

## SECURITY BRIEF

EDITED BY GLADWELL OTIENO

### **KENYA'S CROSSROADS**

Kenya is fast approaching a crossroads as the presidential and legislative elections, scheduled for 27 December, draw near. After much speculation to the contrary, it appears that Daniel arap Moi will step down as president of the country. He leaves a shabby legacy: an economy devastated by decades of corruption and mismanagement by a rapacious elite, and an infrastructure in decay. Besides this, the use of violence as a means to obtain political goals has been legitimised, and the manipulation of ethnic rifts and the centralisation of power in his person have left the country polarised.

As in many other African countries, control of the 'political kingdom', of the state and its resources, is central to accumulation of wealth and patronage. This means that introducing real reform would be tantamount to political suicide.

President Moi's surprise choice of a political newcomer, Uhuru Kenyatta, as his anointed successor led to the desertion of key personalities to the opposition. The defecting MPs, dubbed the 'Rainbow Alliance' joined the main opposition National Alliance Party of Kenya, to form a new entity: the National Alliance Rainbow Coalition (NARC). For a while it appeared to have achieved the elusive dream of opposition unity and still stands a strong chance of winning if it can unite opposition forces.

The early dissolution of parliament was

seen as an attempt to pre-empt a vote of no confidence in President Moi. The dissolution of parliament, coming when it did, also effectively scuppered progress on constitutional reforms. Under Prof. Yash Pal Ghai, radical changes had been proposed to the constitution. It was suggested that Kenya have a president with greatly reduced powers, an executive prime minister, a two-chamber parliament, and an increased number of MPs.

Although the Kenya constitution has been amended frequently over the years, this is the first time that Kenyans are being called upon to have a national discussion about a constitution that is in keeping with their values. Opposition parties have pledged to introduce the new constitution if they take power.

Kenya's electoral process is characterised by abuse, corruption, intimidation and violence. The executive has wide discretion to issue ID cards and passports, possession of which determines the right to register to vote. Slow issuance of ID cards has tended to deprive the youth, who are perceived as leaning towards the opposition, of their right to vote. This year, the registration period was limited to one month, then extended by two weeks. Registration proceeded smoothly in KANU-dominated areas but was dogged with problems in opposition areas.

The executive also controls the registration of political parties, which can

either be withheld or forced through at speed if it promises to undermine opposition unity. Constituency boundaries have been extensively gerrymandered. One calculation alleged that the average size of a secure KANU constituency was 28,350 voters, while the average size in opposition areas was 52,169, a discrepancy of 80%. The president appoints and fires the chairman of and commissioners to the Electoral Commission of Kenya (ECK). Most of the staff at the ECK are on secondment from the government.

The ECK's past performance, particularly during the 1997 elections, casts doubts on its capacity to effectively manage elections. There is no equal access to the media: the public media have been extensively recruited in the promotion of Project Uhuru. The president determines the election date at his own discretion. The holding of elections during the Christmas period since 1991 has had the effect of disenfranchising the many urban dwellers who travel home to the rural areas and may not cast a vote there.

Where these and other methods fail, the instigation of 'spontaneous' ethnic cleansing or ethnically motivated violence has systematically been used since 1991 to intimidate potential or real opposition and determine results.

Most of Kenya's 31 million people belong to 13 ethnic groups; about 22% are Kikuyu, 14% are Luhya, 13% are Luo, 12% are Kalenjin, a conglomerate of smaller ethnic groups to which Moi's minority Tugen belong. In a move designed to undercut the traditional winner-takes-all system, a provision was introduced that the winning presidential candidate must bring in 25% of the vote in five out of eight provinces. Together with the obvious manipulation of electoral districts, the misuse of the police and administration in the service of the ruling party and the plundering of the national coffers to finance the ruling party campaign and elections, this move serves to facilitate the victory of the incumbent.

There is a real case to be made for a federal system that is more responsive to the diverse needs of the electorate and could

possibly overcome entrenched ethnic rivalries. However, Moi's version of federalism, or 'majimbo' as it is called in Kenya, is manifestly aimed at maintaining the power of a narrow, kleptocratic clique.

