direction of granting fewer powers to the Southern interim authority.

SPLM Position

The SPLM ‘Legal Framework’ Document was presented to the Third Political Committee meeting of IGAD in April 2000. It contains, inter alia, the following points (emphases added):

Article 1: Unity within Diversity: Establishment of a Confederation

- 1.1 Sudan shall remain united during the Interim Period, and shall be ruled as a Confederation of two Confederal States.
- 1.2 The boundaries of the two confederal states shall be as shown in the map attached. One State shall consist of Equatoria, Bahr el Ghazal and Upper Nile as their boundaries stood on 1/1/1956, and Abyei, Southern Kordofan and Southern Blue Nile, hereinafter referred to as the Southern State. The other State shall comprise the remaining parts of the Sudan, and hereinafter referred to as the Northern State.
- 1.3 *Each confederal state shall have its own constitution and laws.*
- 1.4 The Confederation shall be based on close cooperation and coordination between the two confederal states in the fields of joint defence against external aggression, foreign affairs, mutual economic activities, technical cooperation and other areas of mutual benefit that may be agreed.

- 1.5 The two confederal states shall cease hostilities immediately by making a joint declaration of cease fire to be followed by disengagement of forces from the date of signature of an accord.
- 1.6 Citizens of the Confederation shall be guaranteed freedom of movement, choice of place of residence and rights of ownership of property *within* the territorial boundaries of *each* state in accordance with its laws.
- 1.7 Internally displaced citizens and refugees will be assisted with voluntary return to their homes.
- 1.8 The waters of the Nile shall be a common resource of the Confederation and other riparian states and its utilisation shall be administered by agreement among them.
- 1.9 A state of the Confederation shall have the power to enter into International Agreements with foreign governments and international organisations for social and economic development.

The proposed institutions of the confederation including the Supreme Authority are weak, with powers essentially limited to coordination. The confederal judiciary and supreme court have no powers to contradict any decisions of the State courts. The confederal legislature has no authority to override legislation passed by the State legislatures. The State governments even have the authority to issue their own currency.

Article 4: Responsibilities of the Supreme Authority

- 4.1 Coordination of policy on matters of Joint Defence.
- 4.2 Coordination of policy on matters of external relations.
- 4.3 Coordination of policy on matters of mutual economic and monetary nature.
- 4.4 Coordination of policy on all other matters which the Confederal States may designate as falling within the responsibilities of the Confederation.
- 4.5 Make appointments of senior personnel to confederal institutions.
- 4.6 Control of the Joint Armed Forces of the Confederation, whenever constituted.

The proposal awards solely vestigial rights to the Supreme Authority, and providing the State Governments with power over lawmaking, security, monetary matters, international relations, etc.

This proposal is not really an interim proposal at all, but a proposal for a Southern State that is sovereign and independent in all but name. It conflates the proposal for the interim period with the plans for a long-term solution. The Southern Confederal State is an entity with its own currency, complete financial independence, its own right to enter into international agreements, and its own army. Citizens of the Northern confederal state will have virtually no rights in the South, even to travel to the Southern confederal state, and vice versa. In such a case, the right of self-determination has already been exercised in favour of de facto juridical sovereignty. To

sunder such a confederation, it is unlikely that a referendum would be needed: an executive act only by the government of the Southern entity would be sufficient.

NDA Position

The NDA position is found in the Asmara Declaration:

- C. System of Rule During the Interim Period:
- (i) The Sudan shall be ruled during interim period on the basis of decentralisation. The interim constitution shall stipulate the powers and competence of the Central and Regional Entities and the manner of their distribution.
 - (ii) The NDA shall formulate a law for the decentralised system of rule in the Sudan.
 - (iii) The decentralised system of rule shall be based on the distribution of powers and competence, as agreed upon between the Centre, Northern Entities and the Southern Entity. An agreement as to the names to be applied to those entities shall be reached subsequently.
 - (iv) The role of local government and the system of native administration shall be taken into account in the formulation of the law on decentralisation.
 - (v) In organising the interim administrative set up the following issues shall be put into account:
 - (a) Redressing injustices and root causes of the war and the creation of a conducive atmosphere for the rehabilitation, reconstruction and rebuilding of the country.
 - (b) Gauging the wishes of the people of the various areas as regards the evolving democratic process in the country.
 - (vi) In implementing the system of decentralisation, due regard shall be given to the difficult economic conditions of the country, austerity measures shall be taken with the view to reducing unnecessary public spending. It is also emphasised that wide-based popular participation at all decision-making levels should be ensured within the framework of democratic decentralisation.

This position falls midway between the positions presented by the Sudan Government and the SPLM. Once again, we can see how the NDA position reflects a careful compromise between Northern and Southern interests: the *outcome* of a process of negotiation rather than the starting point.

Although the SPLM is signatory to this agreement, its commitment to it is unclear. The SPLM is a member of the NDA. But its 'Legal Framework' makes only one mention of the NDA (Article 3.5):

The National Democratic Alliance (NDA) shall be represented on the Supreme Authority and in the other institutions of the Confederation.

It is remarkable that the SPLM felt able to forward its ‘Legal Framework’ position to IGAD less than one month after it had agreed with the Northern parties in the NDA to bring the NDA to the IGAD forum. It is hard to see how these positions can be reconciled.

A potential problem in the NDA position is that it allows for referendum on a national constitution during the interim period, before the referendum on self-determination in Southern Sudan. This leaves open the possibility that the electorate of Sudan—a majority of whom are Northerners—may reject a constitution that includes provisions for self-determination.

USAP

The USAP position, as reflected in the Mukono Declaration, shows both its loyalty to the principles of the NDA’s Asmara Agreement and the practical recognition of the leadership role of the SPLM in any future interim authority:

4. Interim Authority:

During the interim period, an interim authority for Southern Sudan shall be established under the leadership of SPLM/A and with the participation of USAP and other Southern political forces.

Security Arrangements

Peace treaties to end civil wars tend to stand or fall on the basis of the security arrangements they contain. There is much work to be done on this issue.

Sudan Government Position

This is spelled out in Chapter 6 of the Khartoum Agreement:

Security Arrangements During the Interim Period

- (i) The South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.

- (ii) Police, Prisons, Wild Life, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan.
- (iii) The size of the Sudanese Armed Forces in South Sudan shall be reduced to peace time level once peace is established.
- (iv) A Joint Technical Military Committee of equal numbers shall be constituted from the Sudanese Armed Forces on one hand and the SSDF on the other for the purpose of supervision and implementation of the security arrangements in this agreement (see Annex 1).
- (v) The Joint Technical Military Committee shall oversee and supervise the activities of the Cease-fire Commission and the peace-keeping observers.
- (vi) The Joint Technical Military Committee shall coordinate with the Army General HQs provision of supplies, training, armament, emoluments and other facilities for the SSDF.
- (vii) A Joint Military Cease-fire Commission shall be established to monitor cease-fire violations and the disengagement of troops in Southern States (see Annex 1).
- (viii) The Movement of the armed parties shall be coordinated and controlled by the Joint Technical Military Committee and its subcommittees (see Annex 1).
- (ix) In accordance with this agreement the President of the Republic of the Sudan shall declare general amnesty to members of SSDF from any criminal or civil culpability relating to acts committed during the period of the war with effect from the date of signing of this Peace Agreement (see Annex 2).
- (x) There shall be established a Joint Amnesty Commission to follow up the implementation of the General Amnesty Proclamation (see Annex 2).
- (xi) There shall be established a Joint Amnesty Tribunal receive, examine and determine cases which are covered by this Amnesty Proclamation (see Annex 2).
- (xii) War wounded, widows, orphans and other war victims shall be rehabilitated with assistance from the national, regional and international humanitarian agencies.
- (xiii) The annexes are considered as guidelines with a degree of flexibility to the said committees/commissions.

In practice these provisions have not been implemented. However the general principles laid out in this Chapter of the Agreement appear to be sound.

An important issue raised in this Agreement is amnesty: the Khartoum Agreement, as with many peace agreements, provides for immunity from prosecution for members of the armed forces and former rebel forces. The general amnesty is not necessarily universal, and careful attention needs to be given to balancing the demands for amnesty and forgiveness—which may be essential to the establishment of a workable peace—and the demands for truth and justice, which may be intrinsic to human rights. This issue will not be examined further in this paper.

