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**“ISLAMISTS AND THE CONFLICT IN SOUTHERN
SUDAN: 1989-97”**

by

John Meropoulos

**A thesis submitted in fulfilment of the degree of
Master of Arts in Middle Eastern Studies**

Supervisor: Prof. Timothy Niblock

**Centre for Middle Eastern and Islamic Studies
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July 1998

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ABSTRACT

As the conflict in southern Sudan enters into its fifteenth year there are bound to be many studies that set out to examine the challenges, successes and failures of post-independence Sudan.

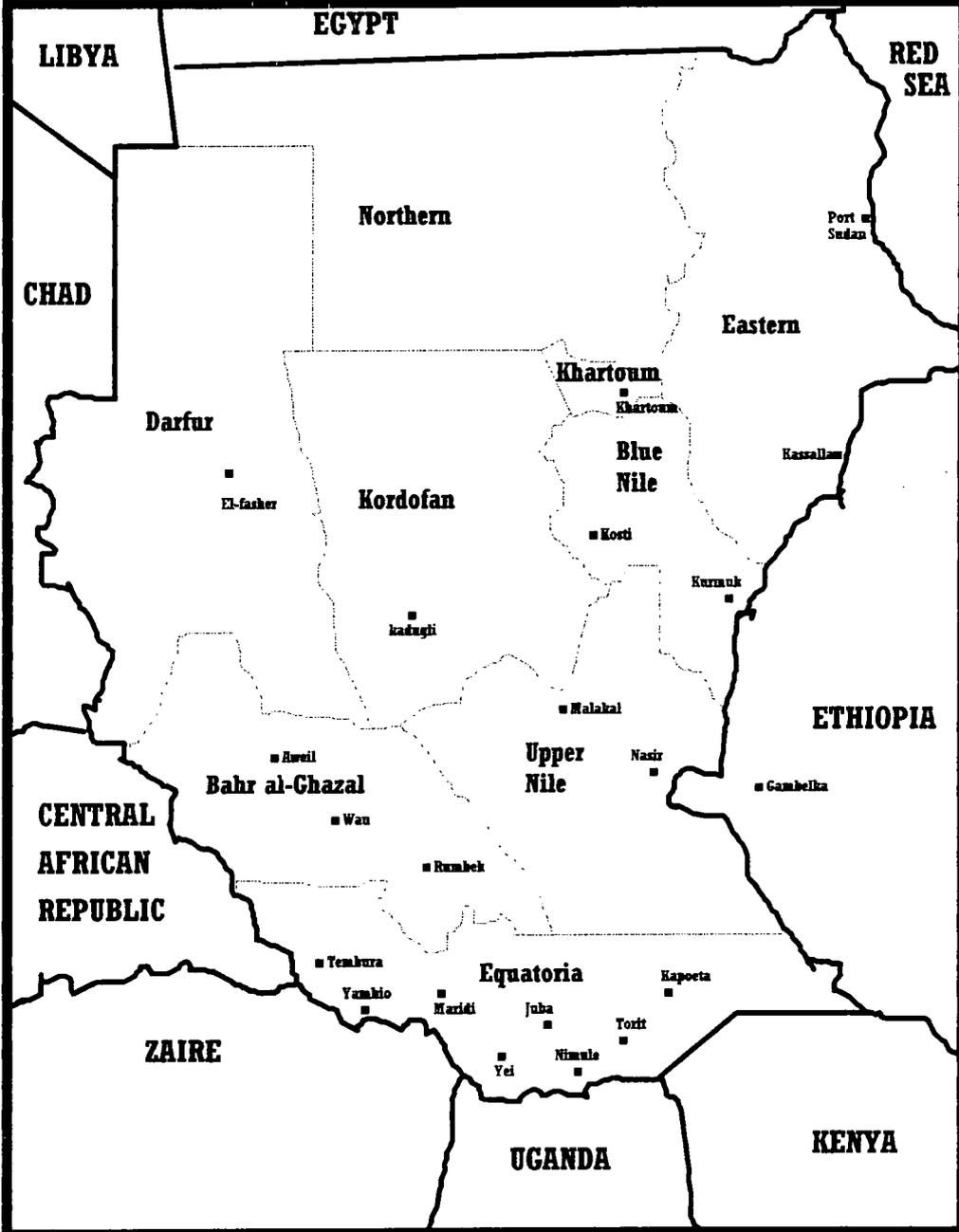
The purpose of this study is to analyse the developments made by the Islamist led government and the impact its policies have had on the southern Sudan from 1989-1997. This work seeks to analyse how the contemporary reality of being in power has affected the Islamists' ideological approach in dealing with the south.

The work begins with a chapter on the background of the conflict in the southern Sudan. Its focus is on the key developments that have occurred in the twentieth century, concentrating mostly on post-independence Sudan, and discussing the impact that successive governments have had on the conflict.

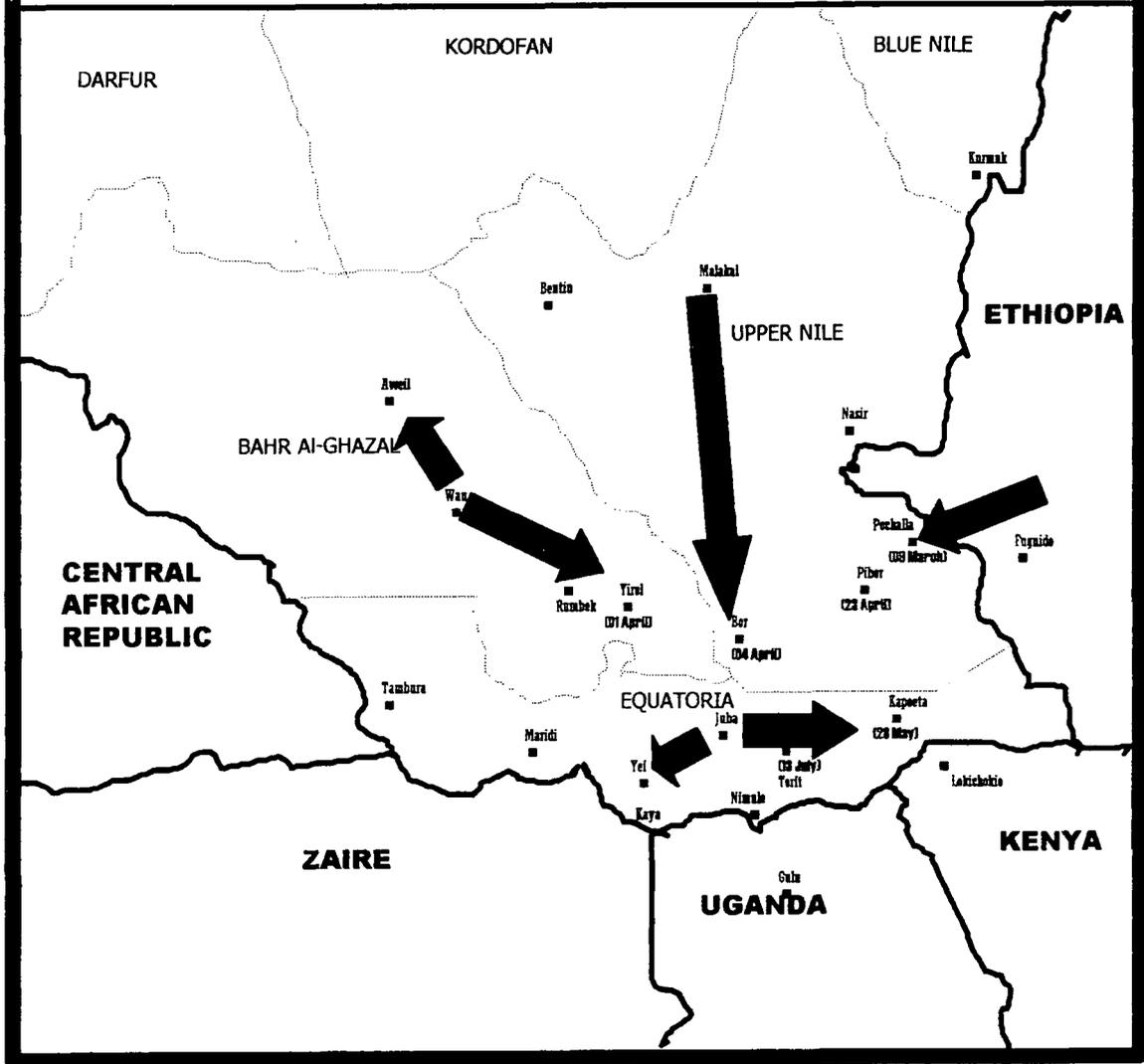
The study continues with an analysis of the key events and personalities in the history of the Islamic movement in Sudan. Its purpose is to provide a background into their motives and actions and to examine the role of Islam and politics in Sudan.

The remainder of the study concentrates on the period in question (1989-97) and the imprint that the Islamists have made on it. The period itself is divided into several time frames to illustrate the impact of their policies more clearly. Each chapter will include an investigation into the nature of the regime, ideological and political developments concerning the conflict, and finally a look at the "situation on the ground" in the south and the ramifications that government policies have had.

Sudan in 1956



1992 Government Dry Season Offensive



CHAPTER 1: BACKGROUND TO THE CONFLICT

Sitting on the crossroads of Africa and the Middle East, Sudan is the region's most diverse country in terms of geography, culture and history. While being the largest country in Africa, it also contains three distinct regions that have played a role in the way the country's culture and history have evolved. It encompasses both a desert range in the north and an arid semi-desert centre that have been inhabited by nomadic and semi-nomadic Arab, Nuba, Beja and Fur tribes. It is these peoples that have adopted Islam and mostly speak Arabic. They have developed political entities based along tribal lines and set up dynasties in the central region such as the Funj Sultanate in the sixteenth century AD.

In contrast to these areas, the south presents a different picture. Its terrain contains savannah plains and a tropical climate that is inhabited by distinctly African peoples of Nilotic, Sudanic and Nilo-Hamitic descent¹. These groups have for the most part, outside of Christian and Muslim proselytising during the late nineteenth and twentieth centuries, maintained their traditional cultures, religions and languages². For the purposes of this study the term "north/northerner" will be used to refer to the groups of peoples from the north and central Sudan. The term "south/southerner" will be used to refer to the peoples of Equatoria, Bahr al-Ghazal and Upper Nile provinces.

The stark divide in topography played a significant role in maintaining the isolation of the south from the north and in fact the rest of the world. Restrictions in terrain and climate, with its humidity, tropical diseases and overgrowth of vegetation, made the navigation and exploration of the south difficult and impractical.

This situation changed in 1820 AD, when Turko-Egyptian forces under the Viceroy of Egypt, Muhammad Ali, penetrated into Sudan seeking the source of the Nile River and slaves. The forces of Muhammad Ali succeeded in subduing the Funj Sultanate and bringing the northern Sudan into his realm, and his successors continued policies of establishing Turco-Egyptian rule. For the southern Sudan, while not formally brought under the political dominion of the Egyptian Viceroy, Turko-Egyptian rule heralded the

¹ Malwal, Bona, Personal interview, 6 Feb.1998.

² The tribes in the areas encompassing Equatoria, Bahr al-Ghazal and Upper Nile include the Dinka, Nuer, Annuak and Shilluk among others who have maintained their tribal languages and animist religions. European intrusion into their lives brought with it Christianity and the development of English as the *lingua franca* of the southern intelligentsia. In Sudan, Islam is the religion of the majority, while a significant minority (20%) retain their animist beliefs and a small minority are Christians (5%).

coming of the slave trade which southerners associated northern Sudanese notables with complying and profiting from.

The period of Turko-Egyptian dominance brought with it 60 years of foreign rule that ended, albeit temporarily, with the Mahdist Revolution of 1881. While some have seen the events of 1881 as a reaction to Turko-Egyptian injustices, others have seen it as a religious uprising given its opportunity by the political vacuum created by the British occupation of Egypt³. The revolt led by the *mahdi* ("expected one"), Muhammad Ahmad ibn Donqolawi, was an indigenous uprising against Turko-Egyptian rule. The *mahdi* claimed to be the renewer of Islam, calling for return to an order reminiscent of that of the Prophet. The *mahdi's* military campaigns throughout Kordofan, leading finally to the capture of Khartoum, were characterised by tribal coalitions that helped bring together the areas of Darfur, Kordofan, Donqala, Bahr al-Ghazal, and Suakin into the Mahdist state (1881-85). The years 1886-1898 were marked by the rule of the *khalifa* (successor) who brought about policies of centralising the state, known as the *mahdiyya*. He was able to maintain the integrity of the *mahdiyya* internally, yet was not able to meet the renewed threat from outside the Sudan this time in the form of Anglo-Egyptian imperialism.

For the psyche of southern Sudanese the age of the *mahdiyya* represented a continuation of a period of encroachment on their lives by foreigners. While much like Turko-Egyptian rule, in that there was no formal *mahdiyya* political structure in the areas of Upper Nile and Equatoria, the brief halt in the slave trade by the Egyptian Khedive Ismai'l was resumed under the *mahdiyya*.

ANGLO-EGYPTIAN CONDOMINIUM 1898-1953

The close of the nineteenth century brought with it the defeat of the *mahdiyya* at the hands of an Anglo-Egyptian force, resulting in what was to be effective Anglo-Egyptian rule of Sudan for the first half of the twentieth century.

The occupation of Sudan led to the formulation of a unique system of governance that was not to be found in any other British colony. The British and Egyptians were to rule Sudan as *co-domini* (jointly), and the country took on the epithet 'the Condominium'. The Agreement for the Administration of the Sudan signed by Britain and Egypt on 18 January 1899 was a treaty covering a wide area of administration involving a British

³ M.W. Daly and P.M. Holt, A History of the Sudan 4th ed. (New York: Longman, 1988) 86.

subject as the governor-general, who answered to the Foreign Office in London. The Egyptians on the other hand, were responsible for garrisoning the Sudan and providing loans for development schemes. Through this arrangement and the fact that the British ruled Egypt, it was clear the British were *de facto* in charge.

Condominium policy in the South was to have considerable significance for the development of north-south relations in post-independent Sudan. The South was treated separately from the North. From the beginning of expansion into remote areas of the south, the policy that was implemented was one of pacification and establishing order. The south was divided into three areas: Bahr al-Ghazal, Mongalla and Upper Nile provinces and the Condominium government established a policy towards the South known as Indirect Rule. This policy called for decentralisation of administration and bureaucracy right down to the tribal level. It called for a skeletal staff to function at the district and state levels, which included a British governor, but left the running of everyday affairs to the established traditional tribal structures, thereby saving money and scarce human resources. This policy led to the cementing of tribalism as a form of administration, contributing to the emergence of the dichotomy of the north as a “have” region in terms of resource allocation and infrastructure and the south as a “have not”⁴ region. For instance, while the north was receiving grants and loans for major infrastructure projects in the fields of education (i.e. setting up of Gordon Memorial College) and development (Gezira Cotton Scheme) the south received little. Under the Southern Policy the focus of economic development was in the north along with the seat of administration and power. The south was insulated from the north, disregarded economically, politically and socially.

This policy was to change due to pressures that were developing in the north with the emergence of Sudanese nationalism, as demonstrated by the Graduates General Congress Memorandum of 1942, which among other things challenged British policy in the south. The particular grievance that Sudanese nationalists had was the “Closed District Ordinances” which prohibited the movement of northerners to the south (i.e. for trade/commerce) without a permit. However, the British were by this point beginning to acknowledge that the day would come when the Sudanese would have to govern themselves, and in 1946 brought out a new southern policy whereby they set the course

⁴ Deng D. Akol Ruay, The Politics of the Two Sudans: The South and the North 1821-1969 (Uppsala: Nordiska Afrikainstitutet, 1994) 42.

for integrating the south with the north to prepare the road for self-government:

“The policy of the Sudan Government regarding Southern Sudan is to set upon the fact that the people of the Southern Sudan are distinctly African and Negroid but that geography and economics combine to render them inextricably bound for future development to the Middle Eastern and Arabized Northern Sudan, and therefore to ensure that they shall by educational and economic development, be equipped to stand up for themselves in the future...as equals ...of the Northern Sudan in the Sudan of the future.⁵”

This policy change led to the convening of the Sudan Administrative Conference of 1946 where British administrators and northern Sudanese discussed the future of the Sudan, both north and south, and drew up proposals to set up a legislative assembly. The conference and the proposals put forward concerning bringing the south into the new northern dominated Sudan, drew criticism among the British administrators in the south whose concerns were that the special interests of the south should be protected in the new Sudan. They also felt southern leaders should participate in conferences that were going to determine their future. This occurred at the Juba Administrative Conference of June 1947, which was held to address southern views and concerns in a future independent Sudan. The conference concluded that the south should participate in the legislative assembly, which would be formed for the entire Sudan, with safeguards to protect the interests of the south. Both the Juba and Sudan Administrative Conferences began the process of bringing the south into a northern dominated self governed Sudan.

Despite British attempts to prepare the south to be an equal partner with the north near the end of the condominium government, the effect of some 50 years of isolation from development had results that could not be reversed in a short time. With independence, the south was brought into a united Sudan with a northern region that possessed a comparatively higher standard of infrastructure, development and affluence than its southern counterpart. This dichotomy in development was key in fostering the feeling of superiority among the northern Arab elite along racial and religious lines towards their southern counterparts, thereby in itself creating a mood of resentment from southerners towards northerners.

⁵ Ruay 47.

SUDAN AND INDEPENDENCE 1956-85

It was not until after the Second World War and the Anglo-Egyptian Agreement of 1953⁶ that self-determination was realised. The article within the 1953 agreement on Sudanese self-determination called for eventual independence after a transitional three-year period of self-government under the auspices of a British governor-general who administered the self-government statute of the agreement. An electoral commission was set up with international observers and an election was held in 1953. The two main political parties were the National Unity Party (NUP) led by Isma'il Azhari and the Umma party led by the descendants of the Mahdi, Sayyid abd al-Rahman and his son Siddiq al-Mahdi. The election gave a clear majority to the NUP and when parliament was inaugurated on 01 January 1954, Isma'il Azhari became the first Prime Minister of Sudan.

The first practical taste the south had of the new Sudanese government was through its experiences with Azhari's Sudanisation Committee formed in February 1954 to place Sudanese into posts vacated by British and Egyptian administrators. The south by January 1954, after years of the British policy of Indirect Rule, was far behind its northern counterpart in terms of education (the first Secondary school opened in Rumbek in 1949), and other aspects of regional development. Therefore when the Sudanisation Committee allocated only 6 out of 800 posts to southerners⁷, it cited a lack of trained southern cadres to fill these positions and sent northerners to fill posts in the south.

This led to the political mobilisation of educated southern Sudanese and organisations began to develop in order to express southern concerns in the new parliament. The Sudan Liberal Party was founded in 1954 and in 1958 the Southern Federal Party was established, seeking a north-south relationship within the model of a federation with a separate civil service, education system, army and an economic development program for the south⁸.

An event that helped further awaken southern political consciousness during the period of Azhari was the mutiny of the Equatoria Corps at Torit in August 1955. After an order was issued to move the corps to the north and replace the southern troops with a northern unit there was a revolt among the southern unit. The soldiers were sceptical of

⁶ M.W. Daly, "Broken Bridge and Empty Basket: The Political and Economic Background of the Sudanese Civil War", *Civil War in the Sudan*, M.W. Daly and Ahmad Alawad Sikainga, eds. (London: British Academic Press, 1993) 11.

⁷ Daly and Holt 163.

⁸ Mohammad O. B., *The Southern Sudan: Background to Conflict* (Khartoum: Khartoum University Press, 1970) 78.

northern motives for moving a pure southern force to the north as an attempt to occupy the south with Arab units. Once the disturbance was settled, with other units moving in and the governor-general ordering the Equatoria Corps to lay down their arms, several hundred people (both northern and southern) were dead. However, elements of the Torit mutiny had taken refuge in Ethiopia and began to attack government outposts along the border area setting the scene for armed conflict in the south.

The Azhari government's lack of interest in southern concerns was demonstrated by the actions of the Sudanisation Committee and the Torit disturbance, further enhancing the feeling of southern resentment towards northerners. This resentment was expressed by the political mobilisation of southern elite into political parties on the one hand and the emergence of an armed guerrilla movement on the other. Meanwhile in Khartoum, political instability and economic decline led the army to move in and take power in November 1958.

The coup and aftermath that brought to power Maj. General Ibrahim Abboud as the head of the Supreme Council of the Armed Forces was by no means uneventful. Maj.Gen. Abboud faced several counter-coups from rivals in the military early in his first year in power and it was not until 1959 that he was finally able to consolidate his power. Stability returned to Sudanese politics in the form of military crackdowns on unions, communists and the banning of all political parties.

For the Abboud regime the growing discontent in the south was seen as a threat to national unity, and Arabisation and Islamisation programs were put in place. This was shown with the building of mosques, setting up of Koranic schools and the use of Arabic as the language throughout the south. There was also a move against the Christian missions working in the south, with the Missionary Societies Act of 1962, calling for the ban of missionary activity in the south.

However, the security situation was becoming further unstable. Elements from the mutiny at Torit who had escaped to the bush were beginning to organise and harass local government forces. This led to further crackdowns by the regime, and led to a migration of refugees over the Sudanese border into Uganda, Kenya, Ethiopia and the Central African Republic. In these border camps political parties in exile were formed such as the Sudan Christian Association and the Sudan African Closed District Union (SACDU) which later became the Sudan African National Union (SANU) in 1963, led by former Sudanese MP

Joseph Oduhu. SANU wanted to draw world attention to the deteriorating political situation in the southern Sudan, and began to petition international organisations such as the United Nations and the Organisation for African Unity (OAU) for intervention and assistance in finding a solution to the growing conflict.

However, the void that was created by the absence of any noteworthy political organisation in the south, was filled with an emerging and quickly expanding guerrilla movement known as the *Anya Nya*. For the southerners remaining in Sudan, the *Anya Nya* was viewed as the only form of security from the military and their initial success was due to several reasons: the availability of new recruits in refugee camps⁹, the existence of a trained cadre (i.e.-Equatoria Corps), training camps in neighbouring countries and the ability to procure weapons locally from captured or killed Sudanese army regulars¹⁰. What began a movement armed with only swords and spears, soon became a guerrilla force practised at hit and run tactics using an array of modern weapons.

The northern public was now becoming more aware and concerned about the unrest in the south, in particular with a high profile Anya Nya attack on Wau in January 1964. The attack, which failed and led to many Anya Nya being killed and taken captive by the army, nevertheless heightened northern awareness of the growing costs (both human and material) of the conflict in the south. Public opinion and members of the Central Council began to question Abboud's southern policy, and as the public became more restless the regime decided to hold a Commission of Inquiry in the fall of 1964. The commission was to address the causes of the unrest in the south, however it instead became a platform to attack the actions and policies of the government¹¹. Frustrations rose at the University of Khartoum when police killed a student during an anti-government demonstration, leading to similar protests all over Khartoum. The protests gained the support of banned trade unions, political parties and the general public, all of which were calling for Abboud to step down. Faced with protesters on the streets of Khartoum, which the security forces could not deal with, Abboud stepped down from power in October 1964 and made way for a transitional government.

However the political infighting that emerged within the transitional government on

⁹ There was an exodus of southern refugees to Ethiopia and Uganda in the early 1960's due to the hostilities.

¹⁰ Elias Nyalell Wakoson, "The Origins and the Development of the Anya Nya Movement", *Southern Sudan Regionalism and Religion: Selected Essays*, ed. Mohammad Omar Beshir (Khartoum: Khartoum University Press, 1984) 144, and Lagu, Joseph, Personal interview, 31 July 1997.

¹¹ Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter: Ithaca Press, 1990) 25.

setting a date for the election was an example of the deadlock in the political process. The main parties, notably the Umma and the NUP, were certain of good results, and were calling for quick elections. While the Professional Front and the Communists feared an election might lead to a loss of power in parliament and cabinet and cited the unrest in the south as a reason for delaying the elections.

In what was to follow next, the people of the Sudan were to witness an era of confusion and disillusionment with the political process. The period is characterised by the enlargement of the conflict in the south, while the political process was held hostage to personal ambitions and partisan politics. Sudan went through four successive governments in four and half years, with each government spending most of its time fending off attempts to be knocked from power instead of governing.

While the northern political parties were jockeying for political prominence, events were also developing in the south. Joseph Oduhu and SANU were petitioning the caretaker government to hold a conference on the future status of the south. SANU had also asked for refugees to be allowed to return and that SANU be allowed to participate as a political party in the upcoming election; in return they would attempt to bring the *Anya Nya* under control. After negotiations in Kampala, it was agreed to hold the conference at Juba in March 1965.

The talks however were filled with accusations from both sides and concluded with most northern parties rejecting the unitary and federal forms of government and choosing instead a regional model. Each region in Sudan would be in control of commerce, education, agriculture and health. Sovereignty itself would lie with the central government in Khartoum and national legislation would override regional. The southern delegation sought a referendum for the future status of the south where the southern people would decide on a federal, unitary or independent south. In the end the two sides could not come to an agreement.

"In its final resolutions the conference was able to agree on principles to guide policy in the south, but admitted that it could not reach a unanimous resolution on the question of the constitutional status of the south."¹²

Among the further recommendations of the Round Table Conference was for the chairing of a Twelve Man Committee, made up of southerners and northerners, to come up with administrative and constitutional reforms. The committee convened from May

¹² Daly and Holt 185.

1965 until June 1966 and came up with findings that were similar to the northern proposals, which were met with a mixed response by southerners. One area of concern was the division of the south into three administrative areas (Bahr al-Ghazal, Equatoria and Upper Nile), perceived as a tactic to divide southern efforts at reaching autonomy.

The transitional government eventually held elections in April 1965 (except in the south due to escalating violence) which led to a coalition government between the NUP and the Umma with Mohammad Ahmad Mahjoub becoming Prime Minister. The beginning of the second parliamentary era had two inherent weaknesses. The unrest in the south was now a full conflict and political instability kept forcing a change in government¹³.

The Mahjoub government policy towards the south was one that called for a military solution to end the troubles by disarming the "mutineers" (*Anya Nya*) before any constitutional reform would be discussed. Giving the army a free hand to pursue this led to several massacres of civilians, most notably in Juba on 08 July 1965 and Wau on 11 July 1965. The death tolls from these massacres were in the thousands and resulted in a new wave of refugees heading into neighbouring countries. It also led to a cycle of atrocities between the *Anya Nya* and the army as each responded to each other's attacks with equal violence, usually taking their toll on the civilian populations.

However, the post-1967 period witnessed a marked improvement in the operations of the *Anya Nya*. Foreign assistance from mercenaries and Israeli advisors¹⁴, and the acquisition of modern weapons made *Anya Nya* attacks even more effective. Furthermore, a formal military organisation had taken root, with a former Sudanese army officer, Joseph Lagu, now taking overall command of the *Anya Nya*, co-ordinating activities and operations. The *Anya Nya* in effect succeeded in controlling the countryside throughout the south, leaving the army holding garrisoned towns.

Meanwhile southern political organisation at this point was splintered. Inside Sudan, the Southern Front was still active and led by former Interior Minister Clement Mboro who advocated letting the south vote on its future. William Deng's group, which was seeking a federal solution, challenged Mboro. Outside the Sudan, the split between Aggrey Laden and Joseph Oduhu was healed and in December 1965 they formed the Azanian Liberation Front which called for the independence of the south. Adding to the

¹³ Daly and Holt 187.

¹⁴ Ruay 154. Israeli advisors were present during wet season offensives by the *Anya Nya*, however they were sent out of Sudan during the army's dry season offensives for fear of capture. Lagu, Joseph, Personal interview, 31 July 1997.

disunity among the groups was that the *Anya Nya* was not co-operating with any of them. Furthermore, they began to set up their own political wing and administration in territories they controlled. This left the south in a predicament, with the army attempting to pacify the south and the southern political groups unable to unite the political and military wings.

In Khartoum, personal ambitions led to the rise and fall of several governments during the 1964-69 period. Frustrated, along with the rest of the Sudan at the political infighting, the army moved in the end of May 1969 and brought an end to Sudan's second parliamentary experience.

The regime of Jafaar Nimayri (1969-85), besides being the longest in power in post independent Sudan, is also noteworthy for negotiating the 1972 Addis Ababa Agreement with the SSLM. This agreement, in effect brought an end to the war and began the steps for reconciliation between the two sides.