In response to the movement for democratisation, Moi claimed in the early 1990s that multiparty politics would lead to ethnic violence. Some commentators saw the subsequent violence as vindicating his stance. However, reports by human rights organisations and commissions of inquiry implicate leading KANU figures in the very violence they had predicted. The report of the Akiwumi Commission, which has been complete since 1999, was finally released in October this year.

The report documents that violence was systematically deployed against those who were perceived *a priori* as belonging to the opposition on the basis of their ethnic group.

President Moi's hold on the ostensibly malleable Uhuru Kenyatta may prove tenuous, once the latter gets into power. Even now, Uhuru's campaign speeches, promising as they do to end corruption and revive the economy, must be read as an implicit criticism of the Moi regime. There is also a generation gap, with the younger politicians rejecting some of the practices of the old. Uhuru Kenyatta is a son of the Kikuyu political elite whose economic base Moi made a concerted attempt to destroy. It is ironic that in the end he could conceive of no other recourse to protect himself from future persecution than to choose allies whose loyalty may waver.

The ruling party is riven by internal squabbling as Moi's lame-duck status becomes ever more apparent. While the situation sometimes brings to mind the rapidity with which apparently solid dictatorships crumble, as in the last days of Mobutu's Zaire, the resourcefulness and ruthlessness of Moi and his inner circle should not be underestimated. The perceptions of this group as to the risks to themselves, their families and their wealth if the opposition wins will be a decisive factor in the peacefulness of the transition.

Kenya's pre-election landscape is dominated by the undignified 'defecting' of politicians from one party to another, according not to ideology or programmes but to who seems the most likely to win. Opposition unity is tenuous and subject to determined assault by KANU. Within Kenya, the opposition is seen as having an advantage over the incumbent regime. However, the Moi regime has never yet fought a clean election and intensive electoral manipulation by KANU is probable. There is also the possibility of neither side gaining a clear victory, opening the door to a government of national unity. In reality, there is little to choose between the various protagonists, most of them having at one time or another participated in the government they now criticise. Equivocal noises now emerging from the opposition camp about the rapid adoption of the new constitution are cause for concern. However, the electorate has repeatedly demonstrated its strong wish for a clean break with the corrupt past. An opposition victory would be a necessary first step towards real change. Concerted efforts by internal and external actors to assure as free and fair an election as possible are essential to the realisation of this goal. – GO

### MULUZI'S BID FOR A THIRD TERM

Malawi's young democracy is at a crossroads, as the ruling United Democratic Front (UDF) government and its leader, Bakili Muluzi, attempt to prolong their grasp on the reins of power. Malawi was ruled for 30 years by President Hastings Kamuzu Banda, who changed the country's constitution after independence to make himself life president, and Malawi a one-party state under the Malawi Congress Party (MCP). International pressure in the early 1990s led to a referendum on democracy that the government lost by a large margin. A constitutional conference was convened at which participants from opposition parties, the church and civil society drew up a truly progressive constitution that enshrined

individual rights. Multiparty elections followed in 1994, which the UDF under President Muluzi won.

Currently Malawi's constitution allows for only two consecutive presidential terms, an arrangement that excludes Muluzi from attempting to stand for re-election in 2004. However, reports earlier this year indicated the beginning of an active campaign emanating from influential quarters within the UDF and led by Presidential Affairs Minister Dumbo Lemani, to seek approval from Parliament for a constitutional amendment to Section 83(3), that would allow an open term presidency.

These efforts were preceded by a constitutional amendment passed in November 2001 that effectively reduced the majority required to amend the constitution from two-thirds to '50 and one per cent', to ensure that the UDF would have sufficient representation in Parliament to approve constitutional changes. This prior constitutional amendment was masterly crafted by the UDF in anticipation of the all important and decisive future debate in Parliament concerning the third presidential term. The attack on the constitution was timed in such a way that it coincided with parliamentary attempts to impeach judges who were perceived to be in league with the opposition, replacing these appointees with others who would be more supportive of the proposed constitutional amendments. The judge who bore the brunt of this attack on the judiciary was Judge Dunstain Mwaungulu—one of three senior high court judges who were eventually impeached by Parliament, a development that has allowed the UDF to replace them with more amenable judges.

The actions taken by the UDF did not go unchallenged as church groups and civil society organisations in Malawi openly declared their opposition to a third term for Muluzi.