SPLM Position

The SPLM approach is radically different. As Article 1.5 of the Legal Framework implies, the SPLM sees the civil war as a war between the ‘Northern’ and ‘Southern’ entities, which should become Confederal States. I.e. it envisages the war as akin to an inter-state war, to be brought to an end by a cessation of hostilities between states. Its approach to security glosses over the interim altogether and proposes a long-term solution from the outset. This is for each Confederal State to have its own armed forces

Article 6: The Joint Armed Forces of the Confederation [emphases added]:

- 6.1 *Each Confederal State shall establish its own Armed Forces.* The armed forces of a state shall consist of the Army, Navy and Air Force, provided that no state shall maintain Armed Forces in excess of an agreed maximum.
- 6.2 *Whenever the need arises,* the Armed Forces of the Confederal States shall, by order of the Supreme Authority, constitute Joint Armed Forces to defend the territorial integrity and independence of the Sudanese Confederation.
- 6.3 The Joint Armed Forces stipulated in 6.2 shall be constituted by transferring to the Confederation part of their military units, staff, equipment, and facilities available in the two Confederal States.
- 6.4 Each Confederal State shall provide an equal number of forces to the Joint Armed Forces.
- 6.5 The size, composition and type of equipment of the Joint Armed Forces shall be determined by the Supreme Authority in consultation with the Joint Defence and Security Council, formed in Article 7.1.
- 6.6 The Supreme Authority shall be under the command of the Supreme Authority, and deployment and movement of the Joint Armed Forces.
- 6.7 The Joint Armed Forces shall be under the command of the Supreme Authority, and deployed only for the purposes specified in an agreement.
- 6.8 Procedures, rules and details of the organization, training, deployment and condition of service of the Joint Armed Forces shall be spelt out in a separate protocol.

Although SPLM documents do not explicitly say so, it is clear that the SPLM envisages the Armed Forces of the Southern Confederal State to be a continuation of the SPLA. Implicitly there is a direct and unbroken continuity from the SPLA as presently constituted, to the interim period, to the long-term future status of the Southern Confederal State.

This approach completely bypasses the need for provisions outlined in the Khartoum Agreement and other suggestions (such as the Abel Alier proposal). There will be no need for separation of forces because all non-SPLA forces are to be withdrawn to the North or disbanded.

There will be no need for disarmament and demobilisation of the SPLA because it will simply become the Southern Confederal State's Armed Forces. One model that the SPLM leadership may have in mind is Eritrea in 1991, when the EPLF simply became the army of the new Eritrean state from the first day of liberation, and continued essentially unchanged during and after the interim period.

While this approach may have the virtue of legislative simplicity, it is another question whether it could actually be implemented in practice.

The NDA Position

The Asmara Agreement contains provisions for an additional Protocol to deal with security issues. A committee was set up to draw up details for this. However due to lack of funds this committee did not travel or conduct the necessary research.

The USAP Position

The USAP position on security is interesting. It is worthy of note not least because Abel Alier was responsible for security in Southern Sudan in the aftermath of the 1972 Addis Ababa agreement and therefore has a wealth of personal experience concerning this issue. Article 5 of the Mukono Declaration reads:

Interim Security Arrangements:

A cease-fire and security committee shall be formed and entrusted with the tasks of supervising the cease-fire and disengagement of the belligerent forces, ensuring security throughout southern Sudan, and overseeing disarmament and demobilisation arrangements entered into during the interim period.

Section N of the April 1999 'Proposals for the Political Settlement of the Conflict in the Sudan' drawn up by Abel Alier include important details:

4. A Joint Military Commission will be constituted to deal with some security aspects of the agreement. The commission will be formed from the representatives of the two belligerent forces to supervise all the military and security matters between the Sudan Government forces and the SPLA. The chairmanship of the commission shall alternate; there will be equal representation of the parties on the commission.
5. A Joint Cease-fire Commission shall be established from representatives of the two forces and shall include international military monitors, to observe and correct any violation of any terms of the cease-fire agreement to assist the Interim Administration in the clearance of land mines and to report regularly and directly to the Interim

Administration and to the Supreme Authority. There will be equal representation of the parties on the commission.

6. The belligerent forces shall be accommodated in separate barracks and in different areas, out of touch with one another and out of range.
7. The deployment of the belligerent forces shall be the responsibility of the joint military commission. The forces may only be engaged for national defence and as may be from time to time decided and directed by the Supreme Authority.
8. The Supreme Authority shall be responsible for the administration and logistical arrangements for the two belligerent forces.
9. Each of the belligerent forces shall be responsible for its own equipment, training and discipline.
10. No state of emergency shall be declared in the South during the interim period by the GOS except after consultation and the agreement of the leader of the SPLM.
11. It will be the duty of the UNHCR, the repatriation commission, the joint military commission and the police force to scrutinise lists of repatriation of Southern Sudanese refugees to the South, to ensure that they comply with the basic information including citizenship, age, sex and home and duration of refuge.

The history of Sudan in the 1970s indicates the importance of points 10 and 11: these are specifically designed to pre-empt problems that are likely to arise.

Resource Issues

All sides recognise the importance of economic rehabilitation and reconstruction. All are analysing possible sources of income to the Southern interim administration, and investigating how it can be allocated. In the last two years, the idea of a Trust Fund for rehabilitation and reconstruction has become widely accepted. There is less agreement on how the Trust Fund should actually be administered.

The parties' proposals for a Trust Fund replicate their overall approaches to the division of power between the Central Government and the interim administration of the South. The Sudan Government would like a Trust Fund to be administered by a board drawn from representatives of both the Central Government and the Southern interim administration. The SPLM proposal is for a Trust Fund wholly independent of the Central Government.

The experience of economic relations between Khartoum and the South does not encourage confidence in any arrangement in which authority for financial flows to Southern Sudan rests in Khartoum. This predisposes us to the SPLM's preferred approaches. However the SPLM's existing record of handling international resources and coordinating international aid activities has not always been encouraging.

Background to the Problem

The enormous economic disparity between Khartoum and Southern Sudan is one of the fundamental reasons for the collapse of previous agreements over Southern Sudan. The economic dependence of the Southern administration and political class on resources provided from Khartoum has fatally undermined such agreements. It has simply been much too easy for Khartoum to manipulate Southerners and abrogate agreements.

Some of the economic reasons for the failure of the Addis Ababa Agreement include the following:

1. Southern Sudan never established an internal revenue base. The Regional Government in Juba was virtually bankrupt throughout the peace period.
2. Southern Sudan relied on grants in aid from Khartoum, which were never provided at more than a fraction of what had been agreed. Most of the Regional Government staff decamped from their offices in the South to the Khartoum Liaison Offices in order to lobby for basic funds including their salaries.
3. The collapse of regional service delivery left development projects and social services, to the extent they existed, in the hands of NGOs. The legitimacy of the Southern Regional Government was thereby undermined.
4. Decision-making over major economic projects in the South remained in Khartoum. This was notably the case for the controversial Jonglei Canal.
5. The discovery of oil in Southern Sudan led the Khartoum government to redraw the internal north-south boundary to include the oilfields within the North, and to revise the Addis Ababa Agreement to provide for oil revenues to go directly to Khartoum.
6. The Sudan Government borrowed approximately US\$ 8 billion between 1972 and 1980. The majority of this was not used for development but for creating a huge patrimonial machine that enabled President Nimeiri to bribe political leaders from all parts of the country including the South.

If we examine the implementation of the 1997 Khartoum Agreement, we see similar processes at work. The budgets for the Southern states have not been provided. The Southern leaders spend their time in Khartoum, much of it lobbying for basic financial support. What services exist are provided by NGOs (especially Islamic NGOs aligned with the government). Decision making and control over major projects such as farms in Renk and oil in Bentiu remains with the Federal Government. The major difference is that today the Sudan Government has a debt of approximately US\$ 18 billion and cannot borrow and spend on the lavish scale that Nimeri was able to in the 1970s.

Possible Measures to Prevent the Manipulation of a Future Agreement

The above analysis points to the pivotal importance of economic factors in the viability of any future peace agreement on Southern Sudan. These factors must be included in the negotiation of any final agreement.