Prior to the Nimayri regime, many southern groups were seeking to be the voice of the south and bring the *Anya Nya* into their political wings. However it was not until the 1969-70 period that Joseph Lagu's overall control of *Anya Nya* military operations and the formation of its political wing, known as the Southern Sudan Liberation Movement (SSLM), that southern voices were unified. Growing *Anya Nya* military sophistication was leading to victories on the ground and the SSLM was in a position to bring the regime to the negotiation table. Nimayri had sent his Minister for Southern Affairs, Abel Alier, to Addis Ababa during the summer of 1971 where talks were held with representatives of the SSLM leading to the 1972 Addis Ababa Agreement.

The agreement set out the regional self-government act for southern Sudan and led to the 1973 constitution. The first dealt with the laws defining powers of self-government for the southern region in relation to Khartoum. There was to be a High Executive Council (HEC) in the south led by a president as well as a regional assembly giving the southern region legislative and executive organs. Furthermore, the south was to be one state and the President of the HEC was to be Vice-President of Sudan. Finally, there were the issues of the interim arrangements for the composition of the units of the Sudanese Armed Forces which were to be stationed in the south, and the Repatriation, Relief and Resettlement Commissions whose tasks were to oversee the influx of returning refugees. Abel Alier became President of the HEC and Joseph Lagu became a Maj.General in the Sudanese Army tasked with overseeing the integration of the *Anya*

Nya into the Armed Forces.

Once the regional self-government act took effect it quickly fell victim to many of the petty personal rivalries that were characteristic of Sudanese governments¹⁵. Nimayri took advantage of southern political stalemate and put forth a proposal to redivide the south into three provinces in 1980¹⁶. This was viewed by many as the first step towards dismantling the Addis Ababa agreement and southern autonomy, and when opposition by the regional assembly was voiced in late 1981, Nimayri disbanded the assembly and called for new elections. However the fate of southern autonomy was sealed in June 1983 when Nimayri unilaterally re-divided the south into three provinces and disbanded the HEC.

Furthermore, Nimayri's promised economic programs, primarily in infrastructure and development projects for the South, had not materialised. The failure of Khartoum to fulfil the promises of the Addis Ababa agreement, combined with Nimayri's dismantling of southern political institutions, increased southern antipathy towards the north.

The abrogation of the Addis Ababa agreement also led to the re-emergence of violence in the south. A former *Anya Nya* soldier and Sudanese army officer, Colonel John Garang, formed the Sudanese People's Liberation Movement/Army (SPLM/A) in Ethiopia in the summer of 1983. The renewed armed struggle was markedly different than the one carried out by the secessionist *Anya Nya*. The SPLM/A believed in the integrity of the Sudan, and its aim was to create a socialist Sudan with "democratic and human rights to all nationalities and guarantees of freedom to all religious beliefs and outlooks"¹⁷.

This political discontent that led to the formation of the SPLA over the dismantling of the Addis Ababa accord was magnified into rage when the September 1983 *shariah* laws were introduced. For the southern psyche the imposition of Islamic Laws and punishments on a non-Muslim population was seen as a breach of trust and rekindled the

¹⁵ Political infighting among southerners, tribal rivalries and corruption led to an unstable political climate that witnessed several changes in southern governments during the 1978-1980 period.

¹⁶ Joseph Lagu called for decentralisation of the South, citing growing Dinka domination in the Southern administration.

¹⁷ John Garang de Mabior, *The Call for Democracy in Sudan* (London: Kegan Paul International, 1992) 6. It should be noted that the conflict to this day is more heterogeneous than the war fought between the *Anya Nya* and the government in the 1960's. The Sudanese Armed Forces are not all Arab and Muslim and neither is the SPLA all African and non-Muslim. In fact many of the commanders in the south were southerners, such as Maj. Gen. Magaya who was in charge of operations in Equatoria. This is a direct result of the integration of the *Anya Nya* into the army in the 1970's who made the transition to careers in the national army. Muslims within the SPLM/A were representative of the anti-Nimieri feeling at the time as well as other regional groups (Fur, Nuba, Beja, etc.) who felt politically marginalised by the

stereotypical image of the Muslim northerner as an invader.

The emergence of a new armed resistance in the south combined were marking the days that Nimayri had left in power. Politically, by the mid-1980's he was coming under increasing pressure from opposition parties in exile and was supported only by the Muslim Brotherhood. The famine that devastated the Sudan in 1984-85 was worsened as Nimayri refused to acknowledge the extent of the disaster and allocate aid correctly. By January 1985 the level of animosity that was being felt by Sudanese all over was compounded with the spiralling economic and fiscal situation that left Sudan with enormous amounts of debt. In April 1985 Maj. General Siwab al-Dahab led a *putsch* against Nimayri signalling the all too familiar event in Sudanese politics of the army stepping in to power. A Transitional Military Council (TMC) was set up which suspended the 1973 constitution and promised to hold elections in 1986.

THE THIRD PARLIAMENTARY GOVERNMENT 1986-89

The TMC was uneventful in terms of advancement of negotiations regarding the conflict in the south, as the SPLA feared that any agreement reached might be ignored if the government changed and was led by one of the main parties.

By the time of elections in mid-1986, the SPLA was in a position of strength with regards to any form of talks. Three years of fighting resulted in the SPLA controlling three-quarters of the south and by the time of the coup in 1989 they controlled key towns such as Kapoeta, Ayod, Bor and were close to capturing Juba¹⁸. The SPLA was unified under one command and possessed its own political wing, the Sudanese People's Liberation Movement (SPLM). The SPLM had several functions including propagating its message and assisting its humanitarian wing, the Sudan Relief and Rehabilitation Agency (SRRA), in administering areas that the SPLA won in battle.

The Umma party sat down at the head of a coalition including the National Alliance for National Salvation (NANS), the Sudanese Communist Party (SCP), Southern Sudan Political Association (SSPA) and the Sudan African Congress (SAC) and negotiated the Koka Dam agreement with the SPLA shortly before the 1986 elections. The agreement which called for a cease-fire, was based on the repeal of the *shari'ah* from the constitution, the lifting of the state of emergency in the south, and the abrogation of

northern Arab elite. Malwal, Bona, Personal interview, 06 February 1998.

¹⁸ Abel Alier, *Southern Sudan: Too Many Broken Promises* (London: Ithaca Press, 1991) 283.

disunity among the groups was that the *Anya Nya* was not co-operating with any of them. Furthermore, they began to set up their own political wing and administration in territories they controlled. This left the south in a predicament, with the army attempting to pacify the south and the southern political groups unable to unite the political and military wings.

In Khartoum, personal ambitions led to the rise and fall of several governments during the 1964-69 period. Frustrated, along with the rest of the Sudan at the political infighting, the army moved in the end of May 1969 and brought an end to Sudan's second parliamentary experience.

The regime of Jafaar Nimeiri (1969-85), besides being the longest in power in post independent Sudan, is also noteworthy for negotiating the 1972 Addis Ababa Agreement with the SSLM. This agreement, in effect brought an end to the war and began the steps for reconciliation between the two sides.

Prior to the Nimeiri regime, many southern groups were seeking to be the voice of the south and bring the *Anya Nya* into their political wings. However it was not until the 1969-70 period that Joseph Lagu's overall control of *Anya Nya* military operations and the formation of its political wing, known as the Southern Sudan Liberation Movement (SSLM), that southern voices were unified. Growing *Anya Nya* military sophistication was leading to victories on the ground and the SSLM was in a position to bring the regime to the negotiation table. Nimeiri had sent his Minister for Southern Affairs, Abel Alier, to Addis Ababa during the summer of 1971 where talks were held with representatives of the SSLM leading to the 1972 Addis Ababa Agreement.

The agreement set out the regional self-government act for southern Sudan and led to the 1973 constitution. The first dealt with the laws defining powers of self-government for the southern region in relation to Khartoum. There was to be a High Executive Council (HEC) in the south led by a president as well as a regional assembly giving the southern region legislative and executive organs. Furthermore, the south was to be one state and the President of the HEC was to be Vice-President of Sudan. Finally, there were the issues of the interim arrangements for the composition of the units of the Sudanese Armed Forces which were to be stationed in the south, and the Repatriation, Relief and Resettlement Commissions whose tasks were to oversee the influx of returning refugees. Abel Alier became President of the HEC and Joseph Lagu became a Maj.General in the Sudanese Army tasked with overseeing the integration of the *Anya*

Nya into the Armed Forces.

Once the regional self-government act took effect it quickly fell victim to many of the petty personal rivalries that were characteristic of Sudanese governments¹⁵. Nimeiri took advantage of southern political stalemate and put forth a proposal to redivide the south into three provinces in 1980¹⁶. This was viewed by many as the first step towards dismantling the Addis Ababa agreement and southern autonomy, and when opposition by the regional assembly was voiced in late 1981, Nimeiri disbanded the assembly and called for new elections. However the fate of southern autonomy was sealed in June 1983 when Nimeiri unilaterally re-divided the south into three provinces and disbanded the HEC.

Furthermore, Nimeiri's promised economic programs, primarily in infrastructure and development projects for the South, had not materialised. The failure of Khartoum to fulfil the promises of the Addis Ababa agreement, combined with Nimeiri's dismantling of southern political institutions, increased southern antipathy towards the north.

The abrogation of the Addis Ababa agreement also led to the re-emergence of violence in the south. A former *Anya Nya* soldier and Sudanese army officer, Colonel John Garang, formed the Sudanese People's Liberation Movement/Army (SPLM/A) in Ethiopia in the summer of 1983. The renewed armed struggle was markedly different than the one carried out by the secessionist *Anya Nya*. The SPLM/A believed in the integrity of the Sudan, and its aim was to create a socialist Sudan with "democratic and human rights to all nationalities and guarantees of freedom to all religious beliefs and outlooks"¹⁷.

This political discontent that led to the formation of the SPLA over the dismantling of the Addis Ababa accord was magnified into rage when the September 1983 *shariah* laws were introduced. For the southern psyche the imposition of Islamic Laws and punishments on a non-Muslim population was seen as a breach of trust and rekindled the

¹⁵ Political infighting among southerners, tribal rivalries and corruption led to an unstable political climate that witnessed several changes in southern governments during the 1978-1980 period.

¹⁶ Joseph Lagu called for decentralisation of the South, citing growing Dinka domination in the Southern administration.

¹⁷ John Garang de Mabior, *The Call for Democracy in Sudan* (London: Kegan Paul International, 1992) 6. It should be noted that the conflict to this day is more heterogeneous than the war fought between the *Anya Nya* and the government in the 1960's. The Sudanese Armed Forces are not all Arab and Muslim and neither is the SPLA all African and non-Muslim. In fact many of the commanders in the south were southerners, such as Maj. Gen. Magaya who was in charge of operations in Equatoria. This is a direct result of the integration of the *Anya Nya* into the army in the 1970's who made the transition to careers in the national army. Muslims within the SPLM/A were representative of the anti-Nimeiri feeling at the time as well as other regional groups (Fur, Nuba, Beja, etc.) who felt politically marginalised by the northern Arab elite. Malwal, Bona, Personal interview, 06 February 1998.

stereotypical image of the Muslim northerner as an invader.

The emergence of a new armed resistance in the south combined were marking the days that Nimeiri had left in power. Politically, by the mid-1980's he was coming under increasing pressure from opposition parties in exile and was supported only by the Muslim Brotherhood. The famine that devastated the Sudan in 1984-85 was worsened as Nimeiri refused to acknowledge the extent of the disaster and allocate aid correctly. By January 1985 the level of animosity that was being felt by Sudanese all over was compounded with the spiralling economic and fiscal situation that left Sudan with enormous amounts of debt. In April 1985 Maj.General Siwab al-Dahab led a *putsch* against Nimeiri signalling the all too familiar event in Sudanese politics of the army stepping in to power. A Transitional Military Council (TMC) was set up which suspended the 1973 constitution and promised to hold elections in 1986.

THE THIRD PARLIAMENTARY GOVERNMENT 1986-89

The TMC was uneventful in terms of advancement of negotiations regarding the conflict in the south, as the SPLA feared that any agreement reached might be ignored if the government changed and was led by one of the main parties.

By the time of elections in mid-1986, the SPLA was in a position of strength with regards to any form of talks. Three years of fighting resulted in the SPLA controlling three-quarters of the south and by the time of the coup in 1989 they controlled key towns such as Kapoeta, Ayod, Bor and were close to capturing Juba¹⁸. The SPLA was unified under one command and possessed its own political wing, the Sudanese People's Liberation Movement (SPLM). The SPLM had several functions including propagating its message and assisting its humanitarian wing, the Sudan Relief and Rehabilitation Agency (SRRA), in administering areas that the SPLA won in battle.

The Umma party sat down at the head of a coalition including the National Alliance for National Salvation (NANS), the Sudanese Communist Party (SCP), Southern Sudan Political Association (SSPA) and the Sudan African Congress (SAC) and negotiated the Koka Dam agreement with the SPLA shortly before the 1986 elections. The agreement which called for a cease-fire, was based on the repeal of the *shari'ah* from the constitution, the lifting of the state of emergency in the south, and the abrogation of

¹⁸ Abel Alier, *Southern Sudan: Too Many Broken Promises* (London: Ithaca Press, 1991) 283.

military pacts with other Arab countries. Furthermore, a constitutional conference discussing all problems in the Sudan was to be held shortly after the TMC relinquished power and elections were held¹⁹.

The National Islamic Front (NIF), an Islamist grouping formed to participate in the 1986 elections, denounced the agreement. The concern of the NIF was that the agreement was attempting to put into place mechanisms that would prohibit the possibility of an Islamic state. The declaration sought to create a secular constitution that relegated religion to private life. Furthermore, the NIF was against the abrogation of military pacts because it would limit the military in its ability to carry out operations in the south.

The election of April 1986 was held in the wake of the Koka Dam agreement. The election brought a minority government led by the Umma party (101 seats) with the DUP (63) in coalition. The surprising result of the NIF (51) left the party in opposition. The result left the south with little representation in the Legislative Assembly, with 89% of the Legislative Assembly being represented by the Umma, DUP or the NIF, parties that historically have not worked for the interests of the south²⁰. It was not a resounding victory for the Umma party, which had hoped to reap the spoils of electoral victory through the Koka Dam agreement. The result of the 1986 election led to the Koka Dam agreement not being implemented. Saddiq al-Mahdi did not seek to cause a rift with the DUP, who were against the agreement and who he needed as a coalition partner in order to stay in power. Instead of repealing the *shari'ah*, the DUP were in favour of freezing it until a constitutional conference could be held. Since a broad base of support for the DUP lay with the religious *khatimmiyya* order, the DUP did not want itself in a position where it was voting against Islam. Given the NIF's vocal opposition to the Koka Dam agreement, the Umma party did not want to risk the possibility of falling out of government due to a NIF-DUP alliance over the agreement.

As the south was being taken over by the SPLA, there was renewed public pressure to end the conflict. The DUP responded to the public mood and held negotiations with the SPLA in November 1988. The reasons for the DUP to approach the SPLA in a similar fashion as the Umma did at Koka Dam was their desire to reap electoral

¹⁹ The SPLA feared military pacts with Libya and Egypt would translate into supplies and weapons for the Sudanese army.

²⁰ Alier, *Southern Sudan*, 288.

benefits that would come for bringing peace to Sudan²¹. The SPLA-DUP talks resulted in the Sudan Peace Initiative (SPI) of December 1988. The SPI was similar to the Koka Dam agreement with exception to *shari'ah*, which the SPLA agreed on its freezing (instead of repealing it) until a constitutional conference could be held in order to decide the future legal process in Sudan. When the DUP brought this agreement back to Khartoum it was defeated in the legislative assembly. There was fear in the Umma party that DUP success in the peace negotiations would lead to them regaining their support in the north and acquiring a strong base in the south in the next election. The DUP left the coalition government as a result in December 1988. These attempts at peace reflected the politicised nature of negotiations within the DUP and Umma parties, for even with vast pressure put upon them from the public in bringing about an end to the conflict, both parties again fell victim to their mutual rivalry. Even the military, which was growing tired of fighting a campaign in the south with inadequate supplies, issued a memorandum in February 1988 advising the government to come up with a solution.

The NIF rejected the SPI as it had done with Koka Dam. It stepped up its rhetoric concerning the conflict in the south and called on giving the armed forces unconditional support in pursuing the 'rebels'. They were also against moves by Saddiq al-Mahdi to hold talks with the SPLA in July 1989 in Addis Ababa to discuss the future of a secular constitution. The Islamists feared the possibility of a widely accepted deal between the Umma party and the SPLA on 04 July 1989, leading to a secular constitution. The NIF mustered its sympathetic elements in the army and sought to pre-empt the 04 July 1989 Umma-SPLA meeting.

The eve of 30 June 1989 found Sudan in political stalemate, with failed peace agreements, the SPLA besieging government garrison towns in the south at will, and the NIF waiting in the wings.

CONCLUSION

The purpose of this brief background has been to carry out a historical overview of political developments affecting southern Sudan during the main periods of contemporary Sudanese history. It has shown that southern Sudanese have been subject to decisions made outside the south by non-southerners. The historical memories that linger in the

²¹ Alier, *Southern Sudan*, 290.

southern psyche, such as those associated with the slave trade and the role played by the northern Arab elite, has been rekindled in modern times during moments of confrontation with the north. The inequalities of economic development experienced between the two areas during the Anglo-Egyptian condominium, and the post-independence experiences of failed agreements and confrontation have been southern concerns since independence. The failure of successive governments to address these concerns has only strengthened southern resentment towards the northern feeling of superiority along racial and religious lines.

These concerns have contributed to the development of a southern 'siege' mentality where there is little if any trust in their northern counterparts. Southern authors such as Francis Deng²² have demonstrated this feeling of mistrust and resentment towards a 'colonial Arab minority of the central region oppressing and exploiting the non-Arab minority'²³. This feeling has been embedded in the southern mindset for the better part of modern Sudanese history. The events of 1983 (i.e. the Islamic Laws) and the failed peace agreements have helped re-ignite and fuel these feelings into conflict.

²² The Seeds of Redemption and Cry of the Owl.

²³ M.I. Shoush, "In Search for an Afro-Arab Identity: The Southern Concept of the Northern Sudan as seen through the novels of Francis Deng", British Journal of Middle Eastern Studies, 18.1, (1990).

CHAPTER 2: THE ISLAMIST MOVEMENT IN SUDAN

Political Islam, or Islamism, has been increasingly influential in the politics of the Muslim world for the last half-century. While the emergence of contemporary Islamist movements throughout the region is outside the scope of this work¹, a brief look at certain characteristics of Islamist movements is warranted in putting the Sudanese experience in the proper framework.

Muslims believe God intends the best for them socio-politically as well as spiritually; therefore, when reality has led to a decline in Muslims' socio-political fortunes, Islamist movements have argued that this is due to society's deviation from the path of Islam². Only by returning to the path of Islam, where the *shari'ah* (God's Law as set out in Islamic sources) is the legal reference for all activities, can society's fortune be reversed. Therefore, the aim of an Islamist movement is to bring about an Islamic order governed by the *shari'ah*³.

The roots of modern day Islamist movements can be found through the different social and political developments that have occurred in the Muslim world during the twentieth century⁴. Islamic movements have responded to local and international developments by diagnosing how these developments had adversely affected the Muslim world. For example, the advent of the 1967 Arab-Israeli war and the defeat of the Arab states led to the collapse of Arab nationalism, leaving a void in the region's political spectrum against the dominant international ideologies of Marxism and liberalism⁵. Islamists were able to move in and fill the void responding to the political needs of a constituency who viewed the prevailing international order as foreign and responsible for the decline in Muslims' socio-political situation. As population growth and urbanisation were not being matched by real economic growth⁶ in many Muslim states, Islamist movements challenged regimes for their inability to address socio-economic issues, suggesting these failings were a result of the regime's dependence

¹ For the role of Islamist movements in the politics of the region see Abdel Salam Sidahmed and Anoushiravan Ehteshami ed. *Islamic Fundamentalism* (Oxford: Westview Press, 1996) and Laura Guazzone ed. *The Islamic Dilemma: Political Role of Islamist Movements in the Contemporary Arab World* (Reading: Ithaca Press, 1995).

² Sidahmed, Abdel Salam, *Politics and Islam in Contemporary Sudan* (London: Curzon Press, 1997) 3.

³ A. S. Sidahmed and A. Ehteshami "Introduction" *Islamic Fundamentalism* 9.

⁴ Laura Guazzone, "Islamism and Islamists in the Contemporary Arab World" *Islamic Dilemma* 13.

⁵ A.S. Sidahmed and A. Ehteshami "Introduction" *Islamic Fundamentalism* 6.

⁶ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 8.

on the West and the failure to follow Islamic laws and values⁷.

Western cultural and secular models have also been an influential socio-political development upon the Muslim world in the twentieth century. The emergence of secular ideologies and the West's technological advancements made in scientific and military fields, have challenged the Muslim world in terms of how it is to come to grips with the apparent material success of secularism. Islamists have risen to meet this challenge by using their message as a way to preserve Muslims' personal and collective identity in order to make sense from the secular humanist trend that has dominated modernity⁸.

Scholars such as Mawlana al-Maududi (d.1978) of Pakistan, Ayatollah Khomeini of Iran (d.1989) and the Egyptians Hassan al-Banna (d.1948) and Sayyid Qutb (d.1966) have been instrumental in helping shape the Islamist response to modernity. Their writings, covering a variety of topics such as God's sovereignty, nationalism, leadership, and democracy, remain influential sources for Islamist movements throughout the region. At the core of their writings is the concept of the primacy of God's sovereignty and how it is not accountable to any man-made laws. Notions such as nationalism and liberal democracy were seen as characteristic of the infiltration of secularism into the Muslim world, contradicting the concept of God's sovereignty. Indeed, it was inconceivable for a majority vote to contradict any aspect of Islamic law or that Muslims would owe primary allegiance to their nation rather than to God.

The rise of secularism led scholars such as Sayyid Qutb to comment that the modern age was going through a period of *jahaliyya* (ignorance) similar to the one that existed on the Arabian Peninsula before the arrival of Islam⁹. According to Sayyid Qutb the world was polarised into two camps, *dar al-Islam* (House of Islam) and *dar al-harb* (House of War), and that it was incumbent for *dar al-Islam* to spread God's sovereignty into every territory where Islamic rules were not applied.

As long as Islamic law is not applied there (*dar al-harb*) and the sovereignty of Islam is not recognised, it becomes for the Muslims an open territory to be conquered.¹⁰

This renewed the concept of *jihad* (Holy war), the process of bringing about rule according to Islamic law, in that a society that has drifted from full application of Islamic

⁷ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 9.

⁸ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 5.

⁹ Youssef Choueiri, "The Political Discourse of Islamist Movements" *Islamic Fundamentalism* 23.

¹⁰ Choueiri, "Political Discourse" *Islamic Fundamentalism* 31.

law could be deemed to be in *dar al-harb*. It was therefore necessary to exert efforts to bring about the return to God's sovereignty. Yet, a contemporary world dominated by non-Muslim, secular forces, required the proper leadership structure to guide *jihad* and bring or restore God's sovereignty. Hence the need for Islamist movements to enter into political activism in order to serve as both catalysts and guides to bring society to a complete Islamic order.

The development of Islamic activism in the political arena has led to the emergence of several different trends in the process of bringing about an Islamic state. Revolutionary movements believe that the Islamic order is to be brought about 'from the top down'¹¹, i.e. Islamists act as a vanguard to overthrow an existing regime and proceed in shaping society along Islamic lines. The overthrow of an existing government and incorporation of the *shari'ah* is justifiable by any means; an example of this would be the Iranian Revolution of 1979. The reformist school developed the approach that an Islamic order could be brought about from 'the bottom up'¹². The movement would participate in whatever political process was available, bringing about the Islamic order by changing individual behaviour in society along Islamic guidelines. An example of the reformist school is the Muslim Brotherhood that has spread throughout the Arab world.

The classification of movements as conservative and evolutionary¹³ deals with the application of Islamic law itself. Conservative movements draw on the belief that Islamic law should not be interpreted but instead applied in full, an example being the present government in Saudi Arabia¹⁴. Evolutionary movements see Islamic law as a reference to be interpreted to deal with modernity and particular circumstances. For instance, the Muslim Brotherhood in Jordan has examined its political aims in light of participating in democracy.

As Laura Guazzone has noted¹⁵, it is difficult to classify Islamist movements in terms of following a specific trend as listed above. Given the complex nature of Islamists throughout the Muslim world, it is not unusual that movements have responded to different cultural, political and social developments in their mobilisation

¹¹ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 15.

¹² Guazzone, "Islamism and Islamists" *Islamic Dilemma* 15.

¹³ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 15.

¹⁴ Guazzone, "Islamism and Islamists" *Islamic Dilemma* 14.

¹⁵ See Guazzone, "Islamism and Islamists" *Islamic Dilemma* 16.

and evolution. Furthermore, it is also not unusual for Islamist movements to have several different trends manifested in their ideology, which may be applied in response to particular local or international developments. This manifestation of different trends within a particular Islamist movement can be characterised as a pragmatic approach. For example, at different stages in an Islamist group's evolution it may make concessions in its doctrinal beliefs (i.e. participating in parliamentary democracy) or seize the reigns of power in a state, if these actions assist in the realisation of its aim.

Therefore, when analysing the formative events and approaches an Islamist movement adopts in establishing an Islamic order the national context is a vital consideration. The remainder of the chapter then seeks to examine the national context involved in the formative events and key stages in the development of the Islamist movement in Sudan. The examination of the rise and doctrinal evolution of the Islamists is necessary in order to analyse the Islamists' approach towards the south before coming to power in 1989.

THE SUDANESE EXPERIENCE

Islam has played a central role in shaping Sudanese history and culture. The Sudanese Islamist movement has gone through three stages in its development from the 1940's to the renewal of hostilities in the south in 1983¹⁶. The first involved the Islamists' mobilisation against the Communists in Sudan, with their activities confined mostly to the college campus. The second stage is the evolution of the Islamists from a campus-based intelligentsia to a politically active pressure group (i.e. Islamic Chartered Front-ICF) seeking to bring about an Islamic constitution in Sudan. The final stage involved the Islamists' evolution into a significant player on the Sudanese socio-political scene during the Nimayri period, where they took advantage of Nimayri's public support for Islamic principles in order to penetrate and work towards their goals from within government. For the Islamists these three stages have had the common theme of confronting the emergence of secular thought in the post-independence era of Sudan. In particular, the Islamists have sought to block tide of secularism by actively seeking an Islamic constitution that would legislate the *shari'ah* as the law of Sudan.

¹⁶ For an overview of the Islamist movement in Sudan see Abdelwahab El Affendi, Turabi's Revolution: Islam and Power in Sudan (London: Grey Seal Books, 1991) 45; and T. Abdou Maliqalim Simone, In Whose Image? Political Islam and Urban Practices in Sudan (London: University of Chicago Press, 1994).

However, a brief comment on the nature of Islam and Sudanese society is required before going any further.

Islam came to Sudan in the twelfth century with the arrival of the *sufi* orders. The significance of the introduction of Islam by the *sufi* brotherhoods and their form of mystical or 'popular' Islam, is that it differed from the traditional experience of Islam being spread by Islamic orthodoxy (*ulema*). Riad Ibrahim suggests that the orders were what people associated themselves with even in times of foreign occupation:

"During this period (*condominium*) the Western colonial penetration of the country did not engender recourse to fundamentalist feeling on the part of the people who, while clearly conscious of the harmful effects left by the British, sought refuge within their respectively varied identities vis-à-vis the different *turuq*."¹⁷

The popular affinity for the *sufi* orders had led the British administration to seek out the leaders of the various *turuq*¹⁸ and gain their favour through the granting of various economic monopolies. British patronage had led to prominent families, including al-Mirghani (spiritual leaders of the *khatimiyya* order) and al-Mahdi (the descendants of the Mahdi and leaders of the *ansar*), acquiring significant financial fortunes¹⁹. The elite families of these two groups gained British patronage in return for their loyalty and support against various political developments during the Condominium such as the emergence of the *affendiyya*²⁰ (intelligentsia) and their nationalist uprisings like the White Flag League inspired revolt in 1924. As the moment of independence drew closer the leaders of the *khatimiyya* and *ansar* began to patronise the small but emerging *affendiyya*. This sectarian-*affendiyya* alliance (as it has been characterised²¹), brought the sectarian nature of Sudanese society, with the dominance of the *khatimiyya* and *ansar* order, into post-independent Sudan's political system. The alliances led to the establishment of the National Unionist Party with *khatimiyya* support, and the *Umma* party with *ansar* support²².

¹⁷ Ibrahim, 40.

¹⁸ *turuq* is used to describe the various *sufi* orders.