A previously unknown organisation, calling itself *Kachitatatu ayi takana* ('We reject a third term'), together with the Blantyre synod of the Church of Central African Presbyterians (CCAP) and the

Catholic Church especially came out in strong opposition to the proposal to amend. These groups have expressed their opposition by, among other things, distributing pamphlets in the local language and urging people to wear purple ribbons as a symbol of their opposition.

Muluzi responded in the tradition of Banda by banning all public demonstrations in Malawi. Influential religious groups, including the Roman Catholic Church and the Law Society of Malawi, applied for an injunction against Muluzi's threat to stop demonstrations against a third term. Judge Dunstain Mwaungulu subsequently ruled that Muluzi's ban "violated the constitutional rights of freedom of expression and assembly". In a bizarre twist, a new judge of the high court assigned to preside over this case overturned the previous court ruling, after an application was filed by Justice Minister and Attorney-General Henry Phoya, who accused lawyers representing groups opposing Muluzi's controversial third-term, of shopping for sympathetic judges. Most analysts saw the latest decision by the high court as a boost for Muluzi, who had previously gone on record saying that he would ignore the previous court ruling, as it was "irresponsible and insensitive". The standoff between the executive and the judiciary reflects the strained relationship that has developed in recent years.

Eventually on 4 July 2002 Parliament met to debate the proposed amendment to the constitution. The bill to change the constitution was introduced by an MP for the opposition Alliance for Democracy. The introduction of this bill by AFORD came as no surprise as this was perceived as more evidence of this party's attempt to forge stronger links with the UDF. Controlling 95 of Parliament's 192 seats, the UDF needed the support of an additional 33 opposition MPs to obtain a two-thirds majority of 128 votes. The ruling UDF was confident that with support from the opposition, the constitutional change would be passed without problems and that Muluzi could stand again in the 2004 elections. However,

both opposition parties—AFORD and the MCP—were split on the issue. The vote count revealed that 29 opposition MPs and one independent voted for the amendment, but a total of 59 opposition votes against was enough to block it. The amendment to the constitution, allowing President Muluzi a third term in office, fell only three votes short of obtaining a two-thirds majority. With the amendment defeated, signs were positive for the strengthening of democracy in Malawi. Muluzi cynically commented that democracy called for "tolerance of different views", while he pursued his quest for a third term along other channels.

Two weeks later, on 20 July, at a special UDF meeting in Blantyre, it was agreed that the party should field no other candidate in 2004 other than Muluzi and that the UDF should resubmit the original private member's bill as a government bill. This essentially meant that instead of an Open Term Bill, it would propose that President Muluzi in his personal capacity be allowed to serve for a third term, on the basis that this amendment would not apply to any future presidents.

It is now clear that Muluzi and his close allies have no intention of backing down until Muluzi has secured his third term in office. The weaknesses of institutions safeguarding the democratic freedoms that have been enshrined in Malawi's constitution contribute immensely to an environment enabling further manipulation of the constitution to go largely unchallenged. It would be in the interests of Malawians at large to address these underlying structural problems to ensure that future attempts to change the constitution are legal and represent the will of the majority of the voters. Public condemnation of events in Malawi by leaders in the Southern African region and Africa at large have not been forthcoming, establishing a further precedent (with those of Zimbabwe and Zambia) for the tolerance of the subversion of democracy in the interest of ruling elites, prepared to cling to power by all means. The leaders of the African continent especially need to make it

clear that such undemocratic practices find no support in the new African era of the African Union (AU) and the New Partnership for Africa's Development; whose founding charters espouse the principle of good governance and democracy. Failure by the Chair of the AU, South African President Thabo Mbeki, to rally international support against such undemocratic practices questions the commitment to democracy which is at the heart of recent pan-African initiatives. Should the AU fail to meet the demands required by this challenge, Malawi will inevitably slide back down the slippery slopes towards renewed autocracy. – CM

### CÔTE D'IVOIRE: THE POLITICS OF IDENTITY

Since the end of 1999 the politics of Côte d'Ivoire has been characterised by a number of military convulsions, the latest of which is a mutiny or an attempted coup or a rebellion, according to one's subjective preference. In 1999, elements of the army began by expressing their displeasure at not being paid for peacekeeping duties in the Central African Republic, grievances that quickly spread to other issues and eventually to the removal of President Bedié in a coup. His replacement, General Gueï, also experienced a number of alleged coup plots and mutinies before he, too, was toppled with the assistance of the gendarmerie, which refused to endorse his rigged election to the presidency in October 2000. Now President Gbagbo faces the wrath of elements of the security forces reluctant to be dismissed and demanding his resignation and the holding of all-inclusive elections. By the time this piece appears in print the situation will have moved on, though whether this will involve addressing a root cause of many of Côte d'Ivoire's domestic and regional difficulties must be in doubt.