The key point is not the level of resources required, though that is important, but to ensure the financial autonomy of the Southern interim administration from Khartoum.

Southern Sudanese should be aware that several new external factors are working in their favour, compared to previous agreements. These include:

1. The Khartoum government is in debt and cannot borrow and spend lavishly as Nimeiri did. (Though oil revenues promise to increase liquidity.)
2. Large state-run development programmes are no longer fashionable with donors.
3. Western donors indulged Nimeiri from Cold-War considerations that are no longer valid.
4. Most international NGOs and UN agencies working in the South operate from Kenya and Uganda and are likely to continue to use these countries as their rear bases after a peace deal. They will be reluctant to surrender any autonomy to Khartoum.
5. The World Bank and most western donors are increasingly sensitive to the special demands for rehabilitation in post-conflict transitions and have both positive experiences (e.g. Ethiopia 1991-5) and negative ones (e.g. D.R. Congo) from which lessons can be learned.

Bearing these in mind, the following sets of proposals should be considered for discussion, both among the donors and with the parties.

Economic and financial components of a peace agreement

Negotiations for a future peace agreement may need to consider one or all of the following issues:

1. Revenue allocation from oil and mineral extraction. Under the Khartoum Agreement, revenues accrue to the Central Government which then allocates a certain share to State Governments. Under the NDA's Asmara Agreement, the reverse process occurs: the Southern State government receives oil revenues, some of which it then allocates to the centre. Under the SPLM's proposals, the proportion to be allocated to the Central Government is both small and discretionary.
2. Who is to be responsible for registration of international agencies. The Sudan Government has not stated its position on this clearly. The Khartoum Agreement and April 2000 submission to IGAD places 'missionary and charity affairs' as a state responsibility, and 'cooperation' as a concurrent responsibility for state and federal government. The Khartoum Agreement includes health care as a state power, and also 'State economic planning and

development in accordance with federal planning.’ However, under current practice as implemented since the signature of the Khartoum Agreement, the authority for allowing international agencies to operate has lain in Khartoum. The SPLM provides for the Southern administration to have this authority in its entirety, as it provides authority over international relations to the government of the Southern Confederal State.

3. Whether the Southern administration is entitled to directly approach bilateral and multilateral donors to solicit funds, and who is to be responsible for approval of internationally-funded development programmes. Again, the Sudan Government’s position is implicitly that such powers remain in Khartoum, while the SPLM demands this authority for the Southern government. To some extent this question can be sidestepped by the creation of a special interim trust fund.
4. Negotiation modalities for the completion of the Jonglei Canal. All parties concur that Sudan including Southern Sudan must meet its international obligations. However the SPLM position does not specifically refer to the existing Nile Waters Agreement.
5. Any responsibility of the Southern entity for raising revenue for repayment of Sudan’s international debt. This issue has not been raised in any formal negotiations and the two sides have yet to state their positions.

A Rehabilitation and Recovery Trust Fund

Both the Sudan Government and the SPLM concur that international donors including both bilateral and multilateral agencies should jointly set up a trust fund to assist in the recovery from war. After this, their objectives diverge.

The Sudan Government has characterised this as a ‘Development and Reconstruction Fund.’ It proposes a five year mandate (subject to renewal). The brief description it provides in its statement presented to IGAD in April 2000 outlines a series of national goals, which apply equally to Southern Sudan and the whole country:

1. Participation in repatriation, resettlement and rehabilitation of refugees and the internally displaced persons.
2. Achievements of a reasonable level of development that leads to self-reliance, self-sufficiency with special emphasis on food security, health and education.
3. Rehabilitation of development projects hindered by the war.
4. Contribution to the development of infrastructure projects and reconstruction of affected areas.
5. Rendering special services to the disabled, widows, orphans and demobilized soldiers.
6. Any other objectives agreed upon by the parties concerned.

The Government proposes a Board of Directors drawn from the Federal Government, specialised government agencies and Southern States government. It proposes income from federal revenues and from foreign aid and grants designated to the Southern States.

This outline leaves it open that the Development and Reconstruction Fund could:

1. Be largely controlled by the Federal Government.
2. Spend a significant proportion of its resources outside Southern Sudan.

The SPLM position is laid out in its 'Legal Framework' document of April 2000:

- 1.10. There shall be established for the purposes of resettlement, reconstruction and rehabilitation in the Southern State, which is affected by war, a Special Fund, the sources of which shall be:
 - 1.10.1. Contributions from the Central Treasury of the Confederation
 - 1.10.2. Donations from foreign governments and organisations.
 - 1.10.3. Donations from citizens of the confederation.
 - 1.10.4. Any other.
- 1.11. The Special Fund, referred to in 1.10, shall be administered by a Special Commission to be set up by the Government of the Southern Confederal State.

In common with other SPLM positions, the authority over this Special Fund rest entirely with the Southern Confederal State.

The NDA has yet to state a position on this issue. However, there is clearly scope for a compromise proposal to deal with the legitimate concerns of all parties on this issue.

International Involvement

The question of international involvement is one on which there is a degree of agreement between the Sudan Government and the SPLM. Both parties propose to restrict international involvement to economic support for reconstruction, with little or no role for international monitoring of any agreement. The NDA has not stated a position on this point.

The USAP Mukono Declaration breaks with this consensus by proposing that the international community become actively engaged with the implementation of the peace agreement.

8. International Involvement:
 - a) An international cease-fire monitoring and peace keeping force shall be formed, consisting of representatives of IGAD member countries, IGAD partners, OAU, Arab

- League and the UN. This monitoring force shall also oversee the implementation of the democratic decision that shall be reached through the referendum.
- b) There shall be established an international team of supervisors and monitors to oversee the referendum in all its stages.
 - c) An International Peace Fund shall be set up with the purpose of mobilising international resources for funding repatriation, relief, resettlement and rehabilitation in Southern Sudan soon after the restoration of peace.

Given the fact that the preferences of the belligerent parties are so sharply contrasting, their readiness to use military force so well-established, and the record of previous agreements being honoured so poor, it is probable that any workable agreement will require international guarantees.

The Question of Abyei

Among the most difficult and divisive issues are the questions relating to the borders of Southern Sudan. This section will examine Abyei District, currently within Southern/Western Kordofan, and the subsequent section will look at the Nuba Mountains (Southern Kordofan) and Southern Blue Nile. Abyei is inhabited primarily by Dinka people, whose paramount chief decided in colonial days to become part of Kordofan province in preference to the more obvious choice of Bahr el Ghazal, because he saw economic and political advantages to being in the geographical North.

Sudan Government Position

On Abyei, the Khartoum Agreement included Article B(5):

The problem of Abyei has been discussed and a final solution is referred to a conference on Abyei that will be convened in the area within the interim period.

This simply postpones the problem, because the mandate and representation at the conference is not specified. Such a solution will not be acceptable to the SPLM or indeed the people of Abyei.

SPLM Position

According to the ‘Legal Framework’ proposed by the SPLM in April 2000, Abyei District is part of the Southern Confederal Entity. No mechanisms are proposed for determining the wishes of the inhabitants: the North-South boundary is simply redrawn some kilometers to the north.

NDA Position

The Asmara Declaration states the following:

- A vi. Resolves that the views of the people of Abyei District as regards their wish to either remain within the administrative set up of Southern Kordofan region or join Bahr el Ghazal region shall be ascertained in a referendum to be held within the interim period but before the exercise of the right of self-determination for the South. If the outcome of the referendum establishes that the majority of the people of this district wish to join Bahr el Ghazal, the people of Abyei shall accordingly exercise the right of self-determination as part of the people of Southern Sudan.

An important aspect to remember when considering the Asmara Agreement is that the Northern parties to the agreement argued vigorously in favour of unity and the powers of the central government. There was particularly vigorous debate on the question of the North-South internal border. The traditional loyalty of the pro-North population of Abyei (and also the Nuba Mountains and Southern Blue Nile) is to the Umma Party, which was strongly represented in the negotiations leading to the Asmara Agreement. The Umma Party strongly objected to any SPLM demands that Abyei and the Nuba Mountains were automatically entitled to self-determination. (A clause to this effect was specifically inserted in the December 1994 Chukudum Agreement between the SPLM and Umma.) The final text therefore represents a compromise position, and any extended negotiations between a Khartoum government and a Southern-based opposition movement are likely to see a comparable compromise.