¹⁹ Ibrahim, 42. In the late 1920's the leader of the Mahdi family, Sayyid Abdulrahman al-Mahdi, was receiving an annual income of over £E 30 000. For an overview of the reasons and impact of Condominium government policies in the rise of the *khatimiyya* and *ansar*, see Daly and Holt, History of Sudan and Sidahmed, Politics and Islam, Chapter 1.

²⁰ Sidahmed, Politics and Islam, 30. The *affendiyya* were a product of the condominium administration trained to take up administrative posts in the government, who began to espouse a belief in Sudanese self-determination and an end to condominium rule.

²¹ Sidahmed, Politics and Islam, 41.

²² See Riad Ibrahim, "Factors affecting the Political Ascendancy of the Muslim Brethren in Sudan", Arab Studies Quarterly 12.3-4 (1990): 33-50. The author examines the role of the *turuq* in Sudan as well as the impact Islamic

However the younger generation of intelligentsia who were entering higher education, particularly in Egypt during the 1940's, were being influenced differently. As Sudanese students began to mix with their Egyptian counterparts, different ideologies and doctrines began to be disseminated among Sudanese students. The younger *affendiyya*'s formative experiences were being influenced by their interaction with Egyptian Communists and Islamists. The 'liberal/nationalistic'²³ doctrine that characterised the *affendiyya* of the 1920's and 1930's was different for the generation studying in the 1940's. Marxist influences were beginning to be felt in the Sudanese Students Union (SSU) in Egypt, prompting those who had made contact with the Egyptian Muslim Brotherhood (*ikhwan*)²⁴ to reject Marxist ideals on the basis of its secularism. Those students who rejected the Marxist influence split from the SSU and formed the League of Sudanese Students (LSS) in 1947.

The introduction of the *ikhwan* to Sudanese students in Egypt and then later in to Sudan, led the Gordon Memorial College (GMC) to begin witnessing the same Marxist-Islamist ideological battle in its student elections as was occurring between the SSU and the LSS in Cairo. The mobilisation of Islamists to counter leftist and liberal thought in Sudan marks the first phase of the Islamists' development. Two students, Babikar Karrar and Mohammed Yousef Mohammed, formed a group called the Islamic Liberation Movement (ILM) while studying at the GMC. The ILM sought to set up a third force based on a renewed Islam as an alternative to the emerging Marxist-Capitalist debate. In order for this to be accomplished the ILM believed an Islamic state had to be created²⁵.

In the early 1950's Ali Talaballah had received official sanction and support from the MB leader Hassan Al-Banna as the Secretary General of the MB in Sudan²⁶. Karrar and Talaballah joined forces under the banner of the MB, and became politically active against the communists on the college campus and by 1954 had won control of the GMC student union.

While this period witnessed the beginnings of the organisation of the Islamists, it presented a dilemma for the movement in terms of the path that it was to follow. Was

banking had on NIF membership.

²³ Sidahmed, *Politics and Islam*, 41.

²⁴ El-Affendi 46.

²⁵ El-Affendi 48.

²⁶ El-Affendi 51.

it to be a subsidiary of the Egyptian MB or would it forge new ground and establish a Sudanese organisation? Karrar worried over the Egyptian influence, eventually leading him to split from the MB and form a faction with Yousef Hassan Said. Meanwhile, Talaballah still considered himself the legitimate leader of the movement through his investiture by Hassan Al-Banna. These differences led to the convening of the *Eid* Congress in August 1954 in Ombdurman.

The Congress decided to adopt the name *Ikhwan* (MB), however it was to become a Sudan-based organisation seeking to establish an Islamic constitution²⁷. The Congress resulted in Karrar's group officially splitting off and forming the Islamic Socialists. Mohammed Khair Abdulqadir led the MB briefly but he was replaced by Al-Rashid Al-Tahir who was allied to Talaballah, signalling the success of the faction seeking closer ties to the Egyptian MB.

After independence the Islamic Front for the Constitution was formed to act as a pressure group to bring about an Islamic constitution while at the same time seeking to check the growing communist influence²⁸. The Islamic Front for the Constitution sought to influence the decision of the National Committee for the Permanent Constitution (September 1956), calling for an Islamic constitution with the *shari'ah* as the source of law. However, the nature of Sudanese politics²⁹ at the time demonstrated how ineffective the Islamic Front for the Constitution was. Although Islam was accepted as the official religion of the state, the committee drafted in everything but name, a secular constitution³⁰.

While the Abboud dictatorship represented a low point for political organisations, the MB made the most of it. The removal of Al-Tahir as leader for his role in a failed coup attempt with communist sympathisers opened the way for Hassan Al-Turabi. His era of leadership ushered in a period of self-reflection within the MB and there was open debate during MB congresses as to what steps should be taken to bring about an Islamic state. The movement up to this point was at a crossroads, not knowing whether they should attempt direct political participation as a party or remain as a pressure

²⁷ Peter Woodward, "Islam and Politics", *Sudan Since Independence* ed. Ralph K. Badal, Adlan Al Hardallo, Muddathir Abd al-Rahim and Peter Woodward (Aldershot: Gower Publishing Company, Ltd., 1989) 3.

²⁸ John Voll, *Islam, Continuity and Change in the Modern World* (Syracuse: Syracuse University Press, 1992) 354.

²⁹ The Umma and NUP parties were for the most part concerned with the emerging radical/socialist forces and as such paid little attention to the Islamicisation of the constitution other than in name.

³⁰ See Sidahmed, *Politics and Islam*, 62-65.

group; or if they should open up their membership instead of being a closed elite intelligentsia based on the Egyptian MB³¹.

The questions concerning the leadership and direction of the MB were addressed in the second phase (post-October Revolution of 1964) of the Islamists' development, witnessed by the Islamists establishing the Islamic Chartered Front (ICF) to actively seek an Islamic constitution.

The ICF was formed as an embodiment of Turabi's ideas and represented significant changes to the MB. The MB ceased being a pressure group seeking to petition traditional parties to follow an Islamic agenda and instead decided to directly participate in the political process³². The move to form a broad grouping had been begun by Turabi and came to fruition in December 1964 as a separate entity from the MB with its focus being participation in the May 1965 elections³³. The outcome of the elections for the Islamists however, in which the ICF fielded over 100 candidates, was only 7 parliamentary seats³⁴. Yet all was not lost, for the antipathy of the Islamists towards the communists³⁵ combined with the concern of the sectarian parties at the political threat posed by the communists, led to a Sectarian-Islamist alliance, with the Islamists given the opportunity to participate in the Umma coalition government.

The Islamists took advantage of their common cause with the Umma party³⁶ against the rising leftist trend in Sudanese politics at the time, to push the issue of the Islamic constitution. Its members participated in the National Commission for the Constitution (1967) and Turabi had a leading role on the Technical committee. During the commission Turabi and ICF members were instrumental in forming the final resolutions of the committee's call for an Islamic constitution by putting pressure on members of political parties whose base of support was the religious-tribal allegiances of the *ansar* (Umma) and *khatimiyya* (DUP). The commission itself came up with the motions of Islam as the official religion and Arabic the official language of Sudan, prohibition of laws contravening *shariah* (Islamic Law), as well as banning the SCP.

³¹ Ahmad Alawad Sikainga, "Northern Political Parties and the Civil War" *Civil War in the Sudan* ed. M.W. Daly and Ahmad Alawad Sikainga, (London: British Academic Press, 1993) 86.

³² El-Affendi 57.

³³ El-Affendi 63.

³⁴ El-Affendi 76.

³⁵ The SCP's Marxist secular ideology was viewed by the Islamists as a threat to establishing an Islamic order. With the SCP's growing political influence during this period the Islamists directed whatever energy necessary to counter them. Adlan, Khatim (former SCP politician). Personal interview. 11 August 1997.

³⁶ For a discussion of the Sectarian-Islamist alliance against the leftists see Sidahmed, *Politics and Islam*, Chpt. 4.

While the Islamists struck a political blow against the communists, the draft constitution fell short of their expectations. As Abdel Salam Sidahmed has shown³⁷, the draft constitution the committee finally produced resembled one that was again for the most part secular. Sidahmed attributes the secular nature of the draft constitution to the Islamists themselves, who did not have a clear blueprint to bring about an Islamic order and could not offer anything to the proceedings other than preaching about the necessity of an Islamic constitution. Secondly, the author concludes that the sectarian parties (i.e. Umma and NUP) were satisfied with the 'symbolic Islamic character'³⁸ of the draft constitution as it had proved sufficient to placate their grass-root constituencies, without bringing about any drastic changes to society that would threaten their privileged positions.

While the Islamists were pushing the issue of an Islamic constitution, there were also developments within the MB itself during a congress held in 1969 to discuss the movement's future. At the centre of these discussions was Turabi who was instrumental in the Islamists decision to open up the MB membership outside the ranks of the intelligentsia. Turabi understood that if political activism was to succeed, then it was necessary that the membership of the MB increase. In order to facilitate this Turabi did not see the purpose of bringing in a program of indoctrination for political adherents as was done in the Egyptian MB. This led to a diversification in membership with the ICF reaching out into other segments of society and setting up organisations focusing on trade unions, women's groups and youth movements. While the reason for setting up these groups might have been to counter similar SCP organisations, they had long term benefits with these "satellite organisations" acting as loosely connected groups to the Islamists that could enjoy autonomy to function freely in their various tasks³⁹. These satellite organisations would eventually provide new cadres and a source of leadership talent for the Islamists.

In May 1969, the coup led by Nimayri gave increasing power to the leftists with the majority of the appointed cabinet being former SCP members or military officers with leftist sympathies, leading to a period of hardship for the MB and ICF.

It was not until the National Reconciliation Agreement of 1977 that the Islamists

³⁷ Sidahmed, *Politics and Islam*, 103.

³⁸ Sidahmed, *Politics and Islam*, 106.

³⁹ El-Affendi 77.

third phase of evolution occurred. The agreement, which sought to reconcile the Umma and ICF⁴⁰ parties with Nimayri, provided the ICF the opportunity to join in the administration and work towards the goal of Islamicising the political process from within the government. As Sidahmed has commented:

Al-Turabi's aim from the reconciliation was basically a search for legitimate activity and power that would facilitate the political activism of his organisation. He (Turabi) did not demand the reform of institutions as a condition for participation but rather joined in it. He (Turabi) publicly disbanded the *ikhwan*, who would work within the one-party system for a common purpose of the Islamicisation of Sudanese political, legal and social structures.⁴¹

Turabi's sacrifice of the administrative structure of the MB was an example of his pragmatic approach in politics, making sacrifices to gain as much experience in government as possible. By disbanding the MB and participating in the Sudanese Socialist Union (SSU) several members of the Islamists rose to prominence within Nimayri's administration including Turabi who became Attorney General. Moreover, it also put the Islamists in the position to benefit from Nimayri's own public declaration of Islamic piety by supporting his policies and looking towards expanding their popular base into different segments of society. For example, moves were made to recruit into the ranks of the army, demonstrating the Islamists appreciation of the role played by the Sudanese Armed Forces in contemporary politics.

Furthermore, Nimayri's incorporation of Islamic finance and banking into the economy was one move that some authors have suggested had been responsible for opening up the access to credit for small and medium businesses outside the influence of the sectarian parties, thereby breaking their hold on the Sudanese economy⁴². While it was responsible for financing businessmen along Islamic principles, it should be noted that the sectarian parties also profited from Nimayri's Islamic banking laws and did not lead to a monopolisation of Islamic banking by the Islamists. What was important for the Islamists was that they were able to target the emerging non-sectarian merchants as an important segment in society to be brought into the Islamist camp. In particular, they canvassed Sudanese expatriates (*mughtarbin*)⁴³ in financing small to

⁴⁰ Armed wings of the Umma and ICF had attempted on several occasions (1970, 1975 and 1976) to overthrow the Nimayri regime. The move by Nimayri reflected a growing trend in the latter half of his period in power where he became more supportive of Islamic issues and publicly expressed his devotion to Islam.

⁴¹ Sidahmed, *Politics and Islam*, 130.

⁴² El-Affendi 90.

⁴³ See Sidahmed, Abdel Salam, *Politics and Islam* 188-225. The author examines the impact of the *mughtarin* and analyses the role of Islamic Banks and Gulf financing in the growth of the NIF.

medium size industries during the 1970's, promising to protect their interests due to the Islamists' relative independence from the sectarian parties and their favour with Nimayri⁴⁴. It provided the opportunity for the Islamists to develop a financial class, further diversifying their membership.

However, Nimayri's enactment of the September 1983 *shari'ah* laws was the most important development for the Islamists during this period. By the time the laws were brought in all the allies that Nimayri had during National Reconciliation were gone with the exception of the army, the SSU and the Islamists. The decision to support Nimayri as a way of penetrating and gaining experience in administration had paid off with many members of the *shari'ah* courts being MB supporters or members⁴⁵. Most importantly, the goal the Islamists had been working for since their mobilisation (i.e. an Islamic constitution) had become a reality. Nimayri had amended the 1973 constitution in order to comply with Islamic laws. The Islamists welcomed Nimayri's Islamic declarations, mobilising to take full advantage of the imposed Islamism on Sudan, ascending to high positions within the regime and attempting to broaden their (Islamist) movement⁴⁶. Yet possibly the greatest benefit with the September Laws was that they were enacted by Nimayri himself. This provided the Islamists with the opportunity to participate in the Islamic experiment and be able to try to expand their movement legally while other parties were suppressed. If the laws proved a failure the Islamists could disassociate themselves from them, putting the blame on Nimayri by suggesting that they were either not truly Islamic or that Nimayri had used them for his own purposes rather than society's benefit.

Toward the end of his regime, Nimayri began to suspect that the Islamists were attempting to take over power and had them jailed⁴⁷. This proved timely for the Islamists since it enabled them to portray themselves as much victims of Nimayri as other groups in society, leaving the opportunity to participate in any post-Nimayri administration. Shortly before his overthrow, as Nimayri's regime was witnessing growing unpopularity, Turabi and the Islamists began to participate in demonstrations against the regime.

⁴⁴ Ibrahim, 46.

⁴⁵ Gabriel Warburg, "The *Shariah* in the Sudan: Implementation and Repercussions" *Sudan: State and Society in Crisis* ed. John Voll (Indianapolis: Indiana University Press, 1991) 94.

⁴⁶ Sidahmed, *Politics and Islam*, 139.

⁴⁷ Sidahmed, *Politics and Islam*, 139.

After Nimayri's overthrow, a Transitional Military Council (TMC) was formed that led to the return of parliamentary rule. Turabi and the Islamists set up a broad front of like minded groups during a congress in April 1985 called the National Islamic Front (NIF) with the purpose of participating in the upcoming elections in 1986 on the platform of an Islamic constitution for Sudan. The NIF campaigned along the lines of portraying itself as the modern Islamist movement, seeking to erode the power of the traditional sectarian parties. This was coupled with the message of the *shari'ah* as the source of law and Muslim's desire to be ruled by their faith⁴⁸. Since the *shari'ah* had not been scrapped during the TMC (although the *hudud* punishments had been suspended), it was still an issue very much on the political agenda. According to Sidahmed, the NIF had pledged to scrap the laws passed by Nimayri and replace them with an 'Islamic alternative'⁴⁹, adopting the strategy of distancing their political platform from the September Laws.

The 1986 election for the NIF signalled the arrival of the Islamists as a force in the Sudanese political arena and illustrated the benefits of being able to diversify its membership outside its intelligentsia roots. They had managed to sweep 23 out of 26 seats in the Graduate Constituencies and also took another 28 seats in the Khartoum area, in total taking 18% of the popular vote⁵⁰. The result showed the Islamist movement's sweeping gains since its beginnings. The Islamists were now the third largest party in parliament signalling to the main parties that the NIF was a political force representing a growing segment of the Sudanese body politic outside of their traditional control and as such could not be easily ignored.

HASSAN AL-TURABI

Since the MB began was an extension of the Egyptian MB in the 1940's, many of the ideas of the latter can be found in their Sudanese counterparts, in particular the teachings of Hassan Al-Banna. This connection with Egyptian Islamists has led commentators to describe the Sudanese Islamists as *neo-salafiyya*, in that they seek to revive the golden age of Islam by using modern methods⁵¹.

⁴⁸ Sidahmed, *Politics and Islam*, 216.

⁴⁹ Sidahmed, *Politics and Islam*, 176.

⁵⁰ El-Affendi 116.

⁵¹ Sidahmed, *Politics and Islam*, 234.

As the movement grew, the thoughts of Hassan Al-Turabi became dominant in the MB and shaped the policies of the NIF. By examining his views on the Islamic state one can get a sense of what an Islamic state involves for the NIF. There are two central themes in Turabi's discourse on Islam, namely *tawhid* (unity) and *tajdid* (renewal).

For Turabi, the political state is an expression of Islamic society⁵². As such there is no separation between politics and religion, the state is merely the extension of society. The basis of the Islamic state lies in the notion of *tawhid*, which liberates man from worldly authority in order to serve God. This principle lays the groundwork of the Islamic state in two ways. First, it is not secular in any way. The purpose of the state as an extension of an Islamic society is the subjugation to God's will as it is manifested and guided by the *shariah* (religious law). The notion of nationalism therefore can never exist in an Islamic state since allegiance is owed only to God and by extension to the *ummah* (community) of believers (i.e. Muslims)⁵³.

The concept of *tajdid* is a necessary requirement if *tawhid* is to be a possibility⁵⁴. It deals with a renewal in terms of how Islamic jurisprudence (*fiqh*) deals with modernity. Unlike other Islamists notables such as Sayyid Qutb who call for a withdrawal from Western dominated modernity, Turabi calls for an interpretation of *fiqh* in order to take into account modern developments. Turabi suggests that Islam is a 'progressive religion' that is able to adapt to circumstances 'that Muslims can utilise for the worship of God.'⁵⁵

The *shari'ah* is central to the notion of the Islamic state. It sets the way for the development of constitutional law in that it defines the relationship between individuals and government. The premise is that *shari'ah* is able to limit the power of government in order to strike a balance between the interest of society and the individual in maintaining social justice along Islamic lines⁵⁶.

For Turabi, an Islamic state can only be a republic because the nature of *shariah*

⁵² El-Affendi 142.

⁵³ Hassan al-Turabi, "The Islamic State" *Voices of Resurgent Islam* ed. John L. Esposito (New York: Oxford University Press, 1983) 241. Some believe the Islamists are in the process of exporting their ideology outside Sudan's borders. 'It's just that people don't really believe that a frontier is relevant. There are people on the other side of the frontier in Sudan that are of the same ethnic stock...So the Sudan is now opening up frontiers toward Ethiopia and Chad.' Turabi in Miller, Judith, "Global Islamic Awakenings or Sudanese Nightmare" *Spokesman for the Despised: Fundamentalist Leaders of the Middle East* (London: University of Chicago Press) 199.

⁵⁴ Sidahmed, Abdel Salam, "Sudan: Ideology and Pragmatism" *Islamic Fundamentalism*, 188.

⁵⁵ Sidahmed, "Sudan: Ideology and Pragmatism", 189.

⁵⁶ Turabi, "The Islamic State" 242.

rules out the possibility of hereditary succession. Furthermore, a *majlis al-shura* (consultative council) would be established in order that the *umma* would be able to reach *ijma* (consensus) over matters affecting society. Ideally in the Islamic state there is no role for the *ulema* (religious orthodoxy) since it would give them a privileged position and possibly turn the state into a theocracy. Since the role of the *majlis al-shura* is that of a body of consultation and consensus, knowledge be it religious or otherwise is spread throughout society, prohibiting it from being monopolised by an elite few. Turabi argues that the *ulema* are not only those who possess religious knowledge, they include those who possess any specialised knowledge (i.e. engineers, doctors, etc.) since all knowledge is divine.

While Turabi suggests there is nothing legally prohibiting the formation of a multi-party system in the Islamic state, a “developed” Islamic society would have no need for the “majority/minority” parliament⁵⁷, because parliamentary government would only lead to political stalemate. Society itself would have developed an advanced level of *ijma* that would eliminate the need for parties.

Moreover, Turabi suggests an Islamic state can only exist where there is an Islamic society, otherwise the situation arises whereby laws are being enforced upon a reluctant segment in society⁵⁸. This concept has particular reference to Sudan, with its significant non-Muslim minority in the south. While referring to non-Muslims as protected people (*dhimmi*) who are accorded special rights to practice their religion and live in an Islamic society, it should be noted that the status of *dhimmi* is granted to only Christians and Jews. In light of the fact that the south has a considerable number of people following animist beliefs, the question then arises as to their status in an Islamic state. Can people of animist beliefs be accorded full rights in an Islamic state? Are Islamists allowed to actively proselytise or forcibly convert animists in order to further Islamicise society? If this is not possible, then should the area with non-Muslims be separated, so that the inhabitants of the remaining state are all Muslim? These important issues are treated vaguely by Turabi. He has commented to one author, that he did not address the issue of non-Muslims in an Islamic state because he did not

⁵⁷ See Ahmad S. Moussalli, “Hasan al-Turabi’s Islamist Discourse on Democracy and *Shura*” *Middle Eastern Studies* 30.1 (1994): 52-63, Turabi, “The Islamic State”.

⁵⁸ Sidahmed, “Sudan: Ideology and Pragmatism”, 191.

want to “complicate issues”⁵⁹. While the literature concerning Islamists views on the compatibility of an Islamic state with a non-Muslim minority is not as vast so as to answer the questions above, the Islamists have attempted to address the non-Muslim situation in a more practical rather than theoretical manner.

ISLAMISTS AND THE SOUTH

While the above has focused on the development and aims of the Sudanese Islamist movement, the following seeks to address the Islamist approach to the issue of the south. In summary, the main concern of the Islamists has been (and remains) the process of establishing an Islamic legal system in order to Islamise society and bring about an Islamic state. One of the socio-political developments that Islamists have confronted since their mobilisation has been the prospect of the secularisation of society, represented by the SCP and other socialist and liberal forces.

However the advent of the 1973 ‘permanent’ constitution at the end of the civil war re-focused the Islamists’ energies. The Islamists (along with the sectarian parties) were against the secular 1973 constitution and the federal power it accorded to the Southern Region. The Islamists considered the arrangements made by Nimeiry to attempt to bring southerners into the political decision making process as mechanisms that were not conducive to their goals of an Islamic state. The Islamists have traditionally seen the south as an impediment to their goals because of its predominantly non-Muslim character, as well as its intelligentsia and political parties’ commitment to a secular constitution. As such, they have supported the idea of a military victory and backed the actions of Abboud and Mahjoub in pursuit of the war with the *Anya Nya*. As a result of their rejection of the 1973 constitution, the Islamists and the sectarian parties formed an armed wing called the National Front, which attempted to overthrow the Nimeiry regime. After several attempts to overthrow Nimeiry failed, the sectarian and the Islamists reconciled with Nimeiry in 1977.

However, as Peter Nyot Kok has shown, the Islamists could not actively call for an Islamic constitution during the 1970’s since it would have suggested overriding the 1973 ‘permanent’ constitution, raising southern suspicions and animosity⁶⁰. The

⁵⁹ Miller, “Global Islamic Awakenings”, 212.

⁶⁰ Kok, Peter Nyot. “Conflict over laws in the Sudan: From Pluralism to Monolithicism” Sudan: History. Identity. Ideology eds. Herve Bluechot, Christian Delmet and Derek Hopwood (Reading: Ithaca Press, 1991) 241.

Islamists instead made the concession of participating in an administration governed by a secular constitution and lobbied that the 1973 constitution could be maintained, however it had to be brought in line with *shari'ah* laws.

As a result, the Law Revision Committee (headed by Turabi) was given the mandate to bring the 1973 constitution in line with *shari'ah*. The committee found 38 of 286 laws not in line with *shari'ah* including the Regional Self Government Act 1972, which had permitted the development of customary law, local languages and culture⁶¹. Article 16 of the Addis accord was a particular problem for the Islamists since it gave Christianity and animist practices a place alongside Islam⁶². The Islamists saw the Regional Self-Government Act 1972 as an obstacle to the imposition of Islamic law because of the federal power enabling it to determine its own laws, allowing the Southern Region to veto any attempt to make *shari'ah* federal law for all of Sudan. Furthermore, the fact that the 1973 constitution did not require that the head of state be Muslim was a further issue of contention for the Islamists⁶³. The Islamist then proceeded to attempt to Islamicise the 1973 constitution in order to weaken the south. As Peter Nyot Kok has stated:

“The weakening of the South was therefore an essential strategy in the scheme of Islamization of the state”⁶⁴

Afterwards, the Islamists continued to work behind the scenes encouraging Nimayri to pursue policies with an Islamic bent and were instrumental in the application and enforcement of the 1983 September Laws.

The renewal of the conflict in the south in 1983, combined with the transformation of the Islamists into a significant northern political party (NIF) in 1986 led the Islamists to develop a platform to specifically address the conflict in the south and non-Muslims. The SPLA's manifesto, with its commitment to establish a new cultural order through a secular, democratic government⁶⁵, was viewed by the Islamists as a direct threat to the place of Islam in Sudanese society. In response to both their supporters and detractors, the Islamists set out to outline their political platform on the issue of non-Muslims.

According to Turabi, non-Muslims are protected within the state and have a

⁶¹ Kok, “Conflict over laws in the Sudan”, 242.

⁶² Alier, *Southern Sudan*, 257.

⁶³ Alier, *Southern Sudan*, 257.

⁶⁴ Kok, “Conflict over laws in the Sudan”, 242.

⁶⁵ John Garang de Mabior, *The Call for Democracy in Sudan* (London: Kegan Paul International, 1992) 6.

guaranteed right to their religion and social customs⁶⁶. If there was any rule within the *shariah* that was incompatible with their beliefs then it was not applicable to them. This approach was supported in the NIF's Sudan Charter of January 1987 where the Islamists recognised the multi-faceted nature of Sudan and that in the sphere of law even though Islamic jurisprudence would be the general source, it also required:

“the principles of religious freedom and equality...allow for partial legal multiplicity in regards to the affiliation of persons or to the predominance of non-Muslims in any particular area.”⁶⁷

Even though the charter stated its belief in the unity of Sudan and the primary position of Muslims, it was written for a southern audience attempting to dispel the Islamists' image as a party that was oblivious to southern concerns. It addressed issues of political power sharing based on a federal structure and the equitable distribution of resources among regions. Finally, the Charter discussed the guarantees the non-Muslim minority would receive in the realm of law and their ability to participate in the political process without prejudice.

The fact that the NIF produced the Sudan Charter gives further evidence of the Islamists' appreciation of the obstacle the South represented to their goal of an Islamic order. The significant non-Muslim population had replaced the SCP as the main obstacle to the Islamist program. How the Islamists have responded to the reality of a large non-Muslim population is characteristic of their pragmatist approach. During periods of southern strength (1972-80, 1985-89) the Islamists had made efforts to alleviate the concerns of non-Muslims, giving the pretence of being a tolerant organisation. The Islamists either exploited the stable climate in order to spread in the south, through the Islamists' funding of the Association of Southern Muslims⁶⁸, or to work within the government to further weaken the South, i.e. Law Revision Committee.

During moments of southern instability or weakness, Islamists belief in national unity becomes more intense and moves are made to weaken the south openly. This has been reflected by the Islamists' support for the re-division of the Southern Region in the 1980's and for a military victory in the south, at times portraying the conflict as a *jihad* in the *dar al-harb*. Southern concerns have been raised by rhetoric from the NIF

⁶⁶ Hassan al-Turabi, 'The Islamic State' *Voices of Resurgent Islam* ed. John L. Esposito (New York: Oxford University Press, 1983).

⁶⁷ Abdullahi Ahmed An-Na'im, "Constitutional Discourse and the Civil War" *Civil War in the Sudan* eds. Daly and Sikainga, 334.

⁶⁸ Gabriel Warburg, "Mahdism and Islamism" *International Journal of Middle East Studies* 27 (1995): 231.

portraying the south as a region that was to be conquered in order to spread the *ummah*⁶⁹.

CONCLUSION

The development of the Sudanese Islamist movement has come a long way from its beginnings as an elite intellectual group reacting to the rise of leftist forces and the danger their professed secularism had in Sudan. The Islamists had mobilised against the communists during their early phases, acting as a pressure group in order to present their desire of an Islamic constitution to the traditional parties.

While the movement has maintained the aim of achieving its goal of an Islamic state, the nature of Sudanese society has led them to react to issues which have presented a second challenge to their goals, i.e. non-Muslims and the south. Since the National Reconciliation of 1977, the Islamists have adopted strategies geared towards weakening the south politically so as not to be able to impede the application of Islamic law. In so doing, the Islamists' have been representative of the pragmatic approach in addressing the issue of the south.