What is noticeable about all the military upheavals remarked upon above is that all of them came at some stage to address the problem of citizenship as central to their demands. In some cases this reflected

unhappiness at the exclusion from electoral competition of Alassane Outtara leader of the *Rassemblement des Républicains* (RDR), on the grounds that he did not fulfil the citizenship requirements demanded of presidential candidates. Even his erstwhile allies, Gueï and Gbagbo, found it expedient to disqualify him from opposing them at the polls on these dubious grounds, rather than face his formidable challenge.

But the question of national identity concerns more than the political career of one individual—it casts a shadow over the lives of between 30 and 40% of the country's population.

The reasons for this are to be found in the history of what was once touted as one of Africa's most stable countries. President Houphouët-Boigny was perhaps the ablest politician of all the founding fathers of independent Africa. He dominated the political scene in Francophone West Africa for almost five decades, including his presidency of Côte d'Ivoire, from independence in 1960 until his death at the age of 88 in 1993.

Houphouët's individual political style has been described as a benevolent, paternalistic, authoritarianism, derived from a chiefly tradition and emphasising accommodation and co-option rather than repression. He advocated the primacy of economic growth and development over liberal political freedoms, and while resources lasted, this approach was reasonably successful in terms of its own objectives.

In the decade preceding independence, the colonial administration of Côte d'Ivoire developed a system of agriculture based upon indigenous plantations. An extensive transport infrastructure was created and between 1950 and 1965 annual economic growth averaged nine per cent, and exports increased fourfold. Nevertheless, this 'economic miracle' of state capitalism came at a price, albeit one to be paid by future generations:

- The plantation economy was based on the availability of a low-paid immigrant workforce, numbering as many as a million, most of whom had entered the

country from Upper Volta (Burkina Faso) when both territories were part of French West Africa.

- The excessive emphasis on export crops threatened domestic food production and led to the importation of non-traditional food imports, and the rapid exploitation of timber resources also threatened the ecological balance of whole districts.
- Industrialisation and mining were neglected in the pre-independence years leaving the country dangerously exposed to fluctuations in commodity prices and deteriorating terms of trade.
- There was an excessive dependence on foreign capital which, thanks to the open exchange market of the CFA franc, could be withdrawn in times of recession.

All of this was yet to become obvious in the 1960s and 1970s, when there were abundant economic resources to fuel the political machine and to keep the patronage system thriving.

By the late 1970s, however, the flaws in the plan were beginning to become apparent. A boom in commodity prices yielded unprecedented revenue to the state, which embarked on a programme of infrastructural expansion supported by massive foreign borrowing. But in 1978 cocoa and coffee prices began a steep and protracted decline, leaving the government deeply in debt and struggling to make ends meet. Between 1979 and 1984 employment in the modern sector contracted by 30%.

Houphouët's reaction to the crisis and the discontent it generated was characteristically shrewd: he permitted a constitutional revision allowing for popular participation in politics for the first time since independence, through competitive elections to the national assembly, albeit within the context of the single-party system.

The introduction of intra-party competition raised the issue of home-based politics for the first time, including feelings between 'locals' and 'strangers' reflecting the latent tensions created by the government's encouragement of internal migration to develop the plantation economy. This was

aggravated by the migration back to the land of thousands of urbanites, trying to alleviate the effects of the economic downturn; back in their 'home areas' many of these people found that the best agricultural land was already overcrowded.

After Houphouët's death in 1993, his successor, Konan Bedié, deliberately narrowed the conception of Ivorian citizenship, seeking to exclude his principal rival and his putative supporters. The concept of *Ivorité* was constructed to separate 'genuine' Ivorians from those originally of 'foreign' origin: the workers largely responsible for the country's economic 'miracle', some of whom had moved on to become successful businesspeople. The relative material success of these people made them easy targets for the jealousy of the unemployed and, many of them also being Muslim, a religious dimension was added for good measure.