USAP Position

The clearest position of USAP is to be found in the declaration issued on 24 October 1999 following its conference in Mukono, Uganda. The relevant section of the declaration is Article 4 on the borders of the South:

USAP affirms that ‘Southern Sudan’ refers to the three provinces of Bahr el Ghazal, Equatoria and Upper Nile, as they existed on 1st January 1956, including the districts of Abyei in Southern Kordofan, Kafia Kinji in Darfur and Chali el Fil in Southern Blue Nile. Any other boundaries or borders in dispute shall be subject to settlement in

accordance with international law including arbitration where necessary leading to demarcation.

Elsewhere, however, USAP has affirmed its commitment to the NDA position and acknowledged the need for the Abyei people to vote on their status.

The USAP position is significant in that:

1. It highlights the case of two other disputed areas with long and complex histories: Kafia Kingi on the border of Darfur with Bahr el Ghazal, and Chali el Fil on the border of Blue Nile with Upper Nile. These two areas will also need a settlement.
2. It identifies the importance of building a boundary dispute resolution mechanism into any peace agreement.

The Question of the Nuba Mountains and Southern Blue Nile

Concerning the Nuba Mountains (NM) and Southern Blue Nile (SBN, also frequently referred to as the Ingessena Hills, after the largest ethnic group in the region), much follows from the above discussion of Abyei:

1. Sudan Government: It is not prepared to consider any arrangements for NM/SBN related to South Sudan.
2. SPLM: It regards the NM/SBN as part and parcel of the Southern Confederal Entity.
3. USAP: Does not consider NM/SBN as part of the South at all, but expresses its solidarity with the peoples of these areas and backs their demands for a favourable settlement.

The NDA has a position mid-way between the Sudan Government and SPLM positions. The Asmara Declaration reads:

- A vii. Resolves that with respect to the Nuba Mountains and Ingessena Hills a political solution to redress the injustices suffered by the people of these areas shall be sought by the interim government and that a referendum to ascertain their views on their political and administrative future shall be organised and carried out within the interim period.

As with the case of Abyei, this was the maximum compromise that the Umma Party was prepared to concede to the SPLM. This leaves undecided what options the NM/SBN people will have before them in the proposed referendum. Will it be statehood within a federal system, or administrative autonomy, or another solution?

It is important to note that the Nuba communities felt themselves poorly represented in the discussions leading up to the Asmara Declaration. The Sudan National Party, which is Nuba-

led, is a member of the NDA but did not articulate a strong position. The Nuba leadership within the SPLM was not well represented in the negotiations and conference. The lack of detail in the Asmara provisions reflects this weakness and is a shortcoming of the Asmara Agreement, especially when compared with, for example, the provision for Abyei.

The options on the table, and their attractiveness to the people of NM/SBN, depend crucially on the nature of the central government established in Khartoum. The assumption behind this provision in the Asmara Declaration is that there would be a government based on political inclusion, separation of religion from the state, respect for human rights, etc., which would make the limited political authority granted to the NM/SBN regions acceptable to the inhabitants. On the other hand, if the central government were to have a programme including (for example) Islamic law, the NM/SBN people would undoubtedly demand stronger powers.

Note that none of the above proposals directly address the question of the nature of an interim administrative authority in NM/SBN. This issue is left to be subsumed within the wider question of the interim governments in Khartoum or the Southern entity.

Position of Nuba and Southern Blue Nile Communities

During 1998 and 1999, Nuba community leaders—including, at that time, senior Nuba within the ranks of the SPLM—adopted a clear position on interim arrangements for the Nuba Mountains and Southern Blue Nile. This position is currently in the process of elaboration, and the document reproduced in part below is a draft still under discussion by a range of Nuba community leaders in the Nuba Mountains and the diaspora. The relevant section reproduced here is the ‘Basic Principles’ section in its entirety:

Basic Principles

1. South Kordofan refers to South Kordofan State as currently constituted. It shall be an independent unit of administration during the interim period.
2. The aim of this proposal is to ensure an effective peace between the existing belligerent parties, namely the Sudan People’s Armed Forces and Sudan People’s Liberation Army (Nuba Forces in South Kordofan), in order to ensure an equitable and lasting settlement for the people of South Kordofan.
3. South Kordofan shall be administered separately from both North and South Sudan during the interim period.
4. The Interim Government shall be broad-based including SPLM (Nuba Forces), Sudan National Party, Nuba Mountains Union, other parties in the NDA, South Kordofan Civil Society, representatives from 5 Nuba main districts, representatives from minority groups (Baggara tribes and Fallata, Jellaba) and a representative of GoS.

5. The powers of the Interim Administration shall ensure effective political and economic autonomy.
6. Financial Sources shall come from :
 - a. National Resources (Central Government)-equitable distribution of resources, Government Taxation, Revenue and Royalties.
 - b. International Peace Funding (relief, rehabilitation and settlement programmes).
7. The arrangement shall be subject to international monitoring and guarantee.

The document then proceeds to propose an interim government for South Kordofan, consisting of an Interim Legislative Assembly, Interim Executive Council and Interim Judiciary. The powers of each are envisaged as comparable to the powers of the interim administration in Southern Sudan. The representation proposed for the interim legislative assembly is fairly broad:

- (i) Interim Legislative Assembly
The Interim Council shall consist of 40 members, drawn from the following:
 - (a) Government of Sudan
 - (b) SPLM Nuba Mountains Division
 - (c) Sudan National Party
 - (d) Nuba Mountains General Union
 - (e) South Kordofan civil societies and professionals
 - (f) Representatives from 5 main districts in South Kordofan (community leaders)
 - (g) Representatives from Baggara tribes (from Hawazma and Mesiyria)
 - (h) A representative from Fallata community

The duration of the Interim Government is proposed as four years. The Interim Authority will be dissolved when the people of South Kordofan have voted on their future status and a democratic system of government has been established in Sudan.

One of the motivations for the proposal is to ensure that the Nuba are not treated as second-rate in any peace deal. The document therefore proposes:

The relationship between the Government of Sudan (Supreme Authority) and the South Kordofan Interim Government shall be identical to the relationship between the GoS and the Southern Sudan Interim Administration.

A representative of the South Kordofan Interim Government will be a member of the Supreme Authority of Sudan Federal Government during the interim period.

Concerning the position of Southern Blue Nile, fewer detailed proposals have been developed. In 1999, some community leaders aligned with the SPLM in Southern Blue Nile

adopted an outline position similar to the above, jointly with the Nuba. However, this position has not been elaborated to the same extent. This is related to the greater political divisions between different sections of the community, some of whom are aligned with the SPLM, some with the Sudan Alliance Forces, and some with the Government of Sudan.

Commentary

Determining the modalities of the interim arrangements will be one of the most complex and delicate tasks confronting the parties to the negotiation including the mediators.

The Sudan Government positions forwarded since the Khartoum Agreement of 1997 are some way short of providing the required guarantees to enable Southern Sudanese to participate in an interim authority with confidence that it will truly lead to an exercise of the right of self-determination. Unfortunately, the Sudan Government has to try extra hard because of the long record of agreements dishonoured. Any proposals it forwards will be treated with scepticism by Southerners, who will look for strong guarantees that any promises will actually be delivered. In particular they will demand strong security guarantees backed by their own armed forces, and international engagement in monitoring the process.

The SPLM's 'Confederation' proposal, most recently formulated in the April 2000 'Legal Framework' document is not in reality a proposal for interim arrangements at all. It is a proposal for a separate, sovereign Southern State, linked by the loosest of confederal ties to Northern Sudan. The institutions provided for the 'unity' of Sudan are no stronger than, for example, the common institutions of the East African Community or the Economic Community of West African States. One of the remarkable aspects of this proposal is that it was not prepared in consultation with other parties to the NDA, SPLM commitments made at successive NDA meetings notwithstanding.

The NDA (including USAP, one of its member parties) have developed proposals that are undoubtedly more realistic and more reflective of the real possibilities for workable compromise in Sudan. Unlike the Sudan Government and SPLM positions presented to IGAD—which are starting positions for negotiation—the NDA's Asmara Agreement reflects the outcome of a long process of negotiation between political parties that represent diverse constituencies and which, in some cases, were former adversaries on the battlefield. Similarly, the positions on the Nuba and Southern Blue Nile developed by the Nuba community themselves is closer to a compromise or consensus position than the positions forwarded by the belligerent parties.