The Islamists have had to 'package' their message when considering the non-Muslim minority, working covertly to bring about measures to weaken the south, i.e. Law Revision Committee. Between 1983-88, the SPLA was scoring military victories all over the south and Nimayri's September Laws in 1983 were responsible for many disgruntled southerners joining the ranks of the SPLA. The greatest threat further SPLA military victories could present to the Islamists was the possibility of the government being forced to negotiate a peace treaty dictated by the SPLA. The Sudan Charter's support for 'religious diversity' was a concession made by the Islamists in the hope a tolerant political platform would assuage southern mistrust and recourse to the SPLA. For the Islamists a strong SPLA meant a southern region not in the control of the government. The guarantees made to southern concerns in the Sudan Charter should be seen therefore as the Islamists' appreciation of the obstacle a strong south represented to an Islamic state and a tactical manoeuvre to give the pretence of an organisation committed to religious diversity.

Yet, the Islamists have not limited the options to their approach to issues dealing

⁶⁹ Sidahmed, *Politics and Islam*, 223.

with the south. When the Islamists' aims have been directly threatened, i.e. the 04 July 1989 meeting between the SPLA and Sadiq al-Mahdi concerning a secular constitution, they have adopted the revolutionary approach, overthrowing the government on 30 June 1989. The fact that Sadiq al-Mahdi was to discuss the possibility of a secular constitution, represented the culmination of the Islamists' fears of the SPLA being able to dictate terms of a peace agreement to a northern government that would lead to a secular state.

The question then is how has the post-1989 reality of holding power affected the Islamists' approach to the conflict in the south? Has the contemporary reality of being in government effected their position towards the conflict? Have they made concessions in their ideology and aims? These are the questions that the remainder of this study seeks to examine.

CHAPTER 3: THE NATIONAL SALVATION REVOLUTION: JUNE 1989-SEPTEMBER 1991

"This is a National Revolution of neither the left nor the right...It is neither partisan nor denominational. It is not pro-Nimieri, tribalist nor racist. There is no orientation except towards the glory of Sudan."

Brig.Gen Omar Hassan Al-Bashir¹

"What we have now is the NIF in uniform"

Col. John Garang²

This chapter will outline the events following the coup up to the period of the factional split within the SPLA in late August 1991. It will focus on several areas including the state and nature of the regime; attempts made in seeking peace in the south through mediation and finally the events occurring in the southern Sudan. The decision to analyse this period was taken because it represented the Islamists' attempt to consolidate their hold on power, seeking to achieve their ideological aims while reconstituting their strength in order to pursue the conflict in the south.

THE COUP AND THE REVOLUTIONARY COMMAND COUNCIL (RCC)

The coup itself was brought off with little bloodshed and was organised by a group of senior army officers led by Brig. Gen. Omar Hassan al-Bashir. Bashir and the others were generally unknown to the public³, and cited the spiralling economic situation, corruption in government, growing security threat in the south and the neglect of the Armed forces as reasons for the coup.

The officers set up a Revolutionary Command Council (RCC) responsible for implementing their National Salvation Revolution (NSR) and Bashir was appointed its President. The RCC made itself the highest legislative authority and appointed a Council of Ministers as the executive authority responsible for the administrative work of government. The regime also relieved the Chairman and Members of the Southern Council from their posts and appointed Brig.Gen. Pio Yukwan (RCC), Supervisor-General of the Southern Council⁴.

¹ GOS Radio 30 June 1989.

² Kenyan News Agency 28 October 1989.

³ Lt.Gen. Joseph Lagu never heard of Bashir until the day he arrived back from abroad and met Bashir in the President's office. Lagu, Joseph, Personal interview, 31 July 1997.

⁴ BBC Summary of World Broadcasts- Part 4 :Middle East/Latin America/Africa. Third Edition, ME 0551, 29 Aug. 1989: A6 .

The RCC was quick to disassociate itself from any political party. It stressed that its loyalties lay in implementing the NSR and that multi-party democracy and political parties had solved little in Sudan's history⁵. The RCC made moves to ban all parties, confiscate their assets, and had Sadiq al-Mahdi, Muhammad Othman al-Mirghani (DUP) and Hassan al-Turabi arrested⁶.

Despite claims by Bashir otherwise⁷, Bashir had links to the NIF. He was involved in a plot to overthrow Nimieri in 1985 that was orchestrated by Hassan al-Turabi⁸. Furthermore, Ali Osman Taha had visited Bashir in Mayom a month prior to the coup at the direction of Hasan al-Turabi, where they planned the events of 30 June 1989⁹. The NIF's coup was a pre-emptive manoeuvre to stop the scheduled 04 July 1989 peace negotiations between Sadiq al-Mahdi and the SPLA, to discuss the revoking of the *shari'ah* laws¹⁰. Finally, Hassan al-Turabi upon his release from house arrest in March 1990 disclosed that the NIF was the force behind the scenes of the 30 June 1989 coup¹¹.

The NSR resembled the NIF platform as the RCC dissolved trade unions, kept *shari'ah* laws, disavowed all former peace agreements with the SPLA¹², and expanded military and political links with Arab countries, including a proposal for integration with Libya.

There was further evidence of NIF support as analysts began examining the appointments made by the regime. Former NIF Deputy Secretary-General Ali Othman Muhammad Taha and NIF Member of Parliament Ibrahim Ubaydallah were named as political and economic advisors. Former NIF Foreign Relations Chairman Mahdi Ibrahim was appointed as an information advisor, followed by the appointment of Yasin Omar al-

⁵Bashir: 'They have failed three times. We are not ready to lose more time on these parties' Lindsay Hilsom, "Sudan Coup Leader Rules out Democracy" *The Guardian* 08 July 1989: A1.

⁶*BBC Summary*, ME 0526, 04 Aug. 1989: A4.

⁷Bashir stated: 'I would like to state categorically that we have no relations with the Islamic Front before, during or after the coup. We have no intention of co-operating with them at all'. Shyam Bhatia, "Sudan Disowns Islam Hard Line" *The Observer*, 16 July 1989:A1.

⁸Article named Bashir as the 'Muslim Brother charged with organising a coup by Nimieri on behalf of Hassan al-Turabi'. Jean Gueyres, *Le Monde* 23 July 1989: 1.

⁹Malwal, Bona, Personal interview, 06 February, 1998.

¹⁰'They organised it. They financed it. They bought off the middle ranking officers. They did it.' Lagu, Joseph, Personal interview, 31 July 1997.

¹¹*BBC Summary*, ME 0730, 04 Apr. 1990: A6. Joseph Lagu met with Hassan al-Turabi on 27 June 1989 and was advised that he should go to Washington to participate in low level discussions, suggesting he leave immediately. Lagu felt Turabi was warning him to leave Sudan for his personal safety. Lagu, Joseph, Personal interview, 31 July 1997.

¹²A radio broadcast was cited whereby Koka Dam was a 'treaty of national surrender'. Dr. Ellen Gruenbaum, letter, *The Independent* 12 Sept 1989: 15.

Imam as the Head of the 'Popular Committees' program of the NSR¹³. NIF sympathisers appointed to the Council of Ministers included Ali Muhammad Shammu (Minister of Culture and Information), Ali Sahlul (Minister for Foreign Affairs), Hassan Ismail al-Billi (Justice Minister)¹⁴ and Abdulrahman al-Hamdi as Minister of Finance and Economic Planning, formerly of the Baraka Islamic Bank and a NIF financier. Bashir replaced the General Officer in Command (GOC) of the Army, Lieut. Gen. Ishaq Ibrahim Omar, with Lieut.Gen. Hassan Abdulrahman Ali, a known NIF supporter¹⁵.

The RCC made immediate moves to consolidate its power. This was done through detentions, banning the press, outlawing unions and purging the military. The latter shows where the RCC thought the most serious threat would be, taking their own experiences and the lessons of Sudanese history into account. Moves were made throughout every branch of the Armed Forces to replace all senior officers with those who could be trusted by the RCC and the Islamists¹⁶. By the time the purge of the military was complete, almost 600 officers had been "pensioned off and retired"¹⁷.

Arbitrary detentions were brought against many in professional occupations such as lawyers, doctors and teachers. There were detentions against teachers and academics in particular, as the new Minister of Education, Abdullah Muhammad Abdullah, planned to reshape the educational establishment to fit into the NIF plans¹⁸. The RCC also made moves against the press, requiring all newspapers have licenses. It repealed the 1985 Transitional Constitution brought in by Sadiq al-Mahdi's government and enforced the State of Emergency act nation-wide, giving the military the power of provisional arrest and indefinite detention of those it suspected of breaking the emergency regulations.

A move was made also against the independence of the judiciary with the RCC setting up Special Revolutionary Security Courts (SRSC) that were staffed by military officers. There was no process of law with the constitution scrapped, and when the civilian judges organised a strike against the SRSC, on 21 August 1989, 57 of them were

¹³ Gill Lusk, "A Further Respite" Middle East International 06 Oct. 1989: 13.

¹⁴ Committee for the Peace and Reconstruction in Sudan (CPRC), Sudan Update, V.1 n.12, (London) 14 July 89.

¹⁵ Economist Intelligence Unit (E.I.U), Country Report: Sudan, 3rd Quarter 1989, (London: Economist Group) 11.

¹⁶ BBC Summary, ME 0497, 01 Jul. 1989: A1.

¹⁷ David Hurst, The Guardian, 29 Mar. 1989.

¹⁸ Africa Watch Committee, Suppression of Information and Curbs on the Press, (Africa Watch: Washington D.C, 30 Aug. 1990) 19.

dismissed¹⁹. The SRSC also drew international attention when they tried Dr. Mamoun Muhammad Hussein for waging war against the state by leading a Doctor's Union strike on 26 November 1989.

The formation of Popular Committees for Salvation announced on 9 August 1989²⁰ was the regime's blueprint for the participation of civilians in the National Salvation Revolution. People would join their neighbourhood committee and assist the regime in a variety of functions and miscellaneous tasks including security and surveillance.

The Revolutionary Security Force (RSF) was formed in the autumn of 1989 and replaced the Internal Security Service. The RSF came under direct command of the Minister of Presidential Affairs Lt.Col. Tayyib Ibrahim Muhammad Khayr and was staffed by NIF supporters responsible for a wave of arrests and detentions²¹, including the rounding up trade union leaders and political prisoners²². When prison facilities such as the infamous Kober prison in Khartoum were not clandestine enough for interrogating prisoners the RSF set up 'ghost-houses' throughout Khartoum where more brutal forms of interrogation and torture took place²³.

FEDERALISM AND SHARI'AH

The two major policy initiatives brought in by the RCC and their Islamist backers were the implementation of a federal system of government and the decision to implement the *shari'ah* as the legal source for northern Sudan. Federalism was announced on 04 February 1991 to the country as the result of the consultative process held through the National Dialogue for Political Systems²⁴. The moves to bring the federal structure to Sudan led the RCC to divide Sudan into nine states/regions (Khartoum, Central, Kordofan, Darfur, Northern, Eastern, Bahr al-Ghazal, Upper Nile and Equatoria) which were further divided into 66 provinces and 218 districts for local administration. The provincial levels were delegated responsibility for administration, economic planning and development for their area, while the state took on areas of trade,

¹⁹ Africa Watch Committee, Denying the Honor of Living- A Human Rights Disaster (Africa Watch: Washington D.C, Mar 1990) 30.

²⁰ BBC Summary, ME 0526, 04 Aug. 1989: A7.

²¹ Africa Watch Committee, Denying the Honor, 37.

²² John Vidal, "Awaiting the call to guide Sudan into federal peace", The Guardian, 07 May 1991:7.

²³ Africa Watch Committee, Denying the Honor, 43.

²⁴ BBC Summary, ME 0961, 04 Jan 1991: A18.

agricultural, health, roads, housing, and education. The Federal government retained control of the Armed Forces, the judiciary, external affairs, higher education and the Attorney General. There was also joint areas of responsibility between the federal-state governments including inter-state trade and urban, cultural and media planning²⁵. Federalism according to Bashir made it possible for states/regions to decide which laws were applicable for their state, therefore the southern states of Bahr-al Ghazal, Upper Nile and Equatoria could decide among other things if Islamic laws should be applied in their area²⁶.

The process of implementing Islamic law as the legal system for northern Sudan was addressed by the regime as soon as it came to power even though it wasn't until 1 January 1991 that Bashir announced it officially. The Islamists began to lay the framework for the *shari'ah* by bringing in measures that would lead to the Islamicisation of society. They made Arabic the official language at all post-secondary institutions, including the University of Juba, and shops and businesses closed for midday prayers in Khartoum²⁷. All prospective candidates into the legal profession had to be able to prove that they were devout Muslims. Furthermore, policies were implemented in the Khartoum public transit system requiring the segregation of male and female passengers with separate entrance and exits. As well there were dismissals carried out against female civil servants and requiring those left to don Islamic dress²⁸. Further evidence of the Islamist nature of the regime was the decision to make Khartoum the headquarters of the new Popular Arab and Islamic Conference led by Turabi²⁹, an organisation that brought together many of the Arab world's leaders of political Islam.

A deliberate point was made to differentiate the *shari'ah* declaration from that of Nimayri's Laws, which according to Attorney General and Minister of Justice Jalal al-Lutfi were used in order to legitimise the Nimayri regime. The Attorney General stated that the areas where the majority of the population was Muslim, *shariah* laws would apply. Otherwise the federal system would apply and the southern states could choose the law they deemed appropriate³⁰.

²⁵ Rawia Hassab El Rawa, "Lessons from Past Experience", *Sudanow*, March 1991: 15.

²⁶ Bashir assured southerners that the 1983 September Laws would be changed and the exemption of the South would be made clear. M.B. de Klein, "Southerners Say Better Late Than Never?" *Sudanow*, March 1991, 17.

²⁷ CPRC, *Sudan Update*, V.1, n.10, 03 Nov. 1989.

²⁸ CPRC, *Sudan Update*, V.1, n.10, 03 Nov. 1989.

²⁹ *BBC Summary*, ME 1061, 02 May 1991: A13.

³⁰ Goshabi, "Justice and Tolerance Characterise Sharia", *Sudanow*, February 1991, 16.

The RCC in conjunction with its declaration that northern Sudan was to be ruled by Islamic law drafted the Criminal Code of 1991. It repealed the Criminal Code of 1983, and defined *hudud* punishments (i.e. amputation/stoning) such as drinking alcohol, apostasy, adultery, and murder. Others listed were *ta'zir*, meaning cases where the penalties were not *hudud* or retribution punishments (*qisa*)³¹. Chapter Two of the Criminal Code 1991 discussed enforcement of the law, including definitions of criminal responsibility, acts punishable by death, the concept of retribution and its application in law, and the concept of blood money (*dia*). The code also defined as an offence against the state anyone who commits an act:

“with the intention of undermining the constitutional system of the country or exposing to danger the unity and independence thereof shall be punished with death or life imprisonment...” Penal Code 1991, Part 2, Chapter 5

The above was used by the regime to portray any opposition against it or its policies as a violation of the Criminal Code. If the constitution of Sudan was based on *shari'ah*, then any opposition to it can be construed as an offence against the state and vice versa. The RCC had decreed a criminal code and legal system the NIF had been hoping to implement from its beginnings. The implementation of the code was a victory for the NIF, and representative of their policies of ignoring non-Muslims when they were in a position of strength.

In foreign policy matters, Arab countries, the Soviet Union, most European countries and the United States recognised the RCC. Soon after coming to power the regime put special emphasis upon Sudan's place in the Arab and Islamic world. Bashir visited Iraq in August 1989 and then Libya, resulting in deals for Libyan military supplies and 250 000tons of petrol by the end of the year³².

The most significant foreign policy move for Sudan was the development of its relations with Iran. This process began with visits by the Sudanese Minister for Culture and Information, Ali Muhammad Shammu, and the Minister for Guidance and Orientation, Abdullah Deng Lual, to Iran on 13 August 1989. They called for an expansion in bilateral relations, including exchanging experiences in the field of religious endowments (*awqaf*)³³. Bilateral relations were strengthened with the visit of Col.Sulayman Muhammad Sulayman to Iran on 03 October 1990, where he met Iranian President

³¹ Government of Sudan, Penal Code 1991, Chapter 1-Interpretations and Explanation.

³² BBC Summary, ME 0572, 27 Sept 1989: A7.

³³ BBC Summary, ME 0534, 14 Aug. 1989: A6

Hashemi-Rafsanjani. He secured the release of 22 Sudanese prisoners of war that were being held from the Iran-Iraq war and received support from the Iranian President in confronting the "Zionist attack in southern Sudan". Rafsanjani called the war in southern Sudan a "war of Islam against blasphemy" and announced his support for Islamic movements in Sudan"³⁴.

Sudan's expansion of relations with Iran caused great concern in Egypt and Saudi Arabia, which did not consider in their interest to have a growing Iranian influence in the Upper Nile and Red Sea, areas that both regarded as within their "sphere of influence"³⁵. Sudan's motive in its improved relations with Iran lay in its desire to acquire economic assistance for the purchase of military equipment. The Iranians financed Sudanese equipment mostly from China, and Sudan received large amounts of Chinese aircraft, armour, and artillery systems as well as Iranian military advisors who trained and operated with Sudanese forces in the south³⁶.

The Gulf War 1990-91 was the other major foreign policy area to dominate Sudan's relationship with its neighbours in the region. The RCC decided to take a "neutral" position, seeking to have the issue of Iraq's invasion of Kuwait solved within an Arab context and condemned the positioning of foreign troops in Saudi Arabia. Sudan's stance on the war led to a frost in its relations with the Arab Gulf states, with many Sudanese expatriates working in the region being harassed.

Relations with African countries did not have the same importance for the regime as maintaining its ties with the Arab and Islamic world. Relations with Ethiopia worsened as the result of the war in the south, with each country supporting the others rebel movement. The Sudanese supported the Omoro Liberation Front (OLF) and the Eritreans while the Ethiopians gave logistical support to the SPLA. Relations with Uganda were generally uneventful, with the exception of Uganda expelling several Sudanese working

³⁴ BBC Summary, ME 0889, 08 Oct. 1990: A15.

³⁵ Anoushivaran Ehteshami, After Khomeini: The Iranian Second Republic, (London: Routledge, 1995) 166.

³⁶ The Military Balance for 1991/92 showed an increase in the acquisition of 40 Chinese Type-59, see Institute of Strategic Studies, The Military Balance, (London: Institute of Strategic Studies, 1991/92) 166. The presence of Iranian military advisors in southern Sudan is a controversial topic. Opposition groups state that up to 10,000 Iranian Revolutionary Guards were involved in the conflict during the mid-nineties. The Southern Sudan co-ordinator for the World Food Program in Nairobi confirmed that aid monitors in the southern Sudan had found bodies of Iranian advisors, killed in a SPLA (Garang) operation in late March 1997. However the Deputy Director of Operations for Operation Lifeline Sudan II based out of Lokichokio, Kenya, found reports of Iranians operating in large numbers in southern Sudan difficult to believe citing there had been no physical evidence provided by anyone making these claims. WFP and OLS II- Kenya, Personal interviews, 22 Apr. 1997.

for the Islamic Call (*Da'wah Islamiyya*) for interfering in Ugandan internal affairs³⁷. Relations were also strained in March 1990 when Sudanese Air Force jets bombed the town of Moyo in northern Uganda for allegedly being used as a sanctuary by the SPLA³⁸.

Relations with the United States and Western Europe during this period were stable. After the regime was recognised the U.S. and Western Europe were both responsible for a large portion of the relief aid that was coming into Sudan in order to combat the famine and food shortages that were occurring in Darfur and southern Sudan in 1991. However as with the Arab Gulf states, relations also deteriorated between Sudan and the US backed coalition forces during the conflict. Relations with the Soviet Union and then the Commonwealth of Independent States were sought by the RCC who were looking to upgrade and maintain Soviet era weapon systems previously purchased³⁹.

The economic and fiscal state of Sudan that the RCC inherited from previous governments was one that was deteriorating. The combination of mismanagement, corruption, rising war costs and a series of natural disasters (floods in 1988, drought 1985) had left Sudan among the poorest nations in the world. The RCC found itself under pressures from the International Monetary Fund (IMF) and the World Bank in paying off previous government's debts. The IMF made moves to have the RCC introduce restructuring measures such as increasing direct and indirect taxes, cuts in budgetary spending, and possible fees for health and education⁴⁰.

The combinations of these pressures on the RCC led them to introduce cuts in subsidies that led to rise in prices such as bread and fuel. There were even measures introduced for rationing the amount of petrol that was to be used on a weekly basis. This combined with the devastating famine in the Darfur and the south in 1991 furthered the hardship that the people of all of the Sudan were facing⁴¹.

³⁷ BBC Summary, ME 0825, 25 Jul. 1990: A16.

³⁸ BBC Summary, ME 0718, 21 Mar 1990: A5.

³⁹ BBC Summary, ME 0511, 18 July 1989: A5. Bashir sought to establish economic and military ties with the CIS since "we have Soviet made weapons that we want them to maintain and we hope for more military co-operation in the field of armaments and other sectors".

⁴⁰ Middle East Economic Digest (MEED), 10 Nov. 1989: 27.

⁴¹ John Vidal, "On a tightrope between help and hindrance", The Guardian, 18 Jan 1991, 17. The government made efforts to maintain the image of being in charge. '1984/5 (Famine) left the country very little and it's easy to see why the government is loath to let it happen again. If there is a full-scale emergency relief operation it is imperative that the government is seen to be more in charge.'

OPPOSITION

As the regime continued to consolidate its power, opposition to the RCC began to take shape. The announcements of the Criminal Code of 1991 and the military pacts with Iran only fuelled the conflict in the south as the SPLA vowed to continue their struggle and work for the overthrow of the RCC

Opposition also grew amongst the now exiled northern political parties, who in October 1989 formed the National Democratic Alliance (NDA) based in Addis Ababa. It sought the overthrow of the government, a return to multi-party democracy and promised to address the problems of Sudan. The NDA enjoyed cordial relations with the SPLA and a joint SPLA-UMMA communiqué was released calling for the overthrow of the Islamists and the Sudanese Armed forces to disassociate themselves from the regime⁴².

Opposition within the Armed Forces also began during this period with a series of failed counter coups against the RCC. The one that drew the most international attention was on 23 April 1990 led by Maj. Gen. Abdulqadir al-Kadaru and Col. Muhammad Othman Ahmed Karra (former Governor of Equatoria). Up to 50 people including civilians and military officers, either on active duty or retired, were arrested in the attempt and were brought in front of a court martial. Soon after 27 officers were shot on 24 April 1990.

On 8 October 1990 the former General Officer Commanding the Armed Forces Gen. Fatih Ahmad Ali, who was relieved of his post by Bashir on 30 June 1989, formed his 'Legitimate Command' grouping, with himself and other former senior officers. The group joined the NDA in Addis Ababa and called on all members of the Armed Forces to refuse the orders of the "fascist NIF regime". He also accused the RCC of raping the military of all its nationalist elements to ensure what was left was a sectarian force loyal to the NIF⁴³. Whether this had any impact on another attempted coup on 14 November 1990 (another 14 junior officers executed) was not certain, but the RCC continued its purge with up to another 92 senior army officers retired by the end of 1990⁴⁴.

Finally, Turabi began to pressure the military to bring about the return of civilian rule. Turabi was vocal from the moment of his release that the time of the military in power was soon to come to an end. The military, who he feared saw themselves as the

⁴² BBC Summary, ME 1022, 16 Mar 1991: A12.

⁴³ BBC Summary, ME 0889, 08 Oct. 1990:A17.

⁴⁴ E.I.U., Country Report: Sudan, 4th Quarter 1990, 16.

“vanguard” of the Islamic state, had to give way to civilian rule⁴⁵. This represented the concern that Turabi had over the military using the *shari’ah* as a tool for their own ends just as Nimayri did. His concerns were to ensure the transition to civilian (Islamist) rule in order to consolidate and build on the gains made by their ascent into power.

THE NATIONAL DIALOGUE FOR PEACE

The RCC had stated that its priority was to bring about a peace agreement in the south. The RCC sought to sit down and discuss with the SPLA how the conflict could be solved⁴⁶ and established a unilateral cease-fire for one month on 06 July 1989. There were efforts to begin peace talks with a delegation travelling to Addis Ababa (the administrative and political headquarters of the SPLA) led by RCC member Lt. Col. Muhammad Al-Amin Khalifa, however the RCC refused to reconsider Koka Dam or the Sudan Peace Initiative⁴⁷. Garang sought clarification on the position of the RCC on various issues before entering into negotiations. Namely, the future of previous accords (Koka Dam, Sudan Peace Initiative) and plans the RCC had in solving the problems of the Sudan in general⁴⁸. There were further talks, with Bashir meeting SPLA spokesman Dr. Mansur Khalid during an Organisation of African Unity (OAU) summit on 25 July 1989. They discussed their viewpoints regarding peace, and Bashir announced that there would be further consultations with the opening of talks between the government and the SPLA during the first week of August in Addis Ababa.

The SPLA made it clear that they would not cease their operations until there were definite signs from the government that they were committed to peace. The SPLA listed their demands of ceasing the implementation of the *shari’ah* laws, the redistribution of wealth and resources between north and south, and honouring the previous agreements that had been signed. They also called for a conference that brought all political parties together to discuss the constitutional future of Sudan⁴⁹. Several days before the talks,

⁴⁵ BBC Summary, ME 0730, 04 Apr. 1990: A6.

⁴⁶ Bashir, ‘We are not in a hurry. We are soldiers, fighting in the jungle. We know each other and speak the same language, so if we sit together we will be able to resolve it.’ Lindsay Hilsom, “Sudan Coup Leader Rules out Democracy”, The Guardian, 08 Jul. 1989:A1.

⁴⁷ Article discusses the confusion over the actual purpose of the Sudanese delegation, suggesting that at first the purpose of the visit was to establish links with SPLA. “Confusion over purpose of visit by Sudanese”, The Guardian, 07 Jul. 1989: 14.

⁴⁸ BBC Summary, ME 0514, 21 Jul.. 1989: A5.

⁴⁹ BBC Summary, ME 0519, 27 Jul.. 1989: i.

Garang laid out a four point peace plan calling for the establishment of an interim broad based government of 'national unity' comprising the government, SPLA and other political parties (now banned). He called for a national, non-sectarian army to be drawn up from the SPLA and the Armed Forces; a national constitutional conference for setting the way for a permanent constitution and finally, free elections and the establishment of a democratic government⁵⁰.

The talks were held on 19 August 1989 with Lt. Col. Khalifa (RCC) representing the government and Cdr. Lam Akol the SPLA. There was no development in the peace process, with both sides walking away from the meeting. The SPLA blamed the failure of the talks on the government for not moving on issues such as the lifting of the state of emergency, the status of previous agreements and the Islamic laws. The government's response was that the talks had been 'serious and frank' and that the two sides had resolved to meet at a later date⁵¹.

The failed talks reflected the SPLA's suspicion of the new government with a concern that the RCC might be working for the separation of the south as a method of casting away the 'southern' problem. The SPLA's concern was that northerners typically sought to find solutions that were specific for the south, instead of approaching these issues as national problems. During a 13 July 1989 interview in *Al-Khaleej*, Bashir said that he would not reject separation of the south if the southern people decided on it.

The failure of talks between the regime and the SPLA did not stop the RCC from attempting to address the issue on its own. On 8 September 1989 a National Dialogue for Peace (NDP) was convened in Khartoum. Garang was invited to attend the conference with guarantees of his personal security made. Garang made his attendance conditional on the lifting of the curfew, the removal of the ban on trade unions, political parties, press, and halting the *hudud* punishments⁵². It was rather unlikely that Garang had any intention of attending the conference nor having his demands met, especially after the failed talks in Addis Ababa. His response was an attempt to discredit the NDP, just as his offer to attend was an attempt by the RCC to gain legitimacy.

The NDP convened an 83-member committee for 40 days and travelled

⁵⁰ *BBC Summary*, ME 0510, 17 Jul. 1989: i. The polemical speech of Garang on this date was full of attacks against the regime for overthrowing the 'elected Umma' government as well as calling for assurances that Sadiq al-Mahdi was safe.

⁵¹ *BBC Summary*, ME 0542, 23 Aug. 1989: A7.

⁵² *BBC Summary*, ME 0557, 09 Sept. 1989: A1.

throughout Sudan seeking to gain viewpoints on the conflict in the south. There were sub-committees dealing with information and the media, the history of the conflict, attempts at previous solutions, the effect of the war, and the study of systems of government for Sudan. The NDP was chaired by two southerners, Lt.Gen. Joseph Lagu and Abel Alier, and Dr. Jazuli Daf'allah⁵³. The government used the recommendations of the conference as a blueprint for the programs they were to bring in. The NDP recommended that the federal system was the most appropriate for Sudan and that the President and Vice President should be elected. As well it stated that Islam and Sudanese custom were the sources of legislation in the country and that the federal system gave any state the chance to reject implementing laws of religious nature. The conference also declared that there should be a rehabilitation of the war-ravaged parts of the Sudan and in the future more attention should be given to the less developed parts of the country. As well it decreed that Arabism and Africanism were two major factors of the Sudanese identity⁵⁴.