The issue of nationality really came to a head at the end of 1998, with the promulgation of a law reserving rural landownership to Ivorian citizens. In terms of this legislation, the best that people identified as non-Ivorians could hope for was to secure a long-term leasehold either from the state or from indigenous titleholders—an arrangement that was unlikely to work to the benefit of the so-called 'foreigners'. Ironically, this development met with the approval of the donor community, as for them it represented a move towards the privatisation of tenure. To the political and social consequences in terms of displacement and conflicts over individual and customary tenure, these external actors remained oblivious.

So deep rooted has the idea of *Ivorité* become over the last decade, and so important are its consequences for socio-economic status and, by extension, political patronage, that it is difficult to see how this dangerous process can be reversed. Unfortunately, this has major implications for the internal cohesion of the country, and for its relations with other, poorer states in the region, who now see their kin being abused or expelled in times of conflict. This

also has implications for their own stability, as workers' remittances play such a large part in balancing their budgets.

The politics of identity have become fraught in a number of African countries, but particularly so in Côte d'Ivoire over the past decade. It is important not to allow the 'fog of war' to blind us to this kind of structural problem, which does not allow a military solution. – RC

### **MAKING PEACE WHILE WAGING WAR: THE PEACE PROCESS IN SUDAN**

Delegations of the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have been taking part in peace negotiations under the auspices of the Inter-Governmental Authority on Development (IGAD) in Machakos, Kenya, since June of this year. Despite setbacks and a less than total commitment to peace by both parties, these talks are seen as representing the best chance there has been to end one of the world's most intractable and brutal conflicts. They began at a time when the war had entered its most destructive phase hitherto, fuelled by oil revenues to the Sudanese government and the increased military capacity of the SPLA.

The IGAD Sub-Committee on Sudan, consisting of Ethiopia, Djibouti, Eritrea, Uganda and Kenya, has been presiding over the Sudanese peace process since 1993. The IGAD Declaration of Principles of 1997, which prioritises the unity of Sudan while envisaging self-determination for southerners, formed the basis of the negotiations. The active encouragement and pressure offered by international observers from the US, the UK, Norway, Italy and the UN has been, and will continue to be, essential to the progress made. The efforts of the US government, in particular, such as the Danforth Initiative begun in late 2001, have been instrumental in restarting and maintaining the peace process. The Sudan Peace Act recently signed by President Bush condemns Sudan's human rights violations and allows the US to impose sanctions if it is

not satisfied that the government of Sudan is negotiating for peace in earnest. Sanctions provided for include an international arms embargo and the denial of oil revenues. However, the act drops an originally foreseen clause on capital markets sanctions against international oil companies investing in Sudan. The US president must evaluate progress on the peace process every six months. President al Bashir has condemned the act as the 'Sudan War Act'. The rapprochement in the wake of September 11 with a supposedly reformed government of Sudan has been uneasy, with suspicion of continuing Sudanese support for terrorism. At the end of October President Bush extended existing economic sanctions against Sudan, which had first been imposed under Clinton.

The talks were scheduled to take place in two parts. The first round successfully ended with the signing of a framework document, the Machakos Protocol, on 20 July. In a surprising development, the warring parties reached agreement at the eleventh hour on two of the most contentious issues—the right to self-determination of the people of southern Sudan and the issue of state and religion. The Machakos Protocol is a broad framework for agreement that "sets forth the principles of governance, the general procedures to be followed during the transitional process and the structures of government to be created under legal and constitutional arrangements to be established". The agreement provides for a transitional period of six years to be preceded by a six-month pre-interim period during which the institutions and mechanisms provided for in the agreement shall be established, and a comprehensive ceasefire agreement with appropriate monitoring mechanisms installed. At the end of the six-year transitional period "there shall be an internationally monitored referendum, organised jointly by the government of Sudan and the SPLM/A, for all the people of southern Sudan," who will either vote to adopt the system of government established under the Peace Agreement, or may choose to secede. The

south will be exempted from Sharia laws, although the source of national law and the status of non-Muslims in the north are still unclear.