The clear implication of the above is that the creation of an inclusive peace forum, that includes the Libyan and Egyptian initiative alongside IGAD, and brings in the NDA, will stand a greater chance of success. A single inclusive peace forum will represent substantive progress on resolving the material issues of dispute as well as an improved procedure for negotiating a solution.

Sudan Peace Secretariat Advisory

Briefing Paper 4

WEALTH SHARING AND RECONSTRUCTION

This briefing paper is concerned with some of the issues surrounding wealth-sharing and economic reconstruction following a peace agreement. The Sudan Government and SPLM have each expressed their preferences on these issues, and the NDA has developed formulae for responding to some. However, it is an area that is under-examined, that needs much additional careful research and analysis.

This paper examines the economic background to the Sudanese crisis and war, and the essential requirements for economic rehabilitation, wealth-sharing and reconstruction. Two sections examine, respectively, the national economic crisis and inequalities. Subsequent sections look at the implications of different political frameworks (federalism, confederalism, unity etc), the positions adopted by the parties to the conflict, and implications for negotiating a peace agreement.

All sides recognise the importance of economic rehabilitation and reconstruction, for the entire country and for the Southern entity in particular. Some important ideas have been broached, including analysing possible sources of income to the Southern interim administration, and investigating how it can be allocated. In the last two years, the idea of a Trust Fund for rehabilitation and reconstruction has become widely accepted. There is less agreement on how the Trust Fund should actually be administered. However, these analyses have yet to be adequately integrated into an overall analysis of the state of the Sudanese economy and the economic measures that will be necessary to provide for fundamental economic rehabilitation.

Background to the Problem: I Sudan's Economic Crisis

A central contention of this paper is that any agreement on wealth sharing and economic rehabilitation in a peaceful Sudan can only be implemented in the context of an overall macro-economic plan for resolving Sudan's economic crisis. This section examines some of the main components of Sudan's macro-economic crisis.

Debt

Currently Sudan's international debt stands at about \$20bn. The Government pays approximately \$50m per year—equivalent to less than 5% of the interest payments owing—as a symbolic gesture of goodwill. There is no realistic prospect of Sudan being able to service the debt (which would require annual interest payments of about \$1bn at least) let alone repay the principal. Even the oil revenues, estimated at \$300-\$400m cannot provide for this.

The Sudan Government has been making some progress in its protracted negotiations with the IMF. This progress should be welcomed by the opposition because without it, there is no prospect for beginning to unlock the necessary resources to address Sudan's macroeconomic crisis in the future.

Balance of Payments

Trade and current account imbalances are in deficit in excess of £1bn as of 1998. Since then the situation has improved because of oil and there are possibilities of achieving near balance in the short term. Sudan's balance of payments also represents a mystery: how the country is able to survive with such massive imbalances. The solution lies in the very large level of hard currency remittances by Sudanese expatriates in the Arab world, whose repatriated money is by far the largest external financial contribution to the Sudanese economy (probably in the range of \$2bn).

Sudan has massively exported capital in recent decades. Sudanese entrepreneurs have massive investments outside the country, especially in Egypt and the Gulf. If Sudan is able to attract investment from Sudanese entrepreneurs, both inside the country and abroad, this can make a major contribution to resolving the country's macro-economic imbalances.

Government Budget

The Sudan Government has been running a massive year-on-year deficit. Payment of interest arrears is the most substantial part of the Sudan Government's budget. In practice, the Sudan Government succeeds in (almost) balancing its books by simply not paying interest, and accumulating more arrears. Capital expenditure has been almost eliminated from the budget. This has long-term implications for Sudan's infrastructure. Even with the above stratagems, the Sudan Government is still running a year-on-year deficit. Revenues from oil production (which do not figure in the table above) will ease the Government's crisis but not solve it.

The government's revenue base is highly centralised, dependent on import and export taxes, the oil industry, and sale of government enterprises.

The fiscal crisis of the central government in Khartoum is relatively smaller than the near-collapse of state budgets. Each one of the 26 state governments (with the partial exception of Khartoum State) is bankrupt in all but name. Local sources of revenue are grossly inadequate and all depend on grants-in-aid from central government, which rarely provides.

Aid Flows

There has been a catastrophic collapse in external financial flows to Sudan in the last fifteen years. The following OECD figures indicate the scale of this decline.

| Year | 1983-7 | 1993 | 1994 | 1995 | 1996 | 1997 |
|---------------------|--------|-------|-------|-------|-------|-------|
| Official Devt Assis | 997.7 | 492.8 | 401.5 | 282.1 | 213.6 | 136.5 |

I.e., official development assistance to Sudan from all sources was, by 1997, running at less than 15% of its level in the mid-1980s.

These figures in fact understate the extent of the decline. While a majority of the aid in the mid-1980s was handled by the Ministry of Finance, a substantial proportion of the aid in the 1990s has been to humanitarian programmes in the South including OLS, which do not bring any financial benefits to the government. By 1997, budgetary aid to the government was a mere \$19.1m, the majority of which was in-kind (WFP food aid).

In the event of a peace agreement, aid flows will certainly increase. However, it is unlikely that they will increase rapidly enough to return to the situation as it existed in the early 1990s, let alone the mid-1980s. Any agreement on resource sharing between the Sudan Government and opposition will be implemented in the context of a dire shortage of international financial flows.

Oil

Revenues of \$300-\$400bn to the government plus the benefits of cutting the import bill substantially. Oil is also a magnet for capital flows, and its indirect benefits in terms of attracting investment may be greater than its actual direct economic impact. On the other hand, oil revenues tend to encourage governments to spend irresponsibly. Also they can have a negative impact on the wider economy by overvaluing the exchange rate and distorting investment flows. (Note the collapse of Nigeria's agricultural exports since the oil boom.) Oil is a mixed blessing and cannot on its own resolve Sudan's macroeconomic crisis.

The Cost of the War

There are no reliable figures for defence expenditure. The last broadly reliable figures for defence spending are for the 1988/9 financial year, when the budget was \$570m, of which an estimated \$460m was met.¹ The military government presided over a major increase in military expenditure in 1989/90 and it is unlikely that expenditures have decreased subsequently. A rough

¹ Source: International Institute for Strategic Studies.

figure of \$1 bn is often cited as the cost of the war—more than 50% of all government expenditure. Sources of finance for this include aid in cash and kind from supportive governments. Much of the Government's war effort is supported by loans and gifts from friendly countries, which do not appear in official statistics, while the terms of any loans are not known. It is possible that the Sudan Government has been running up new debts which are not recorded, or mortgaging oil revenues, for the war effort.

The end of the war will see a reduction in defence spending. But it would be unwise to count on any substantial peace dividend, for the following reasons:

1. A peace agreement will bring substantial numbers of unpaid guerrilla fighters currently in the opposition forces onto the government's payroll, at least for a short period.
2. Disarmament, demobilisation and the reintegration of former combatants will be an expensive business.
3. Military aid in cash and kind that supports the current levels of military spending are unlikely to be translated into direct financial or development aid.
4. The macro-economic imbalances of the Sudanese economy are so adverse and so huge that any dividend will disappear into urgent demands for unpaid salaries, debt repayments, rehabilitation of capital infrastructure, etc.

Defence spending is of course a substantial understatement of the total cost of the war. In addition to the amounts spent on armaments and maintaining the armed forces, the total cost of the war must include the following factors, among others:

1. The monetary value that can be placed on the lives lost. Although human beings are priceless, it is possible to estimate the monetary value of the goods and services that an individual may produce during his or her lifetime.
2. The ongoing cost of supporting war disabled, widows and orphans, and the value of the lost income that these people forego.
3. The value of the assets destroyed by fighting, aerial bombardment, and the scorched earth and relocation policies of combatants.
4. The value of land rendered useless by planting land mines and the presence of unexploded ordnance, and the cost of clearing this land.
5. The capital flight provoked by the war and resulting lack of confidence in the Sudanese economy.
6. The opportunity cost of all the development and other productive activities foregone on account of the war.