Response from Garang and the SPLA was negative. Garang, who was on a tour of African states, was busy criticising the conference as orchestrated by the NIF, branding the government as 'Islamist' seeking the partition of north and south⁵⁵. Opposition groups within the NDA now in Cairo also had the same accusations.

As there was a widening gap between the government and the SPLA, a move was made to bring the two sides back to the table for talks in December 1989 in Nairobi, Kenya. The mediator was former U.S. President Jimmy Carter, who canvassed both sides hoping to get them to sit down in order to allow the safe passage of aid supplies into the south. The talks began 02 December 1989 with once again delegations led by Cdr.Lam Akol and Lt.Col. Khalifa. The talks addressed issues of cease-fires and further constitutional talks, however Jimmy Carter expressed his disappointment in both sides in not having the will to seriously negotiate.

There was talk about holding a third round of negotiations but there was no significant move by either side to come back to the negotiation table until the Abuja

⁵³ There was a certain amount of controversy in having several key southerners such as Lt.Gen. Joseph Lagu, Abel Alier and Hilary Logali participating in the NDP. Lagu claimed the presence of him and the other southerners was required to give the conference a sense of balance, otherwise the regime would have picked their own representatives. Lagu, Joseph, Personal interview, 31 Jul. 1997.

⁵⁴ BBC Summary, ME 0595, 24 Oct 1989: A6.

⁵⁵ On 02 Oct. 1989 Garang said 'the military council of Brig. Bashir stands for separation of the south while the SPLA/M stands for unity of Sudan', BBC Summary, ME 0577, 03 Oct. 1989: A6.

Peace Talks in 1992. There was activity though within the opposition as both the SPLA and the Umma party issued a joint communiqué on 22 February 1990. Both parties agreed on the removal of the Islamist government through whatever means and the restoration of multi-party democracy in Sudan. The communiqué called on the Armed Forces to overthrow the government and the Umma party called on the tribal militias in Khordofan and Darfur to stop attacking the SPLA and turn against government forces⁵⁶. The remainder of the period was void of any significant advances at the mediation table. Other than intensifying their propaganda efforts against one another, the government and the SPLA spent the remainder of the period preparing for war.

SITUATION IN SOUTHERN SUDAN

Aside from the political negotiations that were occurring during this period the situation in the south changed little. After a period of calm shortly after the coup, characterised by government cease-fires up to November 1989, the conflict restarted after both the government and the SPLA used the immediate post-coup period to reorganise and replenish their forces. This period also witnessed the use of tribal militias by both sides in fighting and the formation of the People's Defence Force by the government. Any analysis of the situation in the south however requires a look at the forces involved in the conflict.

GOVERNMENT FORCES

The primary agency used by Sudanese governments since the conflict began in 1983 has been the Sudanese Armed Forces (SAF). A professional organisation until conscription was introduced by the RCC in 1989, the SAF is composed of the army, navy and air force. The army has the bulk of manpower representing in 1991/92 68 000 of the 72 800 personnel of the SAF⁵⁷, demonstrating the overwhelming influence army officers have had in the RCC, with 11 out of 13 members of the RCC in early July 1989 being from the army. Given the relative small size of the navy and air force (1800 and 3000 in 1991/92) and its equipment procurement, most operations for these branches are in

⁵⁶ BBC Summary, ME 0699, 24 Feb.1990, A6.

⁵⁷ The Military Balance, 1991/92.

direct support of army operations⁵⁸. The army maintains both a conventional warfare and counter insurgency capability, the latter being the role it has adopted in its operations in the south.

The army has for the most part in the south developed a pattern of operations that is dependent on seasonal conditions. The 'wet' (rainy) season running from April through to October in the south is characterised by the reinforcement and protection of army garrison towns, routes and convoys from SPLA attacks and ambush. During this period they replenish and regroup for the 'dry' season (November to March) where they carry operations against SPLA camps or towns that had been lost during the 'wet' season. Given that the majority of terrain in the south is tropical with thick jungle vegetation, maintaining security of towns and the roads that link them remains a top priority for the military. This is necessary in order to facilitate replenishment and to allow for the full use of armoured fighting vehicles. This is combined with the aim of holding the southern city of Juba (main administrative centre) from falling into the hands of the SPLA, which would not only be a severe loss strategically but also psychologically for the government, proving that they were no longer in control of the south.

The 1989-1990 purge of the army resulted in 600 military officers being removed from service⁵⁹. This 'brain drain' of the officer corps had decreased the pool of experience and leadership within the army. The dismissal of such a large number of officers created instability throughout the ranks leading to a further eroding of morale. It became increasingly difficult for the chain of command to operate effectively as new personnel were promoted into positions too rapidly, lacking the training and experience to carry out their duties effectively. The moves, motivated by the political/ideological concerns of the RCC, eroded the operational capability of the army in conducting war.

On 6 November 1989 a new military law was created calling for the establishment

⁵⁸ There is still no reliable information outside of Sudanese Army Headquarters as to the numbers of military equipment. The Military Balance does provide an insight into types of equipment held. The army maintained for the most part a mix of equipment that reflected its shifting allegiances during the Cold War, ranging from Soviet T 54/55 and American M60 A3 Main Battle Tanks to Soviet Air Defence weapon systems such as the ZU-23-2. The Air Force again has a mix of Soviet (Antonov-24, Mig-23, Mi-24) and American (F-5, C-130) inventories. The navy maintained a mainly riverine capability to support army operations along the Nile. With the end of the Cold war and American and Russian re-supply of spare parts and munitions not forthcoming, the arrival of Chinese arms and equipment boosted the Armed Forces capability gap.

⁵⁹ The figures of 600 military officers and 400 police officers are numbers that the SPLA and the opposition NDA have estimated.

of the People's Defence Forces (PDF), a conscripted force with a paramilitary role⁶⁰. It was under command of an Advisory Council made up of the President of the RCC, the Chief of Staff of the Armed Forces, the Officer in Command of the PDF, and the Director General of Police among others. The PDF had both civilian and military purposes, augmenting regular forces at times of need. Members of the PDF could be called out for training, a crisis, war, or anytime the Commander-in-Chief deemed fit. The member while on duty was exempt from any other obligation including work. The terms of service varied, students for example who had not completed their national service in the military could instead join the PDF and have the obligation for military service written off.

The PDF was an organisation that according to its first commander Brig. Gen. Babiker Abdul Muhammad was open to all citizens regardless of tribe, or colour⁶¹. While in principle the notion of plurality was there, the training program that the recruits were put through suggested a different composition of the force. Besides sports and military training, lectures on Islamic teachings, Koran recitation, and other social aspects were delivered. While touring PDF camps in the north, Col. Tayyib Ibrahim Muhammad al-Khayr (Minister of Cabinet Affairs), praised the training being received by civil servants and that,

"the intention of this programme is to mould the Sudanese character on an Islamic basis emphasising the values of strength and absolute obedience to God"⁶².

The RCC was developing an alternative paramilitary organisation that was loyal to the Islamists. Reports as to its size varied during this period, however estimates have put the PDF by the end of 1991 at 50 000⁶³, creating an alternate power base that in size at least could rival the military. The comparison with Iran's Islamic Revolutionary Guards Corps (IRGC) is appropriate in looking at the development of a sectarian paramilitary force loyal to the regime that created it. By January 1991 the PDF was participating in operations with the military in the south as well as expanding its training camps in the Red Sea and Blue Nile regions⁶⁴.

The Islamists and RCC were creating a sectarian force that would eventually take

⁶⁰ BBC Summary, ME 0608, 08 Nov. 1989: A7.

⁶¹ "Militarizing Civilians" Sudanow, July 1991: 28.

⁶² Sudanow, July 1991: 28.

⁶³ The Military Balance, 1991/92: 129.

⁶⁴ BBC Summary, ME 0969, 14 Jan. 1991: A26. The PDF was actively involved in military operations throughout the South against the SPLA, in particular during the 1992 dry-season offensive. Former PDF members, Personal interviews, 05 December 1997.

over the role of the military, further polarising the military conflict in the south along ideological lines and insuring the safety of their power by removing the threat of an army coup. This can explain the dissatisfaction that was felt within the military during this period witnessed by several coup attempts throughout 1990. The harsh steps taken by the government to carry out witch hunts of the officers involved was a pretence to remove potential 'troublemakers' or those who might not identify with the Islamists' goals.

Further units directly employed by the government that fought against the SPLA were the Wildlife Services, who because of their intimate knowledge of the terrain through their efforts at wildlife conservation and former experience as Anya Nya fighters, were used as scouts to military formations.

GOVERNMENT 'AUXILIARY' FORCES

Besides the military and PDF, Sudanese governments have made use of auxiliary forces in fighting the SPLA. The one closest to being a paramilitary group is the Anya Nya 2, which split from the SPLA in 1984 over ideological differences. The Anya Nya 2 was a predominantly Nuer group led by William Deng and Gordon Kong who signed an agreement with the government in October 1984 to fight against the mainly Dinka SPLA. The tactic of playing one southern tribal group against another would eventually form an integral part of the Islamists' strategy towards the south.

From 1984-87 the Anya Nya 2 fought against the SPLA and adopted scorched earth policies as they razed villages in SPLA held areas, particularly Shilluk villages⁶⁵. Even with the defection of Gordon Kong to the SPLA in January 1988 and the death of William Deng, the Anya Nya still maintained their strength and remained loyal to the government, being led by Paulino Matiep and composed of Nuer mostly from the area of Bul⁶⁶. Bashir had experience working with Anya Nya 2 as his last command before the coup was in the Mayom and al-Muqlad areas, the area headquarters of Anya Nya 2. Shortly after the coup, Anya Nya 2 leader William Abdullah Chuol gave his support to the RCC government⁶⁷.

The development of the *murahallin* militias in the mid-1980's was a policy of the government of Sadiq al-Mahdi. The Mahdi government used nomadic Arab tribes as a

⁶⁵ Africa Watch Committee, *Denying the Honor*, 78.

⁶⁶ Africa Watch Committee, *Denying the Honor*, 78.

⁶⁷ *BBC Summary*, ME 0499, 04 Jul. 1989: A7.

guerrilla force to fight against the SPLA. The strategy was that the cattle keeping nomadic tribes of northern Sudan, the *Baggara* Arabs, would be given support for raiding into *Dinka* lands in Bahr al-Ghazal. The *Baggara* tribes, the *Rizeiqat* and *Misiriyya*, had had a history of inter-tribal conflict over grazing rights against the *Dinka*. From 1985 onwards, the army began to provide training, intelligence and support to the *Rizeiqat*, *Misiriyya* and *Rufa'a* militias, equipping them with modern small arms. From 1985-88 the *Murahallin*, according to Africa Watch, helped depopulate the region of northern Bahr al-Ghazal of its *Dinka* population⁶⁸.

Alex de Waal suggests that several factors were involved in the development of the militias⁶⁹. He cites local disputes between tribes; economic factors especially in famine areas that leads to loss in cattle herds and therefore economic livelihood; deliberate military strategy and 'national political aspirations' of each tribe that might be associated with a political party in the north (*Rizeiqat-Umma* Party) and receive material benefits.

The *Rezeiqat* militias were formed in 1985 during the famine that had struck their cattle herds severely and were armed from the arms markets along the Sudanese-Chad border⁷⁰. They mostly conducted harassment and raiding attacks against the *Fur* and *Dinka* in Darfur, avoiding actual military confrontation with SPLA units (unless conducting operations with the military) and looking more to hit villages where they could gain war booty. The *Misiriyya* militias, in particular the *Humr* and *Zuruq*, had been active in the North- West Upper Nile area and operated with the *Anya Nya 2*. The tactics employed by these militias began with the envelopment of a village, then they set out to burn it, rustle the cattle and take any booty they deemed worthwhile, shooting its inhabitants as they tried to escape⁷¹. The rise of these militias has also led to the return of slavery in the south, as many of these raiding activities usually lead to the capture of prisoners as loot who were taken north⁷².

There were also southern tribal militias the government made use of, tending to be tribes that were hostile towards the *Dinka*. These groups, usually small and particular to

⁶⁸ Africa Watch Committee, *Denying the Honor*, 82.

⁶⁹ Alex de Waal, "Some Comments on the Militias in the Contemporary Sudan", *Civil War in Sudan*, ed., M.W. Daly and Ahmad Alawad Sikainga, (London: British Academic Press, 1993) 143.

⁷⁰ Africa Watch Committee, *Denying the Honor*, 84.

⁷¹ Africa Watch Committee, *Denying the Honor*, 86.

⁷² Africa Watch Committee, *Denying the Honor*, 88.

a certain area such as the *Azande* and *Toposa*, would give support to army operations acting as guides and scouts. The *Mundiri* militias (located around Terakaka, Equatoria) were particularly active against the *Dinka* around the Bor area. In the Upper Nile the *Murle* militia operated with Anya Nya 2 until they received a heavy defeat at the hands of the SPLA in 1987, yet there were still remnants operating as scouts into the 1990's. In Bahr al-Ghazal the *Fertit*, who were armed by the government in 1986, were responsible for the massacre of *Dinka* around the town of Wau in 1987. There was an attempt by the government in 1988 to try to co-ordinate the activities of the southern militias under Martin Obur, however given the fluid nature of tribal politics and loyalties this was not successful⁷³.

Militia activity was still active during the RCC period. Militias in the south such as the Equatoria Salvation Front (ESF), were created in 1989 to conduct sabotage, harassment and interdiction of the supply lines of the SPLA⁷⁴. The NIF was involved in funding several of the Arab militias through the 'Committee for the Defence of Islam and the Nation' which was a lobby group for the *murahallin*⁷⁵. The close association of political parties and the Arab militias was one of the reasons for the army memorandum of February 1989 was circulated, warning of the growing danger of the government's use of these groups who were uncontrollable and would act independently.

One such incident was the El-Jebelein massacre in December 1989. El-Jebelein during this period was not part of any operational theatre in the south. It was inhabited by a variety of groups, in particular *Shilluk* tribesman but also *Nuer*, *Dinka* and *Burun*. Africa Watch describes the *Shilluk* community in the area numbering around 10 000, who usually migrated north in order to search for work or escape drought areas. The massacre occurred on 28 December 1989 when a *Sabaha* Arab (the *Sabaha* inhabit an area 50 miles north of El-Jebelein) had arrived trying to get 11 *Shilluk* farmhands to work. They refused because they were still celebrating Christmas and an argument arose that led to the Arab being killed. The news reached Umm Kueka and the *Sabaha* militia came south to El-Jebelein, sealed off the town and began killing the inhabitants, including 90 of whom had taken refuge in the police station. The army was sent from Kosti to stop the fighting that lasted until 29 December 1989. There are conflicting reports as to the

⁷³ Africa Watch Committee, *Denying the Honor*, 100.

⁷⁴ Lagu, Joseph, Personal interview, 31 July 1997.

⁷⁵ Africa Watch Committee, *Denying the Honor*, 91.

amount killed, with government figures at 214 while others suggest that only 1000 *Shilluk* were left⁷⁶. However it illustrated the concerns over the undisciplined nature of these units when given modern small arms, for the *Shilluk* did not have any recent history of conflict with the *Sabaha* Arabs, the massacre being attributed to simple retribution for the death of the farmer.

SPLA AND AUXILIARY FORCES

There are problems in trying to estimate the size and composition of a guerrilla movement that maintains no real formal military organisation on the level of a standard armed force. However, the SPLA now fighting since 1983, is one of the most effective and organised armed insurgency movements fighting in the developing world today. They maintain a strict hierarchical command structure and are organised overseas maintaining pseudo-diplomatic links with several countries. There have been estimates placing the size of the SPLA at around 50 000⁷⁷ (pre-1991 split). However it is very difficult to produce an exact figure since the SPLA has part-time soldiers who might participate in operations during a campaign season and then return to their regular lives. The manpower issue has involved controversy for the SPLA, with documented proof by several human rights organisations of forced recruitment of young children⁷⁸. There has been further criticism of the SPLA for the undisciplined nature of its troops. SPLA troops had crossed the Sudanese-Ugandan border on 20 September 1989 into the district of Moyo, where they clashed with Ugandan forces, terrorised civilians, burned and looted buildings⁷⁹.

The SPLA adopted tactics that are typical of an insurgency movement, relying on set ambushes of military convoys and laying sieges against cut off garrisons. From the outset they were typically armed with small arms (assault rifles/ mortars/ recoilless rifles) and developed set ambush tactics on targets as appropriate to their armaments (trucks, supply convoys). As they succeeded in ambushes and capturing army equipment they began to attack larger military targets. They now have elements who have developed the skills and proficiency to be able to tactically employ captured armoured fighting vehicles

⁷⁶ Africa Watch Committee, *Denying the Honor*, 93.

⁷⁷ *The Military Balance*, 1991/92, 129.

⁷⁸ John Prendergast, *Dare to Hope: Children of War in Southern Sudan*, (Washington D.C.: Center of Advocacy, 1996) 17.

⁷⁹ *BBC Summary*, ME 0568, 22 Sept. 1989: i.

and artillery into their offensives, in particular against towns such as Juba. Foreign military assistance has, and still remains a vital aspect in the successes of the SPLA (and when its not available, its failures) with the SPLA receiving Cuban and Ethiopian technical advice and supplies throughout the Cold War. At the end of the Cold War and the fall of the Mengitsu regime in Ethiopia, the SPLA (Garang faction) found new sources, as it began to receive technical advice and assistance from Israel and Uganda.

The SPLA armed tribal militia groups and helped arm the Wau (mainly Dinka) police when they fought against the *Fertit* militia in 1987. A group associated with the SPLA is the Jur Lao militia in Bahr al-Ghazal. The SPLA has also armed friendly *Nuer* and *Annuak* tribes along the border with Ethiopia. As with government militias, the SPLA aligned militias have carried out retribution attacks against villages, hostage takings and civilian atrocities⁸⁰, usually along the lines of traditional tribal animosities, i.e. *Dinka* vs. *Nuer*. The SPLA controlled the Sudanese border from Kapoeta in eastern Equatoria all the way to northern Bahr al-Ghazal during this period. This gave them two advantages, the ability to lay siege against Juba without fear of being flanked from behind and being able to cut off the Sudanese Armed Force's overland supply line to the south from the Kenyan port of Mombasa through Nimule. Supplies had to be flown from Khartoum to Juba or they had to make use of a much longer overland route through Zaire⁸¹. The opening up of supply routes and relieving the besieged city of Juba therefore remained priorities for the armed forces into 1990, while the SPLA sought to strike a strategic and psychological blow against the government by capturing the southern capitol of Juba.

MILITARY OPERATIONS: JUNE 1989- SEPTEMBER 1991

There was a cease-fire by both the government and the SPLA from the coup up to November 1989, and with the exception of minor violations by both sides, the cease-fire held. While there was no full scale fighting, both used the cease-fire as an opportunity to rest and replenish their forces. The army was preparing for a large offensive during the upcoming dry season by making use of Libyan delivered supplies and flying them into Juba⁸². It was in anticipation of an army offensive that led the SPLA to break the cease-

⁸⁰ Africa Watch Committee, Denying the Honor.

⁸¹ Douglas H. Johnson and Ahmad Alawad Sikainga, "The Origins and Development of the Sudanese People's Liberation Army", Civil War in Sudan, 138.

⁸² Bashir confirmed that any food, supplies or reinforcement of troops heading south was standard operating procedure. BBC Summary, ME 0598, 27 Oct. 1989: A2.

fire that had been in effect since May 1989, launching an attack across the Ethiopian-Sudanese border against the town of Kurmuk near el-Damazin.

There are several key points about this offensive. It was the first time that the RCC was dealing with an SPLA offensive, and they were conscious of public perception as to how they would deal with it. Furthermore, as in previous assaults on Kurmuk in 1987, this offensive signified the SPLA taking their operations now outside southern Sudan into northern areas approximately 300km from Khartoum. Finally, it also showed the level of co-operation between the SPLA and Ethiopia, which allowed its territory to be used as staging areas for the SPLA assault with rumours of Ethiopian artillery and armour giving support in the final stages of the attack⁸³. The Mengitsu regime continued to support the SPLA as both the Mahdi and RCC governments gave support to the Tigre, Omoro and Eritrean liberation movements fighting in Ethiopia. The RCC realising the potential strategic and political danger of having the SPLA in control of a key area of the Blue Nile and launched an operation to reclaim the town. The Sudanese Armed Forces re-captured Kurmuk by 01 December 1989.

For the remainder of the dry season the SPLA was able to take the initiative and press against government held garrisons in the south and operated in the Blue Nile and southern Kordofan areas. There were further SPLA operations in Western Equatoria in late December 1989 and early January 1990 around the towns of Kajo Kaji and Kaya that led to SPLA victories. The SPLA renewed their siege against Juba in late February and early March 1990 hoping to try to break the army's hold on the town. However the army was able to effectively hold on and stave off the SPLA attacks.

The remainder of 1990 into 1991 was relatively quiet with the status quo being maintained from the end of the dry season in 1990. The army started taking back several key towns outside the south such as Melut in Upper Nile on 18 December 1990 and Maridi on 02 April 1991 signifying the army's goal of trying to eliminate SPLA activity in areas such as Upper Nile, Blue Nile, southern Kordofan and Darfur. The aim of pushing the SPLA out of the north and then pressing the offensive into the south would however

⁸³ The Battle of Kurmuk (Surkum) 20-21 Oct. 1989. Radio of Sudan on 29 Oct. 1989 confirmed Sudanese Armed Forces had engaged in a 'tactical withdrawal' from Kurmuk. There were further accusations in the broadcast about the nature of foreign military assistance that the SPLA received including Ethiopian artillery and Israelis directing artillery fire. It also included a warning to Ethiopia about its support for the SPLA being a double-edged weapon, alluding to Sudan's support of the Tigre and Eritrean movements. Radio SPLA denied any foreign involvement declaring that any artillery used was that captured from government forces.

have to wait until the dry season offensive of 1991/1992.

The effects the fighting had on the civilian population during this period were severe. There were renewed southern refugee migrations into Ethiopia and north to Khartoum where they settled in the rapidly growing 'shanty' towns located on the outskirts of the city. In 1991 there was a famine in the south, which was worsened by the fighting, as food aid being sent into the southern Sudan was being used for each sides' strategic purposes. In particular the 'hunger triangle', the area between Ayod, Waat and Kongor, suffered greatly during the 1991 famine as food aid was denied into the area by both sides⁸⁴. Both the government and the SPLA impaired humanitarian relief with flights from the Kenyan based Operation Lifeline Sudan II (OLS II) being grounded during April and May 1991. As well most roads leading into Sudan from northern Kenya were in no condition for the movement of aid due to landmines and banditry⁸⁵.

The fall of the Mengitsu regime in May 1991 put new pressures on the SPLA. With the main supplier to the SPLA no longer in business the movement began to look for a new base for their operations. The immediate effects of the collapse of the Mengitsu regime such as Radio SPLA halting its broadcasting and the Omoro Liberation Front 's (OLF) attacks on southern Sudanese refugee camps in Ethiopia⁸⁶, illustrated the SPLA's reliance on Ethiopia. The loss of support heightened already tense relations within the leadership of the SPLA, with questions arising as to whether the SPLA under Garang could survive without Ethiopian support. These concerns along with the ethnic and tribal divisions came to a head on 28 August 1991.

⁸⁴ Malut Bok, Stephen, Personal interview, 14 Aug. 1997. Head of SRRA in London.

⁸⁵ Ama Aman, "Five million may starve in Sudan's rural south", *The Gaurdian*, 25 Apr. 1991: 6. Concerning government accusations about aid agencies- 'We only receive about 10% of the actual food aid required to facilitate the needs of the south. If the figures about the size of the SPLA are accurate then there wouldn't be any aid going to civilians'. However once aid was delivered and distributed at the local level by aid monitors, the WFP had no way of tracking where the aid ended up; for example food aid going to a woman whose husband may be a SPLA soldier. WFP (Nairobi), Personal interview, 27 April 1997.

⁸⁶ *BBC Summary*, ME 1094, 10 Jun. 1991, A16. The loss of Ethiopian protection also led to a failed assassination attempt on Garang by Sudanese Security Services in Addis Ababa.

CONCLUSION

Characteristic of the Islamists' pragmatist approach, the NIF adopted whatever strategy was appropriate to the circumstance in order to achieve its goals. This strategy was used in achieving power and implementing their programs through a coup. It was also in its attempts in dealing with the war in the south. The Islamists were never really interested in conducting serious negotiations, their refusal to consider previous accords in any negotiations is evidence to this, as well as their refusal to consider the topic of a secular constitution. They engaged in dialogue and negotiations with the SPLA in order to give the military an opportunity to replenish. The Islamists' expansion of relations primarily with Iran and China signalled their search for sources of arms, while the formation of the sectarian People's Defence Force demonstrated their desire to expand the conflict in the south.

The Islamists spent most of their energies consolidating their power in the north, seeking to eliminate anyone who could remove them from power. The Islamists and their allies realised that the most important aspect of bringing about their goals was the ability to stay in power and they took measures to deal with any threat severely. Going into 1992 with their power in the north secure, the war in the south represented the most serious threat to their survival.

CHAPTER 4: THE REGIME ON THE MARCH: SEPTEMBER 1991-DECEMBER 1993

“The longer this split goes on the harder it will be for it to heal and the easier it will be for Khartoum to attack us. If this goes on I fear the Sudan could collapse like Liberia or Somalia. Garang must subject himself to free and fair elections within the movement and we should all bow to the will of the people.”¹

Riek Machar

The post-SPLA split represented significant developments in the Islamists approach to the conflict in the south. As a result of the split, they embarked on large-scale military offensives, complemented by a policy of exacerbating the differences within SPLA factions to fuel hostilities. At the same time the Islamists attempted to maintain an image both domestically and internationally of seeking to find a negotiated settlement to the conflict.

THE SPLA SPLIT: 28 AUGUST 1991

Prior to the events of 28 August 1991, there were significant indications that there was unrest within the SPLA as traditional southern tribal tensions were surfacing. The Nuer and Shilluk, who have long standing animosity toward the more numerous Dinka, became frustrated at Garang’s autocratic style of leadership and the Dinka domination of the SPLA (particularly in the senior ranks²). The personal ambitions of both Garang and Riek Machar were also key to the split. Garang shaped the SPLA’s policy for a united Sudan in order to become president while Machar advocated his southern independence platform with ambitions of becoming the first president of a southern state.

However, the change in Ethiopian leadership was the most important reason for the split. The SPLA had been organised on a tri-zonal structure and most of its successes on the battlefield were due to its organisation. The first zone was the base area, which up to May 1991 was the town of Gambela in Western Ethiopia. It was here that Garang had set up his command centre, large training camps, administrative machinery (including a security service that ensured his power) and received large

¹ Sam Kirley, “Vultures find rich pickings in Sudanese rebel feuding” *The Times*, 01 February 1992: 9a.

² The tribal animosity between the Dinka and Nuer has at times reached levels where the Nuer prefer to deal with the Arab North. During the post-split warfare leaders of SPLA-Nasir began invoking Nuer prophecies concerning the final defeat of the Dinka. *Sudan Democratic Gazette*, January 1992: 2.

amounts of food aid³. The 'consolidated' zones were the areas within Sudan that were under local SPLA control (i.e. parts of Upper Nile under Riek Machar) and had rudimentary administrative infrastructure. The 'operational' zones were where the SPLA was confronting government forces. What the fall of Mengitsu meant was the loss of a base area for the SPLA, which besides the loss of centralised command also meant the economic base of the movement (i.e. food aid) disappeared. As Alex de Waal has illustrated⁴ the loss of an economic base led to a massive breakdown in discipline as SPLA units began to fend for themselves by looting civilian areas. Further, it led to ethnic identification among the SPLA units, who typically plundered outside their ethnic groups in order to procure their basic needs. This reversal to ethnic identification also fuelled the tribal animosities that resented the prominent role that the Dinka had within the SPLA.

The split not only delivered a blow to the SPLA's leadership and command structure but also led to intense fighting between the factions, seeking to secure the role as the main southern opposition to the government by eliminating one another. The warfare that broke out between the two groups led to acts of atrocities and savagery upon local civilian populations⁵. SPLA-Nasir (Machar) began to spread its anti-Garang and anti-Dinka message and sought to gain more followers to its cause. SPLA-Torit concentrated on defeating SPLA-Nasir, in order to stamp out any future split within the movement and regain unity. In the end this required the use of dwindling resources and manpower that neither faction could afford, leaving Khartoum in the position of being able to build up its forces and pick the battles it chose to fight.