The interval between the talks marked the first personal meeting between the SPLA's John Garang and President Omar Hassan al-Bashir of Sudan. It was also used by both parties for a national, regional and international diplomatic offensive to promote the agreement to their respective constituencies. The protocol has not met with unqualified enthusiasm; Egypt is particularly opposed to Sudan's perceived backtracking on the principle of unity, partly fearing increased competition for the Nile waters by a separate southern entity. However, Egypt has concentrated on blocking southern Sudanese self-determination and possible secession, for example through the Joint Egyptian-Libyan Initiative (JELI) of 1999, rather than evolving constructive proposals for a lasting peace. The JELI ignores the issues of self-determination and religion and is seen as largely being designed to undercut support for the IGAD Declaration of Principles. Southern Sudanese reacted sceptically; other agreements containing some similar provisions had been broken in the past. The transitional period was also seen as dangerously long and susceptible to manipulation by the Sudanese government, particularly given that possible future changes in governments in the West could lead to changes in focus and policy. Further concerns raised were the exclusion of all other parties and organisations from the talks; the confirmation of two essentially undemocratic and unaccountable groupings as the sole representatives of the Sudanese people; the reduction of what had become a national conflict to a purely north-south affair; and the implicit acceptance of the legitimacy of Sharia in the north.

The second session of talks that began on 12 August took on the task of working out in greater detail the thorny issues of the precise shape of power sharing between central and regional entities and wealth sharing. The ownership and distribution of

the proceeds of oil resources, which are largely located in the south, are the major bone of contention under the latter topic. Further remaining agenda items are internal security arrangements between the two armies, human rights and a comprehensive ceasefire.

On 2 September, the Sudanese government withdrew from the second session of the negotiations, citing the SPLA takeover of the strategically important southern garrison town of Torit. It rejected the SPLA's call for a re-examination of the status of the rebellious regions adjacent to southern Sudan, but outside the borders of southern Sudan proper as defined at independence in 1956—that is, Abyei, Southern Blue Nile and the Nuba mountains. The SPLA call for a secular status for the national capital, Khartoum, was summarily dismissed. Given the military activity by the government of Sudan since the signing of Machakos I, the pretext given for withdrawal from the talks was described as "somewhat disingenuous". Observers speculate that the Sudanese President had succumbed to pressure from hardliners in his coterie intent on preventing progress in the Machakos peace talks. This withdrawal followed rumours of a coup, reported on by Sadiq al Mahdi of the opposition Umma Party, for example. The Sudanese government seems to have had difficulty in winning over the radical Islamists and hawkish army officers in the north. First Vice President Ali Osman Taha is also seen as an opponent of the peace talks as his position would be jeopardised by a possible Sudanese government-SPLM/A power sharing arrangement.

For its part, the SPLA is facing a civil society wary of the government's perceived duplicity; those elements in its ranks who would profit from a continuation of hostilities and are reluctant to democratise, and young hawks convinced of the need to keep pressing the armed struggle. However, in various fora, southern civil society organisations gave the SPLM/A the mandate to continue with the talks. The government had demanded a comprehensive ceasefire as

a precondition for the resumption of talks and imposed a ban from late September until early October on all humanitarian flights and activities on the ground in eastern and western Equatoria, giving a free hand to the military to act “with no restraint, no restriction whatsoever”, in the words of President al Bashir.

On Tuesday 15 October, after weeks of military escalation by both sides and the recapture of Torit by the government, the two parties signed a Memorandum of Understanding (MoU) renewing their commitment to the Machakos Protocol and agreeing on a cessation of hostilities after intense international pressure. The memorandum covers the whole area of Sudan, but the clause allowing “either Party to take any legitimate measures in self-defence against any hostile act from a Party or force other than those referred above”, may weaken this. Neither does the MoU provide for monitoring; though a “channel of communications (...) to assist with the verification of complaints” is established through the mediator. The truce is set to continue for the duration of the talks or until the end of the year and took effect at noon on 17 October. Despite this, the Sudanese government had attacked SPLM/A positions in the east, within ten minutes, as confirmed by IGAD’s Chief Mediator Kenyan Lt. Gen. Lazaro Sumbeiywo. The Sudanese government charged that Eritrean forces had directly participated in an attack in the eastern front during which forces of the opposition National Democratic Alliance, which includes the SPLA, captured some eastern towns. The Eritrean government has denied these allegations