'Peace through Development'

Recently the SPLM leadership has adopted what it calls a ‘three track’ approach to peace. Tracks one and two are IGAD and the NDA. Track three, that concerns us here, is ‘peace through development.’ The strategy is essentially that the SPLA-controlled areas can achieve economic development even while the war continues, and the ‘New Sudan’ can thereby become an economically and politically viable entity, even without a peace agreement with Khartoum. To this end, the SPLM has set up an Economic Commission, and has sponsored a variety of rehabilitation and development activities. During 1999 these marked some successes. For example, the New Sudan exported 10 metric tonnes of honey and 4,000 head of cattle. There are also opportunities for cereal and cotton production in Western Equatoria, principally for the internal market. In the longer term, the SPLM is envisaging a banking system for New Sudan with its own currency.

This approach has precedents. For example, the Republic of Somaliland, while unrecognised by the world as a sovereign entity, has established its own government and is pursuing its own independent economic policies, including its own currency. The economy of Somaliland is relatively prosperous, attracting investment from the Somali diaspora and exporting livestock to the Arabian peninsular. Another, less attractive example is UNITA-controlled areas of Angola, which achieved a high degree of financial and economic autonomy through the export of diamonds.

The resources currently mobilised through the ‘peace through development’ strategy are extremely small in comparison to the overall macro-economic requirements of Sudan. While they can contribute to the economic wellbeing of people in the productive areas, and assist some entrepreneurs gain modest wealth, they cannot make an impact on Sudan’s debt, balance of payments problems, or fiscal deficit.

In the long term, ‘peace through development’ makes sense as an economic strategy only if the following conditions are met:

1. The New Sudan is a geographical entity, rather than a political conception applying to the entire country of Sudan.
2. The SPLM has control of all the territories of New Sudan and its airspace (to prevent aerial bombardment).
3. The New Sudan is a sovereign territory.
4. The New Sudan does not inherit any debt from Sudan.

In summary, the idea of achieving peace through development appears to be a reversal of the reality: development will be achieved through peace. However, ‘peace through development’ can help assist with some small-scale rural development initiatives in Southern Sudan. It can help orient the SPLM and SRRA towards rehabilitation and development, it can bring local benefits and provide some protection against famine, and it can boost the morale of local people.

Implications

The figures presented above have important and sobering implications for any strategy to deal with wealth sharing and economic rehabilitation.

1. We are concerned as much with ‘burden sharing’ or ‘poverty sharing’ as with ‘wealth sharing.’ All organs of the Sudan Government will be required to face very difficult and onerous decisions that imply the surrender of decision-making to international donors and creditors, the implementation of further austerity measures, etc. The honey pot is empty.
2. The essential programmes of humanitarian assistance, post-conflict rehabilitation, return and resettlement of refugees and IDPs, reintegration of former combatants, provision of essential services such as primary health and education, must in some way be insulated from the wider problems of the macro-economy. Any linkages between macro-economic solutions and essential post-conflict rehabilitation would make rehabilitation impossible.
3. ‘Peace through development’ is not an answer to Sudan’s economic problems.
4. The oil industry is not an answer to Sudan’s economic crisis. It can make an important contribution, but it can also bring distortions and other problems.
5. A long-term strategy for Sudan’s economic recovery must be a comprehensive one, aimed at attracting investment (from Sudanese entrepreneurs, Sudanese expatriates and foreign investors) while securing basic food security and economic rehabilitation for the country. Credibility with investors demands stability over an extended period.

Background to the Problem: II Economic Disparities

The enormous economic disparity between Khartoum and the regions underpins the political crisis in the country. While the North-South disparity achieved particular political salience because of its role in the Addis Ababa peace agreement and the subsequent collapse of that agreement, other regions have also suffered. Given the prevalence of armed discontent in the regions, any strategy for economic recovery must be based on a more equitable distribution of resources.

This situation places a post-agreement Sudan Government in a delicate position. The economic dictat of a globalised economy and the requirements of investors imply an open free market economy. However, under free market conditions, investment follows past investment, which will mean that the great majority will be focussed on Khartoum, major northern cities, and the oil industry. To the extent that investment is attracted to rural areas, it will be enticed by the opportunity of good agricultural land on easy terms, cheap livestock etc.—i.e. the conditions for unscrupulous land-grabbing and hyper-exploitation of populations that are already very vulnerable. This kind of economic strategy would only accentuate existing regional and class disparities in wealth, and in turn heighten political tensions. But the radical alternative, of closing

Sudan off from investment until there is a domestic 'level playing field', runs the risk of postponing any substantial resource inflows indefinitely. Hence, an economic rehabilitation strategy must pay equal attention to the macro-economic imperative of attracting investment, and the political imperative of addressing poverty and inequality. In the long term, this should provide political stability, which in turn is a prerequisite for economic performance. Wealth distribution and wealth creation are equally important components.

The Extent of Economic Disparities

It is impossible to accurately measure income inequality in Sudan. However there are reasons to believe that it has one of the most unequal income distributions in the world. This is illustrated by Khartoum: opulent suburbs such as Riyadh contrasted with huge shanty towns inhabited by some of the poorest people on the African continent. Historically, studies of the capitalist class of Sudan indicates a high level of internal capital flight. At the time when it was possible to become wealthy by investment in agriculture in the regions (1960s and 1970s), most of the entrepreneurs who did so invested their returns in Khartoum and the major cities, rather than ploughing back their profits into the regions. Manufacturing is almost entirely concentrated in these urban centres. The migration of people followed this capital movement: hence the huge number of migrants and IDPs around Khartoum and other major cities.

Subsequently, there was major capital flight from Sudan to the Arab world, Europe and North America.

Access to hard currency marks off the relatively prosperous in Sudan from the rest. The minority of people who have relatives working in well-paid jobs in the Arab countries, or who are businessmen with import/export enterprises, are cushioned against the wider collapse of the Sudanese economy. This group is concentrated in Khartoum and major northern cities. Without these links, the urban economy and the entire economy of the Northern Region (along the Nile from Khartoum to Wadi Halfa) would have collapsed completely.

Estimates from the late 1980s concluded that approximately 45% of Sudan's entire gross domestic income was concentrated in Khartoum, and about 70% in Khartoum, Gezira, Port Sudan and a handful of other locations in the North. The entire South had an income of less than 10% of the national total and perhaps as little as 5%.

Urban Poverty and Class Disparities

Because regional economic inequality in Sudan is so pronounced it is easy to overlook class inequality and urban poverty. The concentration of income in Khartoum, Gezira, Port Sudan, Gedaref and a few other locations is in fact the concentration of income among a relatively small group of businessmen. Salaries in the professions and government service are now so low that any professional who seeks to earn a decent income needs to have a second job in the

commercial sector, either as an entrepreneur or an advisor to a wealthy businessman. Army officers too often engage in commercial activities, and the economic incentives of operating in the war zones—where no regulation of trade exists—are one of the perks of serving in the armed forces.

In the major cities, the greatest concentrations of the wealthy business class are to be found. But in all regions of Sudan, including the war zones, wealth is concentrated in relatively few hands. This obliges us to look at the economic processes of wealth accumulation, and what steps need to be taken to ensure that these are more equitable and sustainable in a post-settlement era.

The same observations lead us to acknowledge the extent of urban poverty. A large proportion of the poorest in Sudan live in urban areas or in squatter settlements and displaced camps around major cities. Many of these people migrated from rural areas on account of war, drought, or poverty; others are impoverished long-term urban dwellers. Experience from around the world indicates that many, perhaps most, of the displaced and migrants will not return to the rural areas, even if there is peace and some rural development. The demographic shifts that have accompanied the war and famines will change Sudan's population structure for good.

Post-war programmes for reconstruction and poverty alleviation must therefore include components aimed at the urban poor.

Economic Reasons for the Collapse of Former Agreements

The tendency of successive central governments to fail to honour the economic and financial components of agreements over Southern Sudan is one of the fundamental reasons for the collapse of previous peace agreements. The economic dependence of the Southern administration and political class on resources provided from Khartoum has fatally undermined such agreements. It has simply been much too easy for Khartoum to manipulate Southerners and abrogate agreements.