TRANSITIONAL NATIONAL ASSEMBLY

Major policy initiatives brought in by the RCC focused on the machinery of government, with the setting up of a Transitional National Assembly (TNA) and a

³ African Rights, Components of a lasting peace in Sudan: First thoughts, (London: African Rights, 1993) 11.

⁴ African Rights, Components of a lasting peace, 16. "As Garang was no longer quartermaster; as each unit fed itself, it commanded itself."

⁵ Both Amnesty International and Human Rights Watch/Africa, have documented the brutal, undisciplined acts of both SPLA factions upon civilian populations. Acts of raping women, looting, abducting children and burning villages were common place in Upper Nile and Equatoria in 1992-93. Skirmishes in April of that year led to the death of Joseph Oduhu, one of the most prominent southern politicians. This was politically damaging for Garang as Oduhu was a Lutuka, a tribe that supported Garang. As it became clear that SPLA/M were responsible, there was further concern that the Lutuka might join SPLA/U, illustrating the fluid nature of tribal politics. MEED, 16 Apr. 93:32.

popular congress system.

The TNA was established on 01 January 1992, assuming the legislative responsibilities of government and acting as an assembly of consultation, similar to a *shura* council.

It was based in Omdurman and had its members appointed by the RCC along geographical and social considerations. Federal ministers, state governors and heads of popular committees were *ex-officio* members of the assembly. Further appointments were the offices of the speaker and deputy speakers of the assembly, who were responsible for maintaining order and supervising the assembly's administrative affairs.

The TNA was given a wide range of responsibilities including the approval of national plans concerning state and society, bills on federal laws, national budget estimates, international treaties, and assisting in mobilising the population in meeting the aims of the National Salvation Revolution⁶. The official language was Arabic, however any other language would be allowed if the speaker gave his approval. Draft laws by the assembly had to be signed by the head of state and the president could return the law to the assembly for revision if he found that law was unsuitable. When the TNA was not convened the president could pass laws, however they were subject to the assembly's approval upon reconvening. Finally, the president could dissolve the TNA as long as another assembly was formed in sixty days. The TNA was viewed by the RCC as different than previous parliamentary experiences since it enjoyed all the benefits of democratic discussion without the sectarian experiences of political parties.

The TNA fit into the NIF plan of an Islamic system of government, resembling the *majlis al-shura*⁷. It went further, at least in theory, in providing some form of legislative control over the executive. Yet the power of the RCC to dissolve the assembly raised the question of how much of a challenge the TNA could pose to the RCC.

Another aspect of the TNA was the congress system, which allowed the participation of the public in politics. The RCC set up congresses at local levels where citizens could have their views channelled up various district, state and federal levels. The system was similar to the SSU organisation of Nimieri except those appointed to the congresses were NIF supporters. The moves to make the TNA the basis of the

⁶ BBC Summary, ME 1271, 07 Jan. 92: A14.

⁷ See Chapter 2.

political process was an Islamist attempt to extend their influence in society by stacking the TNA and the various congresses with their own supporters.

Two further acts by the RCC led them to strengthen their hold on government. The National Service Law of 1992 was brought in effect out of the need by the RCC to build up the ranks of the PDF and reinforce units in the south. The law broadened its scope including tightening up restrictions for exemption by not allowing people to work overseas unless they had completed military service⁸.

The People's Police Act of 1992 led the RCC to set up a sectarian police force similar to the PDF. It was a force that was loyal to the regime and enforced its aims. The act laid out the duties of the force including patrolling residential areas and markets, assisting in the propagation of good moral behaviour and the prohibition of vice along Islamic lines. Many of the recruits into the force were drawn from the Popular Committees for Surveillance and Security and the NIF 'Organisation for the Defence of the Faith and the Homeland'⁹. The regime realised the threat posed by the 'modern forces' (i.e. trade unions/ mass organisations) in Sudanese history and sought to create a force that would maintain the security of the state by assisting in weeding out dissent and stopping spontaneous demonstrations.

The Islamists continued their programme of consolidation along Islamic lines with the state of Darfur announcing it would force *shariah* laws¹⁰ along with the central and Khartoum states. According to *African Rights*, the Islamists have either directly or indirectly supported relief organisations such as the *da'awa as-shamla* (Comprehensive Call to God) and other Islamic relief agencies to further spread Islam into the South. Under the direction of Ali Osman Taha, these organisations' main aims have been to link relief with conversion to Islam in areas throughout the South¹¹. Furthermore, the Islamists issued a *fatwa* against non-Muslims and those it considered guilty of apostasy (*ridda*) in April 1992¹². The *fatwa* decreed that *jihad* be launched against the SPLA and justified killing non-Muslims and 'Muslim mutineers' (i.e. the Nuba people) since they were impeding the spread of Islam in the South. Primarily

⁸ *Middle East Economic Digest (MEED)*, 28 Aug. 1992: 25.

⁹ Human Rights/Africa Watch, *Abuses by all parties in the war in Southern Sudan*, (Washington: Africa Watch Committee, 1995) 128.

¹⁰ *BBC Summary*, ME 1263, 24 Dec. 1991: A21.

¹¹ For a discussion on the impact of Islamic relief agencies see, African Rights, *Food and Power in Sudan: A Critique of Humanitarianism*, (London: African Rights, 1997).

¹² African Rights, *Facing Genocide: The Nuba of Sudan*, (London: African Rights, 1995) 289.

directed towards the Nuba people of southern Kordofan, the pronouncement soon after became policy towards non-Muslims in the South¹³.

Since the civil war began in 1983, there has been a migration of southern refugees to northern areas attempting to escape the fighting. Khartoum has been a destination for many of these refugees, creating shantytowns on the outskirts of the city. The Islamists continued policies of previous governments of demolishing the settlements and forcibly removing the inhabitants to camps further outside Khartoum or in the South. By June 1992 over 600 000 southerners were removed and relocated from the Khartoum area, often by forceful means. The removal of southerners from the capitol was based on the Islamists' fear that the city could lose its Arab-Islamic character and that southerners could be spying for the SPLA¹⁴.

Bashir disbanded the RCC on 18 October 1993 and initiated the process of electing state and federal assemblies, as well as promising an elected presidency¹⁵. He confirmed that the move was in line with the transition to civilian government following the process that was begun with the TNA. Furthermore, the cabinet shuffles of January 1993, July 1993 and October 1993 led to other NIF members coming into cabinet¹⁶. What is significant about the dissolution of the RCC is that it demonstrated the influence that the Islamists had in shaping policy and represented Turabi's victory of the return of civilian (Islamist) rule¹⁷.

Sudan's relations with the Arab world reached a low point as it was accused supplying and training Egyptian, Tunisian and Palestinian Islamists for covert actions back in their countries. Tunisia accused Sudan of giving sanctuary to the Tunisian Islamist movement *al-Nadha*, resulting in the severing of bilateral relations. Egypt's claim over the Halaib triangle led to several skirmishes in late 1992¹⁸, as well as Egypt accusing Sudan of training Egyptian Islamists in camps near Port Sudan. Relations

¹³ Rudith Gledfill, "Sudanese Christians forced to Convert", The Times, 17 Oct. 1992: H12. Forced conversion took place in Yambio and Tambura. Right Rev. Joseph Gasi Abangte accused the government of imprisoning and torturing priests. The Bishop of Torit also complained to the Pope over Muslim persecution of Christians and the burning of churches. BBC Summary, ME 1068, 09 Feb.93: A11.

¹⁴ African Rights, Food and Power, 156.

¹⁵ BBC Summary, ME 1831, 28 Dec.93: A1.

¹⁶ MEED, 28 Jan.93:29 and 23 Jul.93:31. The July cabinet change brought Ali Osman Taha, Turabi's second-in-command in the NIF, into the cabinet as the Minister of Social Planning.

¹⁷ MEED, 21 Jan.93: 28. These moves followed public pronouncements by Turabi that the days of the military regime were numbered.

¹⁸ BBC Summary, ME 1489, 24 Dec.92: A15. The Halaib triangle in north-eastern Sudan is claimed by Egypt and Sudan, and possesses rich iron-ore deposits and potential oil fields. MEED, 12 Apr. 93: 35.

between the two were strained further as Egypt allowed the northern opposition group, the NDA, to remain in Egypt.

African relations remained for the most part stable with the new governments in Ethiopia and Eritrea maintaining cordial yet distant relations with Khartoum. Other African states, primarily Nigeria and the Inter-Government Agency on Drought and Development (IGADD), attempted to play a role in mediating a solution to the conflict in the south. Besides accusations directed at Kenya and Uganda for supporting the SPLA, relations remained stable with most African states¹⁹.

Sudan's image in the West reached a low point as it was placed on the U.S. list of state sponsored terrorism in 1993, reflecting American belief that Sudan was training many of the region's revolutionary movements²⁰. Furthermore, Sudan's human rights record was drawing intense western concern in particular from donor countries leading to a proposal by the U.S. Assistant Secretary of State to establish safety zones in southern Sudan. The proposal was to insure the safe delivery of humanitarian aid, similar to the U.N. intervention in Somalia in early 1993. The government's image of not respecting human rights was complicated further during heavy fighting around Juba in 1992 when the government refused to consider a NGO proposal to begin evacuating the 300 000 inhabitants²¹, preferring to use them as shields to stave off further attack.

The state visit of President Rafsanjani of Iran to Sudan in December 1991 signalled the expanding bilateral ties and drew concern over the possibility of an axis looking to export Islamic ideology from the Middle East into Africa. Iran's motivation for expanding ties with Sudan lay in its desire to build a new image abroad that would portray a post-Khomeini Iran as more open than its predecessor. For Sudan, Iran not only represented a powerful regional ally but also a conduit through which arms and supplies could be obtained. Both Egypt and Saudi Arabia saw the possibility of an Iranian presence in the Red Sea as a security threat, with Egyptian President Hosni Mubarak issuing a stern warning to Sudan over its plans to sign a 25-year lease

¹⁹ Sudan and Ugandan supported each others rebel movements, with the Lord's Republican Army operating in northern Uganda out of southern Sudan and SPLA-Torit relocating in northern Uganda. Sudan accused Kenya of allowing the SPLA use of the port of Mombassa to deliver Saudi financed military supplies. BBC Summary, ME 1400, 06 Jun. 92: A7.

²⁰ MEED, 27 Aug.93: 26. The U.S. also suspected Sudanese support in the World Trade Centre bombing in New York.

²¹ MEED, 09 Feb.93: 19. The government hired the U.S. based Pagonis & Donnelly Group in an effort to improve its image in the West.

granting the Iranian Navy use of Port Sudan²².

Sudan's fiscal difficulties continued throughout this period. There were acute shortages in 1993 leading to government rationing of many essentials and prohibiting the export of sorghum, a staple food in many areas²³. Bread prices had increased as the result of government subsidies being cut due to IMF pressure²⁴, and fuel rationing was common²⁵. The Sudanese pound was devalued more than 75% in order to combat against illegal currency dealings²⁶ and inflation was running at 150% annually²⁷. These problems were further complicated as Sudan had its voting rights within the IMF and World Bank disbursements suspended for failure to pay back its arrears²⁸

With Sudan facing rising costs in its fuel needs the government returned to exploring and refining oil fields in the south. Development of Sudan's rich oil fields ground to a halt in 1983 when the civil war broke out that led to attacks on Chevron's concession areas around the Melut and Muglat exploration blocks. They transferred their concessions back to Concorp International in June 1992 and the RCC began talks with two Canadian companies, State Petroleum and Arakis Energy, in January 1993. A memorandum of understanding was signed to develop 170 000 square kilometres of concession with the parties investing over \$250 million²⁹.

OPPOSITION

Opposition to the government increased both inside and outside Sudan. Civilian discontent over austerity measures brought in by the RCC resulted in demonstrations against cuts in subsidies. Students at the University of Khartoum took to the streets on 12 February 1992 over increases in fees and there were demonstrations over the deteriorating standard of living in Wad Medani and Qadarif, resulting in police killing one demonstrator and injuring 40³⁰.

²² BBC Summary, ME 1420, 30 Jun.92: A11.

²³ BBC Summary, ME 1880, 24 Dec.93: A14.

²⁴ MEED, 01 Oct.93: 22.

²⁵ BBC Summary, ME 1817, 21 Oct.93: A14.

²⁶ MEED, 29 May.92: 30.

²⁷ MEED, 03 Jul.92: 22.

²⁸ MEED, 30 Apr.93: 28.

²⁹ Maria Kielmas, "Miracle in the oil sector", Middle East International, 22 Jan.93: 14. There was also gold mining in the Red Sea hills through a French contractor led to 150kg of exported gold by mid-1992 (MEED, 10 Apr.92: 33) and a natural gas concession granted to Canadian based International Petroleum Corporation, encompassing 35000 sq.km in the Halaib and Delta Toker areas. MEED, 03 Jan.92: 25.

³⁰ BBC Summary, 09 Feb.93

Garang's movement continued to face internal problems when one of his closest deputies, William Nyuon Bang, broke from SPLA (Torit) in September 1992 and joined SPLA (Nasir) to become SPLA (United). Kerobino Bol's group joined later in the year, however problems also beset SPLA (United) after Bany's group was expelled in 1995 for collaborating with Khartoum, and then rejoined Garang's group which had changed its name to SPLA (Mainstream). Relations between the two main factions deteriorated quickly as internecine fighting broke out for much of the 1992-93 period.

The NDA continued to play a role as a northern voice of opposition grouping under an umbrella organisation of former Sudanese political parties in Cairo. The NDA formed a military wing through the Legitimate Command of Lt.Gen. Fatih Ahmad Ali. Sadiq Al-Mahdi and other high profile politicians continued to play a role within Sudan as they lobbied and supported efforts to be bring about civilian control. They held a conference in Nairobi in April 1993 involving most of the former political parties and the SPLA, calling for the unity of Sudan, articulated its support for the armed struggle being waged by Garang and called on the other factions of the SPLA to rejoin SPLA (Mainstream)³¹.

As can be seen the state of opposition to the regime was weak and disorganised, giving the Islamists the opportunity to press this advantage at both the negotiating table and the battlefield.

ABUJA PEACE TALKS 1992 & 1993

There were efforts on all sides of the conflict to maintain an image of attempting to channel energies into reaching a negotiated settlement. This is primarily represented through the Nigerian sponsored Abuja peace talks in 1992 and 1993. The approach of the government towards talks with either SPLA-United (SPLA/U) or SPLA-Mainstream (SPLA-M) focused on portraying the rebel movement as disorganised and without common aim. The Islamists had made it clear that they were not ready to enter into negotiations with just one side of the rebel movement, arguing they should settle their internal problems before holding talks with the government.³² This was part of the government strategy of attempting to portray any delay or impasse in negotiations on

³¹ "Nairobi 1993 Conference". National Democratic Alliance. Online. 06 April 1998.

³² BBC Summary, ME 1864, 18 Jan.92: A15. Comments by Ghazi Salah al-Din, NIF notable and State Minister for the office of the President.

the rebels.

However, the government began negotiations with SPLA-United on 25 January 1992 and reached an agreement of understanding known as the Frankfurt Accord. Dr. Lam Akol and Dr. Ali Hajj led SPLA/U and the government teams respectively, agreeing on a cease-fire and that any future agreement would be held in the context of a unified Sudan, with provisions for the south to hold a referendum to determine its future status. Although neither side's executive ratified the accord, it was still significant in that it represented the first time a negotiator from Khartoum had discussed the possibility of allowing the south to determine its own fate³³. It also led to accusations that Riak Machar and Lam Akol had joined the government side, further deepening the hostile feeling between the rebel factions.

There were several low-level meetings held between all sides during 1991 under the auspices of the Inter-Government Agency on Drought and Development (IGADD) that produced nothing significant. High-level negotiations occurred during the spring of 1992 with the mediation of Nigerian president Ibrahim Babiganda paving the way for the first round of the Abuja Peace talks in June 1992.

The talks, held on 26 May 1992, were led by the Speaker of the TNA, Mohammad al-Amin Khalifa for the government, while SPLA/M was represented William Bany Deng and SPLA/U was led by Dr. Lam Akol. It was apparent that the composition of the delegations was a sign of how all sides were not serious in finding solutions to the conflict. Each side wanted the public exposure of participating in the discussions while at the same time not having the authority to negotiate agreements without going back to their respective executive leaderships.

During the opening session Lam Akol called for a referendum on secession of the south, citing differences in cultural heritage and experiences that no form of federalism could overcome, while William Deng made demands of rejecting the *shari'ah* laws and the creation of a secular constitution³⁴. The government side was quick in rejecting the idea of self-determination in the south calling for the talks to follow the recommendations of the National Dialogue for Peace (1989). The government side called for renewed federalism with the south having the ability to exempt itself for

³³ Kronki, Abdullah, Personal Interview, 06 February 1998.

³⁴ Nyot Kok, Peter, Governance and Conflict in Sudan 1985-95, (Hamburg: Deutches-Orient Institut, 1996) 187.

shariah laws. It sought to keep the south as three separate states operating in a federal structure, something that was viewed by SPLA-Mainstream as an attempt to weaken the south. After several days of talks chaired by Nigerian special envoy Olu Sanu on issues such as national identity, sharing of power, distribution of wealth and the legal system, the talks ended at an impasse. SPLA/U refused to participate further in the talks without discussing self-determination and the government refused to move on the idea of a secular constitution. In their final communiqué SPLA/M made clear their demands for working towards a multi-racial and religious Sudan based on multi-party democracy and that if the northern elite could not accommodate these demands then it would work towards self-determination for the south³⁵.

The final communiqué discussed matters for interim arrangements to cease hostilities and make way for a referendum to determine the future of the south. There were differences among the groups over the issue of the amount of time required before the referendum. The government required 10 years while the SPLA sought a shorter time frame citing previous governments' records of not honouring agreements. There were also talks on the type of referendum, whether it would involve all of Sudan as the government wanted or one for southerners. As was clear to the Nigerians even theoretical issues involved great distances in trying to bring the sides to any agreement, and even the short lived SPLA reconciliation at the talks (in response to the government refusal to discuss the *shariah* laws) did not outlast the remainder of the negotiations. All sides walked away from Abuja no further along to a settlement than they were when they arrived.

Negotiations continued on 20 February 1993 when a meeting was sponsored by President Yoweri Museveni of Uganda in Kampala between John Garang and Dr. Ali Al-Hajj. These talks' purpose was to bring back the sides to Nigeria in order to begin a second round of talks. The meeting succeeded in setting up the second round of the Abuja talks to be held at the end of May between the government and SPLA-M. The RCC however made moves to hold similar talks between themselves and SPLA-U in

³⁵ Peter Nyot Kok, Governance, 187.

Nairobi during the same time.

This second round of Abuja talks saw the Nigerians offering a more proactive mediation by arranging the proposals to be discussed beforehand. Finally, a constitutional conference would be held to determine the future system which Sudan would be governed. The talks focused primarily on the issues of state and religion; and interim arrangements for the south after a permanent cease-fire. They proposed that the *shari'ah* laws be frozen during an interim period that was set at five years, where there was to be an agreement by both parties as to the definition of the south, and federalism would be used to govern the Sudan. At the end of the interim there would be a referendum within the south to determine whether these arrangements would continue. Other arrangements proposed by the Nigerians included setting up of a single southern state with its own judiciary, and separate administration for the military forces in the region with integration of the forces to take place after the interim period³⁶. Finally, a constitutional conference would be held to determine the future system which Sudan would be governed.

Both Khartoum and SPLA/M reacted to this agenda favourably as they agreed on 27 April that the Nigerian proposals would be the basis for the talks. Unfortunately, the two sides could not agree on any of the particulars. The SPLA/M was pushing for the secularity of the whole Sudan and the setting up of a confederation representing the North and the South with a Central authority. Khartoum still maintained its stance on Islam as the religion of the majority and that Islamic jurisprudence was the legal source for the country. The talks ended in failure just as they did in 1992.

In Nairobi, a government delegation sat with SPLA/U to discuss interim arrangements, the same time the 1993 Abuja talks were progressing. The Islamists' approach of taking advantage of the SPLA split and negotiating with them separately illustrated their lack of sincerity in entering peace talks. Khartoum's ability to take advantage of the southern opposition's lack of common purpose and goodwill to one another, was key to their negotiating strategy in all the talks they held. The fact that they sat and met with the SPLA did not necessarily mean the government was sincere in finding a solution to the conflict, for their steadfast positions on *sharia'h* and the unity of Sudan sealed the result of any talks even before they began. Furthermore, the

³⁶ Kok, *Governance*, 191.

delegations sent to talk with each faction had little power to negotiate on any substantive issues outside of a cease-fire, with even the government representatives on the Council of Elders³⁷ at the Abuja II talks consulting Khartoum for further direction. Finally, the real victory for Khartoum was not a closer working relationship with the SPLA, but being able to use the talks as evidence that they were attempting a peaceful solution all the while preparing for an assault on the south.

CONFLICT IN THE SOUTH: OCTOBER 1991-DECEMBER 1993

Although they were not successful in destroying the SPLA, the Sudanese Armed Forces made significant gains in recapturing territory that had been in SPLA control since the 1980's. This can best be illustrated by examining the government offensives of 1992 and 1993.

Taking advantage of the battering that both SPLA groups had given each other in late 1991, the government launched an attack against SPLA/M areas in 1992. Its dry season offensive was the largest military operation the RCC undertook since coming to power. It was the result of months of replenishment and training of units with newly acquired weapons from China and involved the aid of several foreign governments including Libya and Ethiopia. The RCC launched a four front campaign with the aim of cutting off the SPLA's access to neighbouring border areas³⁸.

The first front was opened on 9 March 1992 and it involved an assault on the Upper Nile border town of Pochalla. The staging area for the attack was Fugnido, Ethiopia where elements of the Sudanese army were given transportation and tank support by the Ethiopian government³⁹. Ethiopian assistance was given primarily in response to Khartoum's role in assisting in the downfall of Mengitsu through their support of the Ethiopian opposition, now in power. As well, the new regime also saw it as an opportunity to strike back at the SPLA, who while being given sanctuary in Ethiopia in the 1980's were used as a counter-insurgency force by Mengitsu against the various Ethiopian opposition groups. The assault across the border led to the fall of Pochalla in the heart of Annuak territory, which had been held by the SPLA since

³⁷ The Council of Elders was made up of representatives from the government, SPLA/M and Nigerians. It acted as council that oversaw the workings of the various committees set up to discuss the Abuja II agenda.

³⁸ Human Rights Watch/Africa, Abuses by all parties in the war in Southern Sudan, (Washington D.C.: Human Rights Watch/Africa, 1994) 36.

³⁹ MEED, 03 April 1992: 29.

1986⁴⁰. The government forces continued their advance capturing towns and villages all the way to Pibor Post, falling into government hands on 23 April 1992.

The other front that was opened in Upper Nile began as troops out of Malakal moved south along the White Nile R. towards Bor. The distance of over 700km was covered as the troops made their way south supported by river-boats on the Nile. They captured many of the towns held by SPLA-Mainstream and finally took Bor on 4 April 1992. Strategically significant was that they were able to open up of the White Nile River, allowing supplies to garrisons in the south to move along it free from SPLA ambush.

In Bahr al-Ghazal, the army in conjunction with PDF forces struck out in a south-eastern and north-western direction from the town of Wau in early March in order to take Yirol and Aweil. They were successful in taking Aweil, a significant gain for the army because of the town's strategic position as a logistical centre with rail links to Khartoum. Yirol was taken by army units in early April and was used thereafter by the government as a staging area against SPLA-Mainstream areas.

The final front was launched out of Juba in late May as the government forces attempted to cut off SPLA-Mainstream's supply lines along the Ugandan border. Two elements pushed out of Juba, one moving south-west along the Yei-Juba road and another towards Kapoeta, which fell with the help of the Toposa militia on 28 May 92. The most significant victory of this offensive involved the fall of Torit on 13 July 92, at the time the capital of the SPLA/M in the south. The SAF sought the capture of Kapoeta since it was the administrative centre of SPLA/M, while its move against Torit was designed to place pressure on SPLA/M who were besieging Juba at that time. The attacks against Kapoeta and Torit also involved large amounts of auxiliary forces as the government armed the Toposa militia and SPLA/M armed the Lutuka militia.

SPLA/M responded to the government's offensive by trying to capture Juba in two separate assaults on 6 June and 7 July 1992. Dubbed 'Operation Jungle Storm' by Garang, SPLA-M sought to outflank the SAF by putting pressure on the key city. This strategy while enjoying limited success, as they were able to infiltrate the city in both attacks, was a failure strategically. In fact, by concentrating on Juba, SPLA-M was fighting a rear-guard action attempting to portray the image of being on the offensive

⁴⁰ Human Rights Watch/Africa, *Abuses*, 38.

while in fact they were losing key centres of administration and command throughout the south. The attack on Juba was a waste of material and resources that would have been put to better use if they had withdrawn and re-grouped over the border in Uganda, something they did shortly after anyway⁴¹. Further, the shelling of Juba with over 300 000 civilians kept in the city in a deliberate attempt by the SAF to use them as protection from such an event, hurt SPLA-Mainstream's image in the south almost as much as the government's offensive had.

A significant point concerning the SAF attacks in 1992 was that there were no attacks against SPLA-United during the offensive. Even though there was tremendous inter faction fighting in Upper Nile and Equatoria between the two rebel groups resulting in countless civilian atrocities, the government had left SPLA-United areas alone.

The reason for this goes back to the tri-zonal structure of the SPLA. Machar and SPLA/U were concentrated in the Upper Nile area and could be isolated and dealt with (either at the negotiating table or the battlefield) at a later time. The rest of the SPLA was spread throughout the south and was holding strategic military and political areas. If the SAF could destroy the threat of SPLA/M, then they could force the remaining factions to negotiate a settlement to the conflict. Accusations emerged that SPLA-United had arranged a deal with the RCC (the Frankfurt Agreement) where they would work towards the elimination of SPLA-Mainstream. This belief was strengthened during the fighting in Upper Nile in November 1991 as SPLA-United had received small arms and ammunition from Khartoum to use against SPLA-Mainstream. This is not to suggest that there was no fighting between the government and SPLA-U. SPLA-U in conjunction with Ana Nya II launched a surprise attack on Malakal on 22 October 1992 that even though was defeated signalled there was not full reconciliation between the two and that SPLA/U would not sit idly and let the SAF move around the south freely.

The 1993 offensive, while not as large as 1992, still was significant as it was focused on the Equatoria region with the intent of cutting off the supply lines of the SPLA along the border of Uganda. The offensive began in July as troops from Juba marched to secure the border town of Nimule. Even though the march was supported

⁴¹ BBC Summary, ME 1778, 27 Aug.93: A13. Report of up to 10 000 SPLA soldiers and their families in Aringa, north-eastern Uganda.

by the significant aerial bombardment of Nimule and SPLA/M sanctuaries in Uganda, the column was not successful in securing their objective. Another column out of Yei left in late July to secure the route along to Kaya, and although it did not reach the border town the SAF were successful in capturing Morobo, an important crossroad in the Juba-Yei area⁴².

The effect of the 1992 and 1993 offensives strategically was that they were successful in pushing the SPLA-Mainstream out of Kordofan and most of Bahr-al Ghazal, forcing SPLA/M to consolidate along the Ugandan border. As Garang had been able to secure sanctuaries inside northern Uganda, it further complicated relations between Sudan and Uganda. SPLA/M had established a relationship with Uganda similar to its previous one in Ethiopia in the 1980's. It received logistical support from the Musenevi government in return for its role in assisting the Ugandan Army in counter-insurgency operations against the Lord's Republican Army (LRA) and the West Nile Bank Front (WBNF)⁴³. Sudan responded by giving the LRA support in areas it controlled in Equatoria.

There were human costs to these offensives by both the government and SPLA. Government militia attacks around Bor forced the displacement of Dinka with relief agencies noting in late 1992 that the area was depopulated of Dinka tribes⁴⁴. The government attack on Aweil in May 1992 led to the migration of some 47 000 refugees to Meiram in southern Kordofan⁴⁵. The SPLA fighting in November 1991 was not only responsible for the death of upwards of 2000 people but also helped depopulate much of Upper Nile as almost 200 000 refugees made their way south into Equatoria to escape the violence⁴⁶. The government's success in closing off the SPLA's supply line also affected the UN's ability to deliver food aid to necessary populations. In fact, SPLA-Mainstream, United and the RCC all were guilty of delaying the delivery of supplies to disaster struck areas for political-strategic reasons.