Some of the economic reasons for the failure of the Addis Ababa Agreement include the following:

1. Southern Sudan never established an internal revenue base. The Regional Government in Juba was virtually bankrupt throughout the peace period.
2. Southern Sudan relied on grants in aid from Khartoum, which were never provided at more than a fraction of what had been agreed. Most of the Regional Government staff decamped from their offices in the South to the Khartoum Liaison Offices in order to lobby for basic funds including their salaries.
3. The collapse of regional service delivery left development projects and social services, to the extent they existed, in the hands of NGOs. The legitimacy of the Southern Regional Government was thereby undermined.

4. Decision-making over major economic projects in the South remained in Khartoum. This was notably the case for the controversial Jonglei Canal.
5. The discovery of oil in Southern Sudan led the Khartoum government to redraw the internal north-south boundary to include the oilfields within the North, and to revise the Addis Ababa Agreement to provide for oil revenues to go directly to Khartoum.
6. The Sudan Government borrowed approximately US\$ 8 billion between 1972 and 1980. The majority of this was not used for development but for creating a huge patrimonial machine that enabled President Nimeiri to bribe political leaders from all parts of the country including the South.

If we examine the implementation of the 1997 Khartoum Agreement, we see similar processes at work. The budgets for the Southern states have not been provided. The Southern leaders spend their time in Khartoum, much of it lobbying for basic financial support. What services exist are provided by NGOs (especially Islamic NGOs aligned with the government). Decision making and control over major projects such as farms in Renk and oil in Bentiu remains with the Federal Government. The major differences are:

1. Today the Sudan Government has a huge foreign debt and cannot borrow and spend on the lavish scale that Nimeri was able to in the 1970s.
2. The realisation of the oil industry in the South has created a greater immediate incentive for Khartoum to retain de facto financial control over the South.

Implications for North-South Agreements

The above analysis points to the pivotal importance of economic factors in the viability of any future peace agreement on Southern Sudan. These factors must be included in the negotiation of any final agreement. In short, analysis of resource allocation issues is as much a political issue as an economic one. It follows that basic principles need to be laid down at a political level as a framework for addressing the economic crisis.

The key point is not the level of resources required, though that is important, but to ensure the financial autonomy of the Southern interim administration from Khartoum.

Southern Sudanese should be aware that several new external factors are working in their favour, compared to previous agreements. These include:

1. The Khartoum government is in debt and cannot borrow and spend lavishly as Nimeiri did. (Though oil revenues promise to increase liquidity.)
2. Large state-run development programmes are no longer fashionable with donors.
3. Western donors indulged Nimeiri from Cold-War considerations that are no longer valid.

4. Most international NGOs and UN agencies working in the South operate from Kenya and Uganda and are likely to continue to use these countries as their rear bases after a peace deal. They will be reluctant to surrender any autonomy to Khartoum.
5. The World Bank and most western donors are increasingly sensitive to the special demands for rehabilitation in post-conflict transitions and have both positive experiences (e.g. Ethiopia 1991-5) and negative ones (e.g. D.R. Congo) from which lessons can be learned.

Implications for North-North Agreements

Regional disparities within the North are highly significant, though less politically visible than North-South differences. The Eastern State (Beja Hills) and Darfur are particularly neglected, though each of the regions—the different parts of Kordofan, Southern Blue Nile and the Northern Region—has also suffered from neglect. Several of these regions are in a state of armed insurrection. However, none of them has oil (except some parts of Southern Kordofan). Regional consciousness is rising and there is no doubt that in any democratic system, each region will strongly press for its interests.

North-North disparities need to be taken seriously and addressed in the context of any peace agreement. This is not merely for reasons of justice and equity, but also because armed insurrection in the Nuba Mountains, Southern Blue Nile, Eastern Sudan or Darfur would threaten the political stability of the government and the viability of any peace agreement.

Nature of the State

Wealth sharing agreements can only be agreed and implemented in the context of wider political agreements about the constitutional arrangements for Sudan in the future. While all parties agree that Sudan should be governed in a decentralised manner, there is much disagreement about the details of this, and also much discrepancy between theory and practice.

The principal options put forward by the parties include the following:

1. The current federal system of the Sudan Government, which devolves much power to the states in theory but remains centralised in practice.
2. The SPLM proposal of two confederal entities, independent and sovereign in all but name. (This proposal has been forwarded as an interim proposal, but is written in such a manner that it can equally be a long-term constitutional arrangement).
3. The NDA proposal for an interim North-South federation with additional formulae for devolution of power to the regions.
4. The proposal of the Sudan Federal Democratic Alliance for a federal system with more genuine devolution of power than in the current Sudan Government arrangement.

The parties tend towards agreeing both that there needs to be a bipolar solution (North-South) and a multipolar solution (federalism, either within the North or within both North and South). However, whatever energies are devoted to developing the appropriate constitutional formulae, the key to a viable system of decentralisation is resource allocation.

Equitable resource allocation is a responsibility that will fall to aid donors and private investors as well as the government. The tendencies of both are towards dealing with as few government institutions as possible for the sake of simplicity. This inevitably tends towards the creation of a unipolar state, with more centralised authority. For this reason, it is relatively easy for centralists to make commitments to political decentralisation in bad faith, knowing that centralised resource control will make any decentralisation ineffective.

The following two sections examine the proposals of the parties for wealth sharing and post-conflict reconstruction. At present the proposals do not go beyond the constitutional and administrative frameworks for dealing with these issues. A following stage will have to focus on the substantive measures necessary for making these into a reality. In many ways, the parties' proposals are about how to spend money: these need to be augmented with a strategy for actually raising the resources required.

Wealth Sharing

Sudan Government Position

The Sudan Government has agreed, in principle, to the idea that wealth should be equitably distributed throughout Sudan. The federal system is a recognition of this. However, there are serious questions about how seriously committed the Government is to putting this principle into practice. The experience of the last ten years, and especially the three years since the signing of the Khartoum Agreement, have left many legitimate doubts about whether paper commitments will actually be translated into practice. However, the Government's stated commitment to these principles is an important step in building a national consensus that a peace agreement must be followed by a systematic attempt to create a fairer sharing of national wealth.

A range of documents indicates the Government's position on the following issues:

1. Revenue allocation from oil and mineral extraction. Under the Khartoum Agreement, revenues accrue to the Central Government which then allocates a certain share to State Governments.
2. Who is to be responsible for registration of international agencies. The Sudan Government has not stated its position on this clearly. The Khartoum Agreement and April 2000 submission to IGAD places 'missionary and charity affairs' as a state responsibility, and

‘cooperation’ as a concurrent responsibility for state and federal government. The Khartoum Agreement includes health care as a state power, and also ‘State economic planning and development in accordance with federal planning.’ However, under current practice as implemented since the signature of the Khartoum Agreement, the authority for allowing international agencies to operate resides in Khartoum.

3. Whether the Southern administration is entitled to directly approach bilateral and multilateral donors to solicit funds, and who is to be responsible for approval of internationally-funded development programmes. Again, the Sudan Government’s position is implicitly that such powers remain in Khartoum.
4. Negotiation modalities for the completion of the Jonglei Canal. The Government position is that Sudan must meet its international obligations under the 1959 Nile Waters Agreement.

In short, the Sudan Government position is that, other things being equal, authority resides in Khartoum.

SPLM and NDA Positions

The SPLM position is that, other things being equal, authority resides in the Southern Entity. However there are many unresolved issues in the SPLM position, including the fact that the SPLM is party to NDA agreements that have a different content to the SPLM positions forwarded to IGAD.

1. Revenue allocation from oil and mineral extraction. Under the NDA’s Asmara Agreement, the reverse process to that adopted by the Government occurs: the Southern State government receives oil revenues, some of which it then allocates to the centre. Under the SPLM’s proposals, the proportion to be allocated to the Central Government is both small and discretionary.
5. Who is to be responsible for registration of international agencies. The SPLM provides for the Southern administration to have this authority in its entirety, as it provides authority over international relations to the government of the Southern Confederal State.
6. Whether the Southern administration is entitled to directly approach bilateral and multilateral donors to solicit funds, and who is to be responsible for approval of internationally-funded development programmes. Again, the SPLM demands this authority for the Southern government. To some extent this question can be sidestepped by the creation of a special interim trust fund.
7. Negotiation modalities for the completion of the Jonglei Canal. The SPLM position does not specifically refer to the existing Nile Waters Agreement.
8. Any responsibility of the Southern entity for raising revenue for repayment of Sudan’s international debt. Some SPLM cadres have argued informally that the Southern Entity should have no responsibility for this debt.

Other Considerations

The parties' positions on wealth-sharing overlook some of the most important considerations that will arise in post-conflict Sudan. Among others, factors that will require attention include the following:

1. The linkages between the military and commerce. Currently, much commercial activity is in the hands of military officers and military-business partnerships. This is especially the case for the war zones and occurs on both sides of the lines. Dismantling these linkages, or at the very least making them transparent, will be an important task.
2. Land law. Sudan's land laws are complex and need simplification, codification, and reform to make them consistent with international norms and social justice. Currently there is much leeway for entrepreneurs with links to the government to acquire large tracts of land, sight unseen, that are occupied by traditional farmers who have cultivated the land for generations, at very low prices. This is a source of conflict and also leads to inefficient and environmentally destructive land use practices. Without land law reform there is a serious danger that peace will simply open up war-affected areas to large-scale land grabbing by wealthy and unscrupulous entrepreneurs.
3. Codes of conduct for investors. This should cover labour relations, environmental concerns and financial transparency (measures against corruption). It is particularly relevant for the oil industry but may should be required for other investments including in agriculture.

A Rehabilitation and Recovery Trust Fund

Both the Sudan Government and the SPLM concur that international donors including both bilateral and multilateral agencies should jointly set up a trust fund to assist in the recovery from war. After this, their objectives diverge.

The parties' proposals for a Trust Fund replicate their overall approaches to the division of power between the Central Government and the interim administration of the South. The Sudan Government would like a Trust Fund to be administered by a board drawn from representatives of both the Central Government and the Southern interim administration. The SPLM proposal is for a Trust Fund wholly independent of the Central Government.

Government Position

The Sudan Government has characterised the fund as a ‘Development and Reconstruction Fund.’ It proposes a five year mandate (subject to renewal). The brief description it provides in its statement presented to IGAD in April 2000 outlines a series of national goals, which apply equally to Southern Sudan and the whole country:

1. Participation in repatriation, resettlement and rehabilitation of refugees and the internally displaced persons.
2. Achievements of a reasonable level of development that leads to self-reliance, self-sufficiency with special emphasis on food security, health and education.
3. Rehabilitation of development projects hindered by the war.
4. Contribution to the development of infrastructure projects and reconstruction of affected areas.
5. Rendering special services to the disabled, widows, orphans and demobilized soldiers.
6. Any other objectives agreed upon by the parties concerned.

The Government proposes a Board of Directors drawn from the Federal Government, specialised government agencies and Southern States government. It proposes income from federal revenues and from foreign aid and grants designated to the Southern States.

This outline leaves it open that the Development and Reconstruction Fund could:

1. Be largely controlled by the Federal Government.
2. Spend a significant proportion of its resources outside Southern Sudan.

SPLM Position

The SPLM position is laid out in its ‘Legal Framework’ document of April 2000:

- 1.10. There shall be established for the purposes of resettlement, reconstruction and rehabilitation in the Southern State, which is affected by war, a Special Fund, the sources of which shall be:
 - 1.10.1. Contributions from the Central Treasury of the Confederation
 - 1.10.2. Donations from foreign governments and organisations.
 - 1.10.3. Donations from citizens of the confederation.
 - 1.10.4. Any other.
- 1.11. The Special Fund, referred to in 1.10, shall be administered by a Special Commission to be set up by the Government of the Southern Confederal State.

In common with other SPLM positions, the authority over this Special Fund rest entirely with the Southern Confederal State.

The NDA has yet to state a position on this issue. However, there is clearly scope for a compromise proposal to deal with the legitimate concerns of all parties on this issue.

Return and Resettlement of Refugees and IDPs

Sudan has the highest proportion of displaced people of any country in the world. Millions of Sudanese citizens have been forcibly uprooted by war, famine and poverty in the last two decades. Post-war migration, some of it organised by the authorities and much of it on individual initiative, will be a major feature of Sudan.

In any post-war scenario, it is expected that there will be substantial population movements. Chiefly, it is expected that these will be the return of refugees from neighbouring countries and IDPs from Northern Sudan back to their homes in formerly war-affected areas. Among some political leaders there is an expectation that peace will automatically solve the problem of refugees and IDPs, when people return 'back' to their homes and spontaneously integrate 'back' into their former lives. In reality the situation is likely to be more complicated, for a number of reasons:

1. Many refugees and IDPs have been displaced for a decade or more and have lost close links with their home areas. They may have lost language and other skills and social networks required in order to integrate into their 'home' communities and gain a livelihood. This is especially true of the younger generation.
2. Many refugees and IDPs have often acquired skills or filled economic niches appropriate to their host communities, and will prefer to stay where they are.
3. Some refugees and IDPs who return may find themselves unwelcome, or find it difficult to fit in, and hence go back to Northern Sudan or East Africa or elsewhere.
4. The war has witnessed major population movements within the war-affected areas. Some towns have become deserted; new population centres have grown up; ethnic groups have been displaced to new areas. Huge legal questions about land ownership and residence rights will arise.
5. Refugees and IDPs will return with very different cultural and educational experiences and outlooks. For example, most of those who have been IDPs in Northern Sudan or refugees in the Arab world will have been schooled in Arabic with a Middle East-oriented curriculum; most of those who have been in East Africa will have been schooled in English with an African-oriented curriculum.
6. The end of the war will see many different types of migration in addition to organised repatriation to former homes. People from war zones will set off to find lost relatives, refugees, IDPs and exiles will return home for short visits to find relatives and pay their respects to those who have died, some who were trapped in the war zones by the conflict may even decide now is the time to leave and search for a better life in Khartoum or outside the country.

Migration has political implications as well as resource implications. The presence of several million IDPs in Northern Sudan will have an important impact on any elections there. If Sudan is to be divided into two confederal entities, the question of citizenship for Southerners in the North and Northerners in the South will be a crucial and sensitive issue. It will not be feasible or correct for people to be denied citizenship rights because they are in the 'wrong' entity, or to force people to 'return' to the 'right' entity.

There are international human rights standards governing the treatment of refugees and IDPs. These will become highly relevant in a post-war scenario, especially if Southern Sudan becomes an autonomous entity and exercises the right of self-determination. It is important that international donors and organisations study the likely problems in advance.

In summary, there is a need for the belligerent parties to play close attention to the migration and resettlement needs in post-war Sudan. This will certainly be a major component of the work a post-conflict rehabilitation trust fund.

The Need for Comprehensive Planning

Peace does not entail prosperity. A Sudan peace agreement may detail the arrangements for sharing resources and spending aid money: but if there are no resources to share and no aid money to spend then this is a rather futile exercise. This brings us to the conclusions of the first section of this paper: Sudan's macroeconomic crisis and the pressing need for a comprehensive programme to tackle these enormous problems that are so incommensurate with Sudan's ability to pay. Sudan can no longer borrow; its oil wealth will not be adequate to pay for what is needed; international donors are likely to be cautious.

All parties' proposals for wealth sharing and post conflict reconstruction should therefore be developed in the context of a comprehensive approach for tackling Sudan's macro-economic crisis. An first step in developing such a comprehensive approach is detailed knowledge of the dimensions of the crisis, including the state of negotiations with creditors, donors and investors (especially oil companies). Clearly, at present the only party with this knowledge is the Sudan Government. Moreover, the experience of the last decade of negotiation with the IMF and other international financial institutions provides the Government with a skill base well in excess of that readily available to the opposition. The SPLM and NDA are aware only of the broadest outlines of the macro-economic picture and are in the dark about relations between the Ministry of Finance and foreign donors, creditors and investors. There are many Sudanese economists and financial specialists aligned with the opposition including former ministers of finance, but they are not in a position to contribute their skills to the negotiation process. This means that:

1. The SPLM and NDA are not well-placed to develop any comprehensive proposals.

2. The Sudan Government is under no pressure to disclose information or to develop detailed comprehensive proposals, because it knows that its adversaries cannot make detailed critiques of them.

An important first step for mediators is therefore to help create a 'level playing field' for negotiations on economic and resource issues, by assisting the SPLM and NDA to understand the full economic picture and the likely policy options open to a future government.