The UN and NGO aid agencies were not immune to the violence either. In September 1992, SPLA/M killed four foreign aid workers in eastern Equatoria. While

⁴² Human Rights Watch/Africa, *Abuses*, 78.

⁴³ The LRA is led by Joseph Kony and are Christian fundamentalists seeking to set up a theocratic state based on the 10 commandments. The WBNF seeks the removal of Musenevi of Uganda from power.

⁴⁴ Human Rights Watch/Africa, *Abuses*, 42.

⁴⁵ Amnesty International, *The Ravages of War: Political Killings and Humanitarian Disaster*, (London: Amnesty International, 1993) 16.

⁴⁶ Amnesty International, *Ravages*, 23.

SPLA-M argued the workers had been caught in the cross-fire of fighting between the two SPLA sides, investigations later proved that they were executed. This led to a cessation of all UN operations in southern Sudan until both sides could guarantee the safety of all aid workers. Given the importance that food aid has for both groups a memorandum of understanding was signed between the SPLA and the UN insuring the safety of its workers⁴⁷.

CONCLUSION

While the Islamists continued their consolidation of power in the north, they also brought about significant changes to their administration. They pressed their advantage in power by successfully dissolving the RCC and instituting government bodies that could be used to insure their hold on power, such as the TNA and the congress system. They continued to pursue their ties with Iran while trying to improve their image in the West. Efforts were made to relieve the difficult economic and fiscal situation that the Islamists found themselves in by seeking to exploit the vast natural resources of the south, in particular oil. While the concern over their image in the West and the development of resources drew the Islamists attention to the south and the civil war, it was developments outside their immediate influence that determined their actions during this period.

The SPLA split had wide ranging consequences for the people of Sudan as a whole and southern Sudanese in particular. The split divided the south along tribal lines and rekindled tribal animosities. At the negotiating table the government played on these divisions, first refusing to negotiate with the SPLA until they could speak with one voice, and then holding separate meetings with each group discussing issues that they had no intention of honouring while they bought time for the armed forces. On the battlefield they took advantage of inter-SPLA fighting, sitting out and letting the belligerents batter each other, while preparing for their offensive during the 1992 dry-season.

While there was wide spread celebration in their success in recapturing significant territory from SPLA/M, and despite Islamist support for an offensive to destroy the 'rebels', the SAF was not able to achieve this aim. Going into 1994 and

⁴⁷ OLS II interview, 25 April 1997.

1995 the SPLA/M was able to regroup in its sanctuaries in Uganda and renew its offensive against the government.

CHAPTER 5: PEACE AT LAST? 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 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 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.”¹

The above is the preamble of the peace agreement signed by the government and several of the main southern factions in April 1997. The course of events and developments that led to the signing of the peace agreement is illustrative of the increasing internal and external pressures that were mounting on Khartoum to end the war through non-violent means. The fact the agreement was signed between the government and the anti-Garang SPLA forces is a further example of the Islamists' pragmatic approach in taking advantage of divisions within the SPLA to further their own goals.

THE POST-RCC GOVERNMENT

As was noted in Chapter 4, the RCC was disbanded at the end of 1993 as a result of Islamists consolidating their power in government. The post- RCC government made moves to restructure the states in Sudan, increasing the number of states to 26, as a policy of strengthening federal rule². In effect, the south was divided into 9 states each with its own administrative capital. States such as Unity (located in southern Kordofan) were re-divided according to economic considerations (i.e. Bentiu and Heglig oil fields) while others in the south were divided along tribal lines.

The most comprehensive initiative was the Thirteenth Constitutional Decree of December 1995. The decree set out the mechanisms of power of the federal government and outlined the relationship between the executive, judiciary and legislative branches. Among other things, it maintained *shari'ah* as the legal source for law in Sudan and further strengthened the powers of the presidency. In terms of the latter, the president's

¹ Republic of the Sudan. Ministry of Federal Relations, The Sudan Peace Agreement April 1997. Khartoum, 1997.

² BBC Summary, ME 1958, 29 Mar 94: 16.

powers included the ability to appoint all ministers at the federal and state level, appoint senior members of the civil service, initiate constitutional and legislative bills, and chair the justice council. The president was to swear an oath (*bayaa*), whereby he promised to carry out his duties in full worship and obedience to God and was to serve a term of five years. The president was also to be supported by a first and second vice-president. The position of first vice-president went to Maj.Gen Mohammad Zubayr Salih, and the other went to a southerner, Police Maj.Gen George Kongor Arop. Finally, the president was given the power to select three candidates for each position of state governor, who would then be directly elected by popular vote.

Furthermore, the decree abolished the TNA and set up a new National Assembly of 400 members chosen by direct and indirect elections. Direct elections would be held for 275 positions while 125 would be elected through a national conference. If any National Assembly seat elections can not be held due to security reasons, then the president had the power to appoint a member to the National Assembly. Arabic was to be the official language and the assembly was to have similar leadership positions as the TNA, including a speaker and deputy speakers of the assembly, elected by its members. Among other developments, the assembly was given a 'check' over executive performance. While this power enabled the assembly to recommend to the president the removal of any minister, it did not have the power to impeach the presidency. Similar to the TNA, the president had the power to return a bill to the assembly for amendment, however if it was to pass back to the president by a vote of two-thirds of the assembly, the bill became law.

The judiciary was to be independent in their performance of duties, however it was to be guided by *shari'ah*. While there was a commitment to the independence of judges, the president was given the power to appoint judges and the Chief Justice³.

Finally, the decree set out its intention to hold a constitutional conference and elections for the presidency and the national assembly as soon as possible, re-iterating Bashir's promise the year before when disbanding the RCC.

As can be seen, the decree laid out extensive powers for the presidency and provided the mechanisms for the control of government. It also provided the opportunity to further entrench former NIF personalities into positions of power. Bashir appointed Ali

³ Republic of the Sudan, Article 62, Thirteenth Constitutional Decree, 24 December 1995.

Osman Taha Foreign Minister and Hassan al-Turabi took the position of Speaker of the National Assembly. The appointment of candidates for governors of states by the president was another example of the Islamists being able to spread their patronage and ensure their interests were followed at the state level, while the requirement of *bayaa* indicated that the president had to be a Muslim. Elections in 1996⁴ for president and seats in the National Assembly were carried out amidst accusations of vote rigging and the refusal to allow political parties to participate. The election returned Bashir as president with his two vice-presidents, Maj. Gen. Zubair Mohammad Salih⁵ and Police Maj. Gen. George Kongor Arop. The Islamists had been successful in establishing a system of government that they could influence and control and had it validated through an electoral process that was not open to any political party.

This period witnessed Sudan coming under intense pressure in its relations with the international community and regional neighbours. Severe pressure was brought to bear on Sudan by the international community for Sudan's disregard for human rights. UN Special Representative Gaspar Biro cited cases of human rights abuse by the government, and U.N. sanctions were placed on Sudan Airways in 1996 in response to the failure of the government to hand over suspects in the assassination attempt on President Mubarak in Addis Ababa (see below)⁶. Along with the United Nations' Human Rights Commission's condemnation of Sudan, Amnesty International and the OAU also condemned Sudan for human rights violations and its possible involvement in the Mubarak assassination attempt.

Sudan's relations with Egypt reached a new low. Besides giving sanctuary to the northern opposition group (the NDA) in Cairo, Egypt re-asserted its claim on the disputed Hala'ib area with several shooting incidents taking place in September 1994⁷. Egyptian-Sudanese relations were strained to the limits in June 1995 when an assassination attempt on President Mubarak in Ethiopia failed. Both Egypt and Ethiopia accused Sudan of being involved at least indirectly by giving logistical and training support to the assassins. Furthermore, both Egypt and Ethiopia were convinced that three assassins

⁴ Mohammad Osman, 'As expected, all supporters of Sudan leader win election' *Associated Press*, 20 Mar 1996.

⁵ Upon the death of Maj. Gen. Zubair Mohammad Salih in a plane crash in 1998, Ali Osman Taha was made First Vice-President. The three most important figures in the NIF were now the Presidency (Bashir), Vice-Presidency (Taha) and The National Assembly (Turabi).

⁶ *Al-Hayat*, 16 Nov. 96: 1.

⁷ *BBC Summary*, ME 2092, 04 Sept 94: 10.

had escaped and were being given sanctuary in Sudan, leading both to petition the U.N. Security Council to demand that Sudan release the suspects. Egyptian-Sudanese relations were still severely strained a year later at the Arab Summit in Cairo in 1996 as Mubarak refused to meet with Bashir⁸.

If Sudan's relations with Egypt were at a low point, its relations with its African neighbours reached crisis level. The war in the south had managed to spill over into Uganda, and short of openly declaring war on each other, Sudanese-Ugandan relations were on the verge of open conflict. The Ugandans broke off diplomatic relations with Sudan on 23 April 1995 following an incident where Sudanese troops had crossed into northern Uganda and killed 150 people in the village of Atiak⁹. This was the culmination of events that began in 1994 when Sudan had been bombing northern Ugandan villages seeking to destroy SPLA-M sanctuaries¹⁰. Despite attempts at Iranian mediation between Uganda and Sudan, relations remained tense with the possibility of open war between the two ever constant.

Eritrea severed diplomatic relations with Sudan on 05 December 1994 citing covert support by the Sudanese government in providing training and logistics to the Eritrean Jihad movement¹¹ and accused Sudan of implementing a policy of attempting to set up Islamic governments throughout the Horn of Africa¹². The Eritreans began to overtly support the NDA and its armed wing¹³, the Sudan Allied Forces (SudAF), and gave sanctuary to the uprising of the Beja tribes in the east. Throughout 1997 and 1998 Eritrea

⁸ *Al Quds Al-Arabi*, 13 Jun. 96: 1. Egypt's motives for maintaining a hostile relationship with the Islamist government can be seen as a response by Egypt to the conflict in the south. Egypt has maintained a policy of supporting the integrity of a united Sudan because of its concern with the possibility of a new independent African state controlling the headwaters of the Nile. In pursuit of this policy the Egyptians have supported any move that would lead to the overthrow of the Islamists, including giving sanctuary to the NDA. This was fuelled further as the Islamists had committed themselves to the idea of a referendum on self-determination at the 1994 IGADD talks and the subsequent 'peace' deals in 1996. Egypt had gone so far as to hold a conference between Mubarak, Sadiq al-Mahdi and Muhammad Othman al-Mirghani (Alexandria Conference July 1997) to discuss a post-Islamist government. Egypt has even launched its own peace initiative on the problems in Sudan with the intention of protecting its interests, i.e. the unity of Sudan and the security of the Nile waters. *Arab News*, 09 May 1998: 3.

⁹ *MEED*, 05 May 1995: 29.

¹⁰ *BBC Summary*, ME 2108, 23 Sept. 1994: 17.

¹¹ *Al-Khartoum*, 19 Nov. 1994: 1. Senegal echoed Eritrea's accusations toward Sudan's support of Islamist movements and expelled several Sudanese it claimed were active in agitating movements in West Africa. *Al-Khartoum*, 06 Dec. 1994: 1.

¹² *The Middle East*, May 1995: 13-14. Eritrean Foreign Minister Petros Salomon: 'The Sudan is a major force in the destabilisation in the region, and Hassan al-Turabi is the mastermind of this policy. He really believes Islam is the solution to all problems, not only in the Sudan, but in the whole region.' Ali Hassan Ali, Sudanese Ambassador in Somalia, while speaking to members of the Somali Al-Itihad Al-Islam group in Mogadishu publicly called for them to carry out a jihad against Ethiopia over its incursion into Somali territory. *Arab News*, 30 Dec. 1996: 3.

¹³ *Al-Khartoum*, 29 Dec. 1994: 1.

was a launching point for SudAF and Beja Congress operations that led to the opening up of an eastern front against the Sudanese government, severely stretching its resources in fighting a two-front war¹⁴.

Sudanese-American relations witnessed severe strains. The United States enacted unilateral economic sanctions on Sudan citing Sudan's attempts to support terrorists and destabilise the region¹⁵. The United States publicly supported the rebels in the south in order to force a change in government, with Secretary of State Madeleine Albright meeting Garang in Uganda in December 1997 pledging American support to the SPLA¹⁶. America also promised military aid worth \$20 million to what it called 'front-line' states against Sudan, namely Eritrea, Uganda and Ethiopia, in order to meet any aggression by Sudan.

Relations with Europe, with the exception of the United Kingdom, began to improve. A diplomatically embarrassing visit by the Archbishop of Canterbury to the southern Sudan in late 1993 (bypassing Khartoum and meeting with rebel leaders), led to Sudan's expulsion of the British ambassador in 1994¹⁷ and a deterioration in bilateral relations. However, other European states such as Italy began to improve their relations with Sudan. Italy became one of Sudan's top export markets and Italian firms had become active in the mining sector, resulting in a friendship treaty being signed by the two governments.

The main European ally of Sudan was France. Franco-Sudanese relations became close after the arrest of international terrorist Illich Ramirez (a.k.a. Carlos) in Khartoum and his subsequent extradition to France where he was wanted for killing two French police officers. French concerns over the rising violence in Algeria led them to explore the possibility that Hassan al-Turabi would be able to use his influence to mediate among the parties in the Algerian civil conflict¹⁸. Sudanese co-operation in the Carlos affair and possible mediation with the FIS in Algeria was rewarded with opportunities for the

¹⁴ *Al-Khartoum*, 11 Dec.1995: 1.

¹⁵ The sanctions went into effect in November 1994 included the ban on exporting and importing any goods to and from Sudan by any U.S. person. The sanctions did not affect humanitarian, diplomatic or journalistic activities. Bashir denied the presence of any 'Arab terrorists' training in Sudan. *Al-Hayat*, 17 June.1996: 1.

¹⁶ Manaoh Esipisu, 'Albright Meets Sudan Rebels, Pledges U.S. Support' *Reuters News Wire* 10 Dec.1997, Internet: 05 Jan.1998. Garang had previously visited Washington in 1995 requesting U.S. military assistance in southern Sudan. *Al-Kharoum*, 14 Dec.1995: 1.

¹⁷ *BBC Summary*, ME 1886, 04 Jan.1994: 16.

¹⁸ *BBC Summary*, ME 1914, 05 Feb.1994: 13.

Sudanese security services to train in France¹⁹ and the use of the territory of the Central African Republic to move supplies and troops to the south of Sudan unhindered²⁰.

Financially, Sudan came under increasing pressure from the IMF to pay up its arrears, which by 1995 was at \$1.7 billion. Sudan was attempting to be re-instated in the IMF's rights accumulation program in order to be able resume bilateral aid and negotiate an 'enhanced structural adjustment facility' reducing interest on its debt. However, IMF demands for reduction in government spending was placing further pressures on the government. Increased petrol and bread prices, the result of the removal of government subsidies, led to demonstrations on the streets in Khartoum²¹ and growing discontent among the Sudanese population over government austerity measures.

While the economy was floundering in general, the energy and mining sector was beginning to develop and produce significant results. By July 1996 the Bentiu and Heglig oil fields were beginning to produce 13000 b/d and there were plans for further investment in the infrastructure necessary to move the oil to refineries and on to population centres²². Chinese and French mining companies began investing in gold exploration in the Red Sea Hills, the Nile Valley and the Nubian desert and testing and drilling for natural gas off the Delta Tokar was being carried out by Canada's International Petroleum Corporation²³.

OPPOSITION

By April 1996 the southern opposition groups had fragmented into numerous factions, particularly Riak Machar's SPLA-United. Machar's former colleagues all cited his abuse of power and furthering the interests of the Nuer tribe at the expense of others as reasons for leaving SPLA-United, similar accusations that were levied against Garang in 1991. The five most important leaders in SPLA-United after Machar (Lam Akol, William Nyuon Buoy, Kerobino Bol, Arok Thuon Arok and John Luk) had all left and formed new groups. The first sign of unrest came in May 1994 when Machar had dismissed Lam Akol after he had been critical of Machar's dictatorial policies. Akol, a Shilluk, returned to Malakal in Upper Nile with his own followers and established his own group. The next

¹⁹ Mehda Ba, 'France-Soudan: les liaisons dangereuses' Maintenant, 25 Jan.1995, Online: FrancaAfrique, 11 Aug.1997.

²⁰ BBC Summary, ME 2176, 17 Dec.1994: 11

²¹ Al-Khartoum, 04 Feb. 1996: 1.

²² Country Report: Sudan, Economic Intelligence Unit, 4th Quarter 1996: 21.

²³ MEED, 29 Sept. 1995: 25.

month John Luk²⁴ was arrested in Watt because of Machar's suspicion that he was sympathetic to Akol. Splits within SPLA-United continued with the leading Dinka in SPLA-United, Arok Thuon Arok, forming a new group with his followers around the western Equatorial town of Bor, called SPLA (Bor) in July 1994²⁵. These changes led Machar to change the name of what was left of his organisation to the Southern Sudan Independence Movement (SSIM) in October 1994. However his troubles were not over as John Luk split from Machar in August 1995 and formed SSIM (Unity) eventually rejoining SPLA- Mainstream in April 1996. Finally, Kerobino Bol was dismissed by the SSIM, over his signing of a military agreement with the government in December 1994 and attempting to form a faction with government support between 8-16 January 1995²⁶. He formed SPLA-Bahr al-Ghazal, on January 25 1995.

As for Machar, his group experienced several developments during this period. While fighting against Garang's forces in the Upper Nile area, the SSIM was also fighting skirmishes against government forces as a result of an offensive launched by the government in May 1994 in the Upper Nile. The Islamists assault on SSIM illustrated the government's lack of good faith towards the Frankfurt Agreement that the two sides had discussed two years earlier and represented a change in tactics. The Islamists now sought to eliminate the threat posed by the weaker of the two main armed southern groups. The Islamists' assault into Upper Nile was done to either wipe out the SSIM or force them to surrender on government terms. The result was Nasir falling to government forces in March 1995 and the SSIM losing its administrative and strategic headquarters. While Machar was being closed in on by government forces and the SPLA, it became evident that to survive Machar needed to make an alliance with either of the two. Given the Nuer-Dinka tensions that had been exacerbated by inter-faction fighting, Machar began the process of reconciling with the government covertly following the fall of Nasir in order to ensure his survival. The result was that from June 1995 onwards the SSIM became a *de facto* fighting force of the government²⁷.

²⁴ Luk was a former Minister of Communications in SPLA-United and had represented the group at talks with the government.

²⁵ Arok Thuon Arok, who was a signatory to the 1996 Political Charter with the government, was killed in a plane crash near Nasir in 1998 along with First Vice-President Maj.Gen. Mohammad al-Zubayr Salih.

²⁶ Operation Lifeline Sudan- Southern Sector Update, 31 Jan. 1995, Online. Internet. 15 Apr. 1998.

²⁷ Interview with OLS Food Aid Worker in Lokichokio, Kenya who was in an Upper Nile area controlled by the SSIM and saw ammunition boxes belonging to the Sudanese army being used by SSIM soldiers. Personal Interview, April 22, 1997.

Garang's group was able to take advantage of the further fracturing of SPLA-United to press the idea that his group was united and the only legitimate armed movement in the south. In order to address the claims from the 1991 split over his autocratic nature, the SPLA held a national convention to address the question of his leadership in April 1994. Delegates re-affirmed Garang's position as leader and there was also a shift in the movement's aim as it now sought self-determination for southern Sudan by establishing a confederation whereby the South would operate more or less as an independent state with ties and shared responsibilities with the North²⁸.

Garang's attempts at having SPLA-M recognised as the legitimate rebel movement in the south by the exiled northern political parties paid off as both the Umma party and NDA signed agreements with the SPLA. The Chukudum Agreement in 1994 recognised the right of southerners to determine their future whether it was in a united Sudan or as an independent state. This agreement received backing from Sadiq al-Mahdi (who was still in Khartoum) in April 1995 as he publicly acknowledged the principle of self-determination for southern Sudan²⁹.

The SPLA joined the northern opposition (NDA) and participated in the drafting of the 1995 Asmara Declaration. The conference brought together the Umma, DUP, SCP, SPLA/M, Legitimate Command, Sudan Allied Forces and Sudanese trade unions. The resolutions of the conference included a commitment to self-determination for the south and the separation of politics and religion. There was further co-ordination between the SPLA and NDA as Garang was made the head of the Joint Military Command overseeing all military operations of the NDA against the government. The 'New Sudan Brigades' that were formed in the SPLA were open to all Sudanese and created for the purpose of taking the war to the north of the country. Garang's consolidation of his leadership and the rapprochement between the SPLA and NDA, were moves Garang had hoped to transform his image from a regional to a national leader.

The NDA itself was bolstered by the arrival of Sadiq al-Mahdi in Asmara after escaping from Sudan in December 1996³⁰. The NDA ruled out any mediation with the government³¹ and began mobilising its resources to launch attacks on Sudan from its

²⁸ *New Vision*, Editorial, "Accept SPLA Idea!", 14 November 1997.

²⁹ *Sudan Democratic Gazette*, April 1995.

³⁰ *Al-Sharq Al-Awsat*, 13 Dec. 1996: 1.

³¹ The NDA rejected any outside mediation between it and the government including an attempt by the U.A.E. *Arab News*, 24 Mar. 1997: 3.

bases in Eritrea. The two main forces used by the NDA were the Sudan Allied Forces and the Beja Congress. The Sudan Allied Forces were the military wing of the Legitimate Command grouping under former General Officer Commanding the Sudanese Armed Forces, Lt. Gen. Fatih al- Ahmad³². The Beja Congress was a political party formed in the 1960's along with other regional parties (i.e. General Union of the Nuba and the Darfur Development Front) concerned about the concentration of power in the hands of the Arab elite. The Beja tribes are located in the Red Sea area of Sudan, and while being Muslim and Arabic speaking they are a distinctive race from the Arab elite of the central and northern Sudan. Led by Cdr. Mohammad Tahir Abdulbakir, the Beja Congress took up arms and joined the NDA citing that the needs of eastern Sudan had been ignored by the central government.

Within Sudan there was unrest in the form of demonstrations against the government over increases in prices of bread and electricity. The most vocal were the riots that took place on the University of Khartoum campus in September 1995 over bread shortages in the city. The issue of the squatter camps, where displaced southern refugees lived around Khartoum, also became a problem for the government. After a government initiative to relocate these camps away from the city led to many of them being torn down, groups of squatters battled security forces in October 1994 and March 1995³³ to protest the demolition of their dwellings and their relocation.

As can be seen, there were increasing pressures on the government during this period, both from outside and inside Sudan. Even areas the government was making progress in, such as the development of the petroleum industry, were coming under threat from the SPLA which warned foreign companies would be viewed as legitimate military targets³⁴. These pressures, along with the government's failure to gain a military victory during 1992-94, put new emphasis on the government's attempt to end the civil war.

³² While visiting troops in southern Sudan, Fatih al-Ahmad contracted malaria and died on 28 April 1997.

³³ Alfred Taban, 'Over 60 arrested after Sudan land office razed', 09 March 1995, and 'Sudan Police battle protesters for second day' 12 September 1995, Reuter's News Service, Online. Internet. 05 Aug. 1997.

³⁴ Arab News, 24 Mar.1997: 1.

IGADD TALKS AND THE POLITICAL CHARTER (1996)

The main negotiations in this period revolved around the Inter-Governmental Agency on Drought and Development (IGADD) in 1994 and the Political Charter in 1996.

IGADD sponsored four rounds of talks between the member countries (Eritrea, Ethiopia, Uganda, Djibouti, Kenya and Sudan) on the conflict in southern Sudan with the first round beginning in September 1993. The talks involved delegations from the government, SPLA- Mainstream, and the then SPLA-United. The government delegation led by Mohammad Al-Amin Khalifa included Agnes Lukudu, a southern woman who was Governor of the new Bahr al-Jebel state. She was a high profile figure in the first round of talks, warning that southern separation would lead to a Dinka massacre of all tribes in the south comparable to the genocide in Rwanda³⁵.

The most important round of talks was the second round held in May 1994 as all groups accepted a Declaration of Principles that involved four key points. Firstly, it affirmed the right of self-determination for the south to determine their future status through a referendum. Secondly, the unity of Sudan was a priority, provided that several important features be protected, such as Sudan's multi-religious nature, the secular and democratic nature of Sudan and the equitable distribution of wealth. Thirdly, a cease-fire (which came into effect in late May 1994) and finally the interim period particulars (i.e. security arrangements) would be negotiated at a future IGADD meeting. This draft declaration was to serve as the basis for all future negotiations concerning bringing peace to southern Sudan and was signed by the government, SPLA-Mainstream and SPLA-United.

While it appeared that the government had made significant changes in its position towards the south (i.e. the right of self-determination), it was clear that it was not committed to the Declaration of Principles that it had signed during the second round. For example, as the second round of talks were being held in Nairobi, the government was holding its own peace conference in Sudan. Held in Juba and attended by southerners of the Union of Sudanese African Parties, the Juba Conference reaffirmed the integrity and unity of Sudan in its present boundaries³⁶. Furthermore, prior to the fourth round of IGADD talks, Minister of State for the Presidency, Ghazzi Salah al-Din, had publicly re-

³⁵ *al-Mushhadid as-Siyasi* 24-20 May 1998:14-16.

³⁶ *BBC Summary*, ME 2000, 18 May 1994: 17

affirmed the unity of Sudan, and *shari'ah* as its legal source³⁷. Finally, the government rejected the Declaration of Principles during a regional heads of state meeting under the auspices of IGADD. Bashir accused IGADD (particularly President Musenevi of Uganda) of being impartial, rejected the Declaration of Principles and reaffirmed the unity of Sudan and that problems should be solved within the framework of a united Sudan³⁸. Bashir's rejection of the draft Declaration of Principles during the fourth round effectively ended IGADD mediation in the talks.

Throughout 1995 there was no real progress in talks with IGADD negotiated cease-fires being broken and hostilities flaring up between the government, SPLA and the SSIM. Former U.S. President Jimmy Carter had helped negotiate a 60-day cease-fire in March 1995, followed by a commitment by all three sides to agree in principle to sit down for another round of IGADD sponsored talks. However there were no significant results or meetings among the participants other than a commitment to meet again in the future. The Carter mediated cease-fire had three benefits for the Islamists. First, they were able to use the cease-fire to replenish troops in the south. Second, the cease-fire did not include the Nuba mountains, where the Islamists were launching a brutal genocidal campaign against the Nuba; and finally the Islamists were able to use the Carter mediation to discredit the IGADD process by suggesting Carter was neutral and impartial while IGADD was not³⁹.

In early March 1996, Riek Machar sat down to negotiations with the government that led to the signing of the Political Charter in April 1996. The process was part of widely publicised propaganda campaign known as *salaam min ad-dakhal* (Peace from Within)⁴⁰, whose message was that real peace in Sudan must come from those inside the state not outside, a reference to the IGADD peace process. It conformed to the Islamists' assertion that the conflict was one that was conspired against Sudan by hostile foreign powers and Garang was their agent. The Islamists heralded the Political Charter as a peace agreement that would serve as the model for bringing about the end of the civil war. The agreement was signed by the government and an umbrella grouping known as the United Democratic Socialist Front (USDF), which comprised the SSIM, the Equatoria

³⁷ *BBC Summary*, ME 2104, 19 Sept. 1994:15.

³⁸ *BBC Summary*, ME 2107, 22 Sept. 1994:10.

³⁹ African Rights, *Food and Power in Sudan*. (London: African Rights, 1997) 287.

⁴⁰ African Rights, *Food and Power*, 290.

Defence Force, SPLA- Bor (led by Arok thon Arok), SPLA- Bahr al-Ghazal (led by Kerobino Bol) and the Union of Sudanese African Parties.

The political issues of the agreement dealt with the status between religion and state, a traditional southern grievance. The Political Charter affirmed that Islam was the religion of the majority, Arabic the first language of Sudan and that the *shari'ah* would be the source of legislation. It also stipulated that a considerable number of people in Sudan followed Christianity or African creeds and that no legislation could be passed that would adversely affect these groups. Furthermore, rights and freedoms in Sudan would be based on citizenship and participatory democracy would be practised through national congresses instead of political parties.

The charter affirmed the right of southerners to determine their future within a united Sudan through a referendum to be held at the end of a four-year interim period. The referendum, to be monitored by international observers, gave southerners the choice of unity or secession from Sudan. Yet, Article 2 stated the unity of Sudan with its known boundaries shall be preserved, contradicting any commitment made prior to a referendum on southern self-determination⁴¹.

The charter also called for the formation of a Southern Co-ordinating Council during the interim period with similar duties to the HEC implemented after the Addis Ababa agreement. The SCC's purpose was to represent southern concerns to the federal government and among its duties was to conduct a census of southerners and lay the groundwork for the referendum. The president of the SCC was to be appointed by the President of the Sudan. The SCC had the power to lengthen or shorten the interim period and would play an important role in the equitable distribution of wealth among the southern states by co-ordinating with the individual state Revenue Allocation Committees.

Promises of employment equity among southerners in federal institutions and the distribution of wealth among all areas of Sudan were key points in the agreement. The Islamists committed themselves to overcoming the disparities between the states and promised to open up positions to southerners seeking employment with the federal government. However, mining and oil projects were considered as national wealth and would be managed on a national basis, provided that the federal government allocate an

⁴¹ Sudan Peace Agreement, See Appendix 2.

equitable percentage of returns to be fixed by the revenue allocation committee of the state concerned.

Finally, the Islamists addressed the question of security arrangements by allowing the Southern Sudan Defence Force (i.e. armed wings of the southern signatories of the agreement) to remain separate from the national army in their local areas under their own command. The Sudanese army and paramilitary forces (i.e. PDF) were to remain in the south, however their presence would be reduced when peace was achieved. A Joint Technical Military Committee between the SSDF and the Sudanese army would be established to co-ordinate activities, supplies and arms⁴².

The Political Charter was put into effect with the signing of the Sudanese Peace Agreement on 21 April 1997. The Southern Co-ordinating Council was formed shortly after and Riek Machar was made president and Kerobino Bol its deputy⁴³.

The Political Charter of 1996 resembled the NIF's Sudan Charter of 1987 in terms of the major political issues that were addressed by both. Both clearly stated the prevalent position maintained by the Muslim majority within the country and the role *shari'ah* law has as the legal source for Sudan. In fact the issue of religion and state is addressed in both documents and is quite clear that the issue of a secular constitution is not an option. Just as in the 1987 Sudan Charter, the Islamists had exempted the South from Islamic law. However, as Peter Nyot Kok has shown, exemption of non-Muslim areas from Islamic law is a misnomer. While non-Muslims are exempt from *hudud* punishments under Islamic law (i.e. cutting off hands for theft or stoning for adultery), they are not exempt from what Islamic law considers as a crime. Therefore, even if a non-Muslim was not to be stoned for adultery he would still have been guilty of committing the crime as defined by Islamic law. Even though non-Muslim regions had the power to develop their own laws, it had particular relevance to non-Muslims in areas governed by *shari'ah*⁴⁴. The section on the issue of the referendum for southern secession should also be considered in the light that the government was putting considerable effort to perpetuate the theory that an independent south would lead to Dinka led tribal massacres and the government believed southerners would not vote for secession because the lack of infrastructure in

⁴² Sudan. The Sudan Peace Agreement. Khartoum: 1997.

⁴³ Nhial Bol, "Sudan deal for council to rule rebel south", Electronic Mail & Guardian, 14 February 1997, Online. Internet. 27 Jan. 98.

⁴⁴ Kok, "Conflict over laws in the Sudan", 246.

the south would convince them that unity was the only way to get access to education and health-care⁴⁵. However, the leading indicator as to how sincere the Islamists were on the issue of the referendum was Article 2 of the agreement. The commitment to Sudan's physical integrity in terms of its borders, regardless of whatever result of a referendum, illustrated the regime's insincerity to southern aspirations. In effect, they had determined the result of the referendum even before it had been held. Conversely, the possibility of southern secession through a referendum presented the Islamists the possibility of ridding themselves of a part of the country that would never accommodate their vision of an Islamic state. The Islamists had succeeded in bringing in the fringe elements of the armed southern opposition, who they had been supporting covertly, into an agreement that was for the most part a duplication of the NIF's Sudan Charter in 1987.

Both the NDA and SPLA-Mainstream condemned the Political Charter. The NDA voiced its concern over the secessionist nature of the agreement, and accused the Islamists of working to break up Sudan. The SPLA refuted the agreement as a deal between allies, citing the SPLA breakaway groupings overt and covert collaboration with the government since 1991⁴⁶. Furthermore, both the NDA and SPLA cited the agreement's disregard for democracy by continuing the ban on political parties and its use as a platform to continue Islamist policies in southern Sudan.

The Political Charter and the subsequent peace agreement strengthened the claim of Garang as being the sole representative of southern Sudan's fortunes in the struggle against the government. The agreement served Garang's propaganda machine almost as much as the Islamists, with the SPLA labelling the members of the USDF as traitors and capitulators.

For the Islamists it served as a further means of dividing the common threat from the south. If viewed from the beginning of the Islamists' usurpation of government power, the war in the south had drastically changed. The ability to bring the disgruntled elements of the SPLA into an alliance should not be viewed as an attempt by the government to come up with solutions that would bring an end to the conflict. Rather, it should be viewed as seeking the elimination of the SPLA threat by dividing them politically and along tribal lines. One needed only look at the SPLA in 1989 and its subsequent state in 1997 to see

⁴⁵ *Al-Mushhahid As-Siyasi*, 24-30 May 1998: 15.

⁴⁶ "Statement of the SPLA on the Peace Agreement signed in Khartoum on the 21st April 1997" *The Sudan Foundation*, May 1997, Online. Internet. 07 June 1998.

how effective the Islamists have been in reacting to developments within the SPLA and encouraging its splintering and disintegration. The Sudan Peace Agreement gave the Islamists additional vehicles (i.e. SSDF) to be able to pursue the elimination of the SPLA while presenting the image to growing domestic and international pressures that it was bringing about an end to the conflict.

THE WAR CONTINUES

While the Islamists were engaging the various opposition groups in peace talks, events on the ground were materialising differently. The beginning of 1994 witnessed another Sudanese army dry season offensive seeking to cut off the supply route to the SPLA-M from the Ugandan border. As such, the Islamists (using PDF and elements of tribal militias) concentrated their offensive in the south to taking the border towns of Nimule and Pageri. This two front offensive beginning in early January 1994 lasted well into May, as the Islamists south to push the SPLA out of southern Sudan. Government efforts to take the Ugandan border towns resulted in co-ordinated bombing raids on Pageri and in northern towns in Uganda⁴⁷. While the regime was unsuccessful in capturing Nimule, they did advance further south and re-captured Kajo Kaji in June and were able to open up the overland route from Renk to Malakal.

The SPLA-M were also engaged in military operations during this period, particularly being used as a counter-insurgency force by the Ugandan government against the LRA. SPLA-M engaged in several large encounters with the LRA and were by November 1994 largely responsible for pushing the LRA out of Uganda into Sudanese government controlled territory around Torit. Inter-faction fighting continued during 1994 as both the SPLA and SSIM attacked targets along tribal lines. The SPLA in March 1994 attacked Acholi and Shilluk villages while Machar's Nuer dominated SSIM launched an attack on a cattle camp near the town of Akot that left over 200 Dinka dead in October 1994⁴⁸.

The co-ordination between the SPLA and the NDA bore tangible results on the battlefield during the 1996-1997 period. The Joint Military Command of the SPLA-NDA, with John Garang as its leader, began an offensive that was launched along three fronts:

⁴⁷ *BBC Summary*, ME 1918, 10 Feb. 1994: 16.

⁴⁸ *Sudan Democratic Gazette*, December 1994: 5.

south Blue Nile, southern Sudan and the east. The south Blue Nile front was an area where the SPLA had not operated for several years as they were pushed out by government forces in 1992. Launched in January 1997, with Ethiopian logistical support, they rebels were able to capture Kurmuk and several other key towns in the Blue Nile state such as Qaysun and Khor Gana.

The southern front represented the most significant military gains for the SPLA since the government's 1992 dry season offensive. Beginning in March 1997 the SPLA was able to retake an 800km stretch of territory beginning in Kaya on the Ugandan border all the way to Wau in Bahr al-Ghazal, capturing key border towns such as Yei, Yirol, Rumbek, and Kajo Kaji among others⁴⁹. By June 1997 the main garrisons left in government hands in Bahr al-Ghazal were Wau, Aweil, Gogrial and Haga, while in Equatoria the government controlled Juba, Torit and Kapoeta plus several outpost towns such as Terakaka.

Along the eastern front the NDA, Beja Congress and SPLA New Sudan Brigades (mixture of troops from SPLA and northern opposition groups) applied new pressure on the government. Benefiting from Eritrean logistical support, the opposition forces were able to continually threaten the towns of Kassala and the link to Sudan's only port, Port Sudan. The new eastern front led to a mobilisation of Sudanese troops into the area, drawing their forces away from the south.

CONCLUSION

The period from 1994-97 in Sudan witnessed the continuation of the Islamist government's policy of fuelling the civil war in the south by playing southern tribal animosities against one another. While there were significant gains in the 1994 dry season offensive, the SPLA was able to reclaim territory and go on the offensive during 1996-97. The government's policy of talking peace while preparing for operations in the south has been one that has been in evidence since their coming to power. The insincerity of the government in its attempt to broker a peaceful conclusion to the conflict was witnessed by its signing of the IGADD declaration of principles in 1994, only to be

⁴⁹ The swiftness of the March 1997 SPLA offensive took the government by surprise. When Yei fell, there was no communication concerning its occupation by the SPLA, resulting in a Sudanese army relief column that had been sent from Morobo to be ambushed. Aid workers in the area along the Juba-Yei road estimated government casualties in the thousands. Personal interview, 24 Apr. 1997.

renege on several months later. Even when domestic and international pressures (i.e. second-front from Eritrea) were mounting, making the continuation of the war in the south a dangerous gambit for the regime, the Islamists still refused to negotiate on important southern grievances such as the relationship between state and religion.

The Political Charter of 1996 was an instrument in the Islamists policy towards the southern opposition. The regime took advantage of Machar's and others weak political and strategic positions and offered them amnesty if they fought against traditional tribal enemies. Throughout this period the Islamists played on the antipathy felt by many of the southern tribes, such as the Nuer, Annuak and Shilluk, towards the numerically superior Dinka. Since the Islamists were not able to bring about a comprehensive military victory during a period of southern military weakness (1992-3), they adopted the strategy of developing the strains in the factions in order that the southern forces fight one another. The Political Charter was an agreement between the government and anti-Dinka elements of the southern opposition groups against Garang and the SPLA.

CONCLUSION:

Prior to coming to power in 1989, the Islamist movement's greatest success had been bringing the issue of *sharia'h* into the political arena. As has been shown, the post-independence political discourse in Sudan had been dominated by sectarian parties, which used kinship ties to facilitate the entry of family members into the political process or into important government posts. It has been argued, by concentrating on religious issues the Islamist movement had been able to replace clientalism based on kinship, with one based on religion¹. As such, the Islamist movement had opened up the political process to all Muslims, regardless of kinship or tribal affiliation. The point relevant to this study then is what role was to be played by non-Muslims and what future did they have in such a political environment? The NIF gave assurances that non-Muslims would be treated with respect and not be discriminated against in a society run according to *sharia'h*.

However since coming to power the Islamist movement in Sudan has considered the South, because of its non-Muslim characteristics, as an obstacle to Islamic law. Therefore, in the words of Francis M. Deng, the South has presented 'a threat' to the Arab-Islamic trend's vision of the nature of Sudan, and has had three options in dealing with the South:

"either the national framework is restructured, the South decisively defeated and dominated, or the country risks disintegration."²

This study has shown that since 1989, the Islamists have sought to impose their concept of Sudan's identity (i.e. Arab-Islamic) throughout Sudan. The Islamists have restructured Sudanese institutions and invited southerners to participate in government on Islamist terms, namely through acceptance of the *shari'ah* as the legal source for Sudan. In reality, moves made to bring southerners into a 'national framework' (i.e. the commitment to religious diversity in The Political Charter) were tactical decisions either to alleviate domestic or international pressure over the conflict, or to further divide southerners along their tribal lines.

Since coming to power the Islamists' strategy has been the defeat of the south

¹ T. Abdou Maliqalim Simone, *In Whose Image? Political Islam and Urban Practices in Sudan* (London: University of Chicago Press, 1994) 138.

² Francis M. Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington D.C.: The Brookings Institution, 1995) 238.

militarily. In order for the subjugation of the South to occur, the Islamists have had to eliminate the one force that could stop them- the SPLA. The Islamists were never really interested in conducting serious negotiations and only engaged in dialogue with the SPLA to give the Sudanese military an opportunity to replenish. The Islamists' expansion of relations primarily with Iran and China signaled their search for sources of arms, while the formation of the sectarian People's Defence Force demonstrated their desire to expand the conflict in the south.

The Islamists viewed the SPLA split of 1991, dividing the south along tribal animosities, as an opportunity to advance their strategy of defeating the south. At the negotiating table the government played on southern tribal divisions, first refusing to negotiate with the SPLA, and then holding separate meetings with each group, discussing issues that they had no intention of honouring. On the battlefield they took advantage of inter-SPLA fighting while preparing for their offensive during the 1992 dry-season.

While there was wide spread celebration in their success in recapturing significant territory from the SPLA/M, the Islamists were not able to bring about a comprehensive military victory in the South. Going into 1994 and 1995 the SPLA was able to regroup in its sanctuaries in Uganda and renew its offensive against the government.

The Islamists' approach in dealing with the conflict in the South is best exemplified during the period from 1994-97. Since the Islamists were not able to bring about a comprehensive military victory during a period of southern military weakness (1992-3), they adopted the strategy of developing the strains in the factions in order that the southern forces fight one another. The Political Charter of 1996 was an instrument in the Islamists' policy of incorporating elements of the southern opposition in government, thereby weakening the SPLA. The regime took advantage of Machar's and others weak political and strategic positions and offered them amnesty if they fought against Garang. Throughout this period the Islamists played on the antipathy felt by many of the southern tribes, such as the Nuer, Annuak and Shilluk, towards the Dinka. The Political Charter was an agreement between the government and anti-Dinka elements of the southern opposition groups. Islamist' guarantees of the *shari'ah* not being applied in the South should not be seen as an attempt by the Islamists to protect

non-Muslim interests, but instead as a way of not allowing non-Muslims to participate in the definition of the country's future. As T. Abdou Maliqalim Simone has shown, the Islamists' message to the South of 'We are prepared to leave you alone'³ has more to do with the fear of accommodating the idea that non-Muslims can assist in shaping Sudan.

Going into 1998 the Islamists continued the policy of attempting to divide the opposition. The agreement signed in Nairobi between the SPLA and the Islamists on the right to self-determination for southern Sudan in May 1998 is an example of attempting to split the SPLA from the NDA⁴. While there was no agreement on particulars, i.e. cease-fire, interim period, nature of referendum, etc., there was concern from the NDA over Garang meeting with the government independently.

Given the regime's commitment to *shari'ah* and the South's contempt towards what it considers as a tool of Arab-Islamic domination, any attempt at a 'national restructuring' of society is unlikely to succeed. The Islamists have understood this and up to 1997 opted for defeating the south militarily; yet, after nearly ten years in power the Islamists still have not succeeded in eliminating the southern problem, raising the question of the separation of the south.

Comparisons with the pre-1989 approach of the Islamists to the South have shown that they have still remained committed to the application of Islamic law. The *shari'ah* has been the one area that the Islamists have refused to negotiate on. However, have they made any other concessions in their political platform? The fact the Islamists are ready to discuss the possibility of the break-up of Sudan is a change from their pre-coup commitment to the unity of Sudan. Yet, this change is reflective of the Islamists' pragmatic approach to the South. Since their commitment to an Islamic state is so strong, they will do anything to preserve it, even if it means casting the south aside.

The Political Charter gives the Islamists the flexibility necessary to address the issue of separation. The Islamists' 'concession' within the Charter was their agreement to a referendum on self-determination for the South. If the referendum supports the South remaining within Sudan, then the Islamists may claim their policy toward the

³ Simone, *In Whose Image*, 145.

⁴ *Al-Hayat*, 07 May 1998: 1.

south had been correct all along, giving them recourse to accelerate Islamicisation programs. If the referendum yields a vote calling for separation of the South, then the Islamists are able to cast away a region that has been an obstacle to their Islamic designs. In the end, the referendum issue remains an option for the Islamists to be called upon when their strategy of defeating the south is finally abandoned.

BIBLIOGRAPHY

PERIODICALS

Asian and African Studies
Arab Studies Quarterly
British Journal of Middle Eastern Studies
International Journal of Middle Eastern Studies
Middle Eastern Studies
Sudan Studies
The Middle East Journal

MAGAZINES

Al-Bilad
Al-Mushahid As-siyassi
Al-Ushbu' Al-Arabi
Le Jeune Afrique
Middle East Economic Digest
Newsweek
New African
Impact International
Sudanese Democratic Gazette
Sudan Update
Sudan Focus
The Middle East

NEWSPAPERS

Al-Akhbar Al-Yowm
Al-Khartoum
Al-Sharq Al-Awsat
Al-Hayat
Arab News
The Guardian
The Independent
The Times

MONOGRAPHS

- Africa Watch Committee. Denying the Honor of Living- A Human Rights Disaster. Washington D.C: Africa Watch, 1990.
- African Rights. Food and Power in Sudan. London: African Rights, 1997.
- , Facing Genocide: The Nuba of Sudan. London: African Rights, 1995.
- , Components of a lasting peace in Sudan. London: Africa Rights, 1993.
- Ahmed, Abdel Ghaffar M., and Gunnar M. Sorbo, ed. Management of the Crisis in the Sudan: Proceedings of the Bergen Forum 23-24 February, 1989. Bergen: University of Bergen, 1989.
- Alier, Abel. Southern Sudan: Too Many Agreements Dishonored. Exeter: Ithaca Press, 1990.
- Amnesty International. 'The Tears of Orphans' No future without human rights: Sudan. London:Amnesty International, 1995.
- , Sudan- The Ravages of War: Political killings and humanitarian disaster. London: Amnesty International, 1993.
- Badal, Raphael K.,Adlan al-Hardallo, Muddathir Abd al-Rahim and Peter Woodward. Sudan Since Independence. Aldershot: Gower Publishing Company Ltd.,1989.
- Beshir, Mohammad Omer. The Southern Sudan: Background to Conflict. Khartoum: Khartoum University Press, 1970.
- Bluechot, Herve, Christian Delmet and Derek Hopwood, ed. Sudan: History, Identity and Ideology. Reading: Ithaca Press, 1991.
- Burr, J. Millard and Robert O. Collins. Requiem for the Sudan: War, Drought and Disaster Relief on the Nile. Oxford: Westview Press, 1995.
- Daly, M.W. and Ahmad Alawad Sikainga, ed. Civil War in the Sudan. London: British Academic Press, 1993.
- Deng, Francis and Prosser Gifford. The Search for Peace and Unity in Sudan. Washington D.C.: The Wilson Center Press, 1987.
- , War of Visions: Conflict of Identities in the Sudan. Washington D.C.: The Brookings Institution, 1995.
- , Cry of the Owl. New York: Lillian Barker Press, 1989.
- , The Seeds of Redemption. New York: Lillian Barker Press, 1987.

- Doornbos, Martin, Lionel Cliffe, Abdel Ghaffar M. Ahmed, and John Markakis, ed. Beyond Conflict in the Horn: The Prospects for Peace, Recovery and Development in Ethiopia, Somalia, Eritrea and Sudan. The Hague: Institute of Social Studies, 1992.
- Ehteshami, Anoushivaran. After Khomeini: The Iranian Second Republic. London: Routledge, 1995.
- El-Affendi, Abdelwahab. Turabi's Revolution: Islam and Power in Sudan. London: GreySeal Books, 1991.
- , "Discovering the South: Sudanese Dilemmas for Islam in Africa", African Affairs, July 1990.
- Esposito, John L., ed. Voices of Resurgent Islam. New York: Oxford University Press, 1983.
- , ed. Political Islam: Revolution, Radicalism or Reform. London: Lynne Rienner Publishers, 1997.
- Garang de Mabior, John. The Call for Democracy in Sudan. London: Kegan Paul International, 1992.
- Guazzone, Laura, ed. The Islamist Dilemma: Political Role of Islamist Movements in the Contemporary Arab World. Reading: Ithaca Press, 1995.
- Gurdon, Charles. Sudan at the Crossroads. Cambridgeshire: Menas Press Ltd., 1984.
- Harir, Sharif and Terje Tvedt, eds. Short-Cut to Decay: The Case of the Sudan. Uppsala: The Scandinavian Institute of African Studies, 1994.
- Hibbard, Scott W. and David Little. Islamic Activism and U.S. Foreign Policy. Washington: United States Institute of Peace Press, 1997.
- Holt, P. M. and M. W. Daly. A History of the Sudan. 4th ed. New York: Longman, 1988.
- Human Rights Watch/Africa. Abuses by All Parties in the War in Southern Sudan. New York: Human Rights Watch, 1994.
- , Behind the Red Line: Political Repression in Sudan. New York: Human Rights Watch, 1996.
- Kok, Peter Nyot. Governance and Conflict in the Sudan, 1985-95. Hamburg: Deutches Orient-Institut, 1996.
- Lavergne, Marc, ed. Le Soudan contemporain. Paris: Karthala, 1989.

Maiwal, Bona. Sudan: A Second Challenge to Nationhood. New York: Thornton Books, 1985.

---, People and Power in Sudan. London: Ithaca Press, 1981.

Maddy-Weitzman, Bruce and Efraim Inbar, eds. Religious Radicalism in the Greater Middle East. London: Frank Cass, 1997.

Prendergast, John. Dare to Hope: Children of War in Southern Sudan. Washington : Center for Concern Advocacy, 1996.

Rameeh, Tala'at Hussayn Ma'adh. *Mustaqbil as-Sudan: azma al-hukum, azma al-junub, azma al-hawiya*. Cairo: *Dar al-Jihad lil-nashir wa at-tawziyya*, 1994.

Simone. T. Abdou Maliqalim. In Whose Image? Political Islam and Urban Practices in Sudan. Chicago: University of Chicago Press, 1994.

Sidahmed, Abdel Salam. Politics and Islam in Contemporary Sudan. London: Curzon Press, 1997.

---, and Anoushiravan Ehteshami, eds. Islamic Fundamentalism. Oxford: Westview Press, 1996.

Sivan, Emmanuel and Menachem Friedman, eds. Religious Radicalism and Politics in the Middle East. Albany, N. Y.: State University of New York Press: 1990.

Voll, John. Islam, Continuity and Change in the Modern World. Syracuse: Syracuse University Press, 1992.

---, ed. Sudan: State and Society in Crisis. Indianapolis: Indiana University Press, 1991.

Westerlund, David and Eva Evers Rosander, eds. African Islam and Islam in Africa. London: Hurst and Company, 1997.

Woodward, Peter, ed. Sudan after Nimeiri. London: Routledge, 1991.

Zutt, Johannes. Children of War: Wandering alone in Southern Sudan. New York: UNICEF, 1994.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE PRESIDENCY
FEDERAL GOVERNMENT CHAMBERS
MINISTRY OF FEDERAL RELATION



رئاسة الجمهورية
ديوان الحكم الاتحادي
وزارة العلاقات الاتحادية



THE SUDAN PEACE AGREEMENT

APPENDIX 1



THE SUDAN PEACE AGREEMENT

APRIL / 1997

THE SUDAN PEACE AGREEMENT

PREAMBLE:

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 Bahr El Gazal, Equatorial 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 results.

"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 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
1- 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 Defense 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

A. Religion and the State:

- 1- Sudan is a mullet-racial, mullet-ethnic, mullet-cultural and mullet-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 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, color, 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 as shall be regulated by the law.
- 10- Immunity arbitrary arrest, detention and torture.

11- Freedom of religious worship, preaching, dawa, proselyzation and religious propagation.

12- Freedom of expression and development of cultures and languages.

13- All other basic rights and freedoms that are recognized 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 decentralized.

2- Every State shall have judicial organ which is composed of a Court of Appeal, Province Courts, District Courts and Local Courts.

3- 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, ect. Shall be regulated by law.

E. Democracy:

1- Participatory democracy shall be realized through congresses and national convention or conference.

2- In promotion of participatory democracy the congresses and national convention shall be organized:

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.

POWER SHARING

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,...ect.
 - 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, ect.
 - 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- Specialized 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.
 - c) Customary laws.
- 22- State Economic development and Planning in accordance with Federal Planning.
- 23- Recruitment of Specialized 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 need 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 annex3).
- 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 realization of self-sufficiency in the basic needs of the country.
- d. Balance relationship between development and density of population and environment.
- e. Establishment of special fund to take care of crash development programs 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 organizations 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 annex3).

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 implement without consulting the State Council.

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 specialized 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 FEDEEERAL 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 Assisi 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 mobilization 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-reline. In this regard plans shall be drawn to receive support for educational, health, food security and social services institutions.
 - 10- To educate and mobilize 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

A. DEFINITION:-

1. 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 coordinating, supervision, sauce-economic planning, confidence building, peace nurturing, policy-making as well as political mobilization.
2. The President of the Coordinating Council shall be accountable to the President of the Republic.
3. The President of the Republic in consultation with parties signatory to this Agreement shall appoint the President of the Coordinating Council.
4. The President of the Coordinating Council in consultation with Southern political forces shall recommend his cabinet including the Governors (Wails) to the President of the Republic for appointment.
5. The Ministers in the Coordinating Council shall enjoy status of Federal Ministers.
6. 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
7. 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.
8. The Coordinating Council shall act as a link between the Federal Government and the Southern States.
9. The Coordinating Council has the right to choose its seat.

2- FUNCTIONS OF THE COORDINATING COUNCIL:

The Coordinating Council shall have following functions:-

1. General Supervision of the implementation of this peace agreement as well as all peace matters.
2. Voluntary reparation 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 Cities.

4. To embark on mobilization 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 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 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. Organization 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 organizations (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 Services in the Southern States.

c. Organization 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.
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 Mobilization.
 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 (SSRRRC) 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 commissioner. The President of the Coordinating Council shall pass the same to the President of the Republic for approval.

CHAPTER SIX

8- SECURITY ARRANGEMENTS DURING INTERIM PERIOD

1. The South Sudan Defense Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.

2. Police, Prisons, Wild Life, Civil Defense, Fire Brigade and public Security in the Southern States shall be drawn from the people of Southern Sudan.

3. The size of the Sudanese Armed Forces in South Sudan reduced to peace time level once peace is established.

4. 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 I).

5. The Joint Technical Military Committee shall oversee and supervise the activities of the Cease-fire Commission and the peace keeping observers.

6. The Joint Technical Military Committee shall coordinate with the Army General HQs provision of supplies, training, armament, emoluments and other facilities for the SSDF.

7. Joint Military Cease-Fire Commission shall be established to monitor cease-fire violations and the disengagement of troops in Southern States (annex1).

8. The Movement of the armed parties shall be coordinated and controlled by the Joint Technical Military Committee, and its subcommittees (annex1)

9. 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 period of the war with effect from the date of signing this Peace Agreement (see Annex2).

10. There shall be established a Joint Amnesty Commission to follow up the implementation of the General Amnesty Proclamation (see Annex2).

11. War wounded, widows, orphans and other war victims shall be rehabilitated with assistance from national, regional and international agencies.

12. The annexes are considered as guidelines with a degree of flexibility to the said committees/commission.

CHAPTER SEVEN

10- REFERENDUM

1. By this Agreement the right of the people of Southern Sudan to determine their political aspiration 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 bodied, 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 endeavor 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.

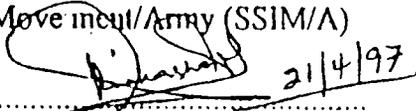
Signed

For The Sudan Government



LT. General
EL Zuber Mohammed Saleh
Vice President

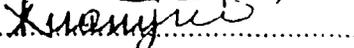
For United Democratic
Salvation Front (UDSF)
and South Sudan Independence
Movement/Army (SSIM/A)



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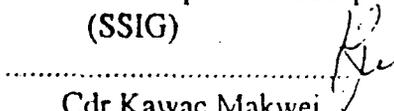
Cdr Dr. Riek Machar Teny D.
Chairman & C-in-C (SSIM/A)

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



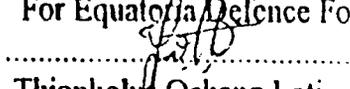
Cdr. Karubino Kawanyin Bol
Chairman C-in-C (SPLM/A)

For South Sudan Independents Group
(SSIG)



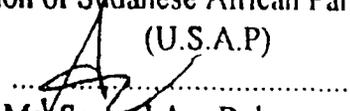
Cdr Kawac Makwei
Chairman C-in-C (SSIG)

For Equatoria Defence Force (EDF)



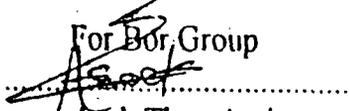
Dr. Thiopholus Ochang Loti
Chairman C-in-C (EDF)

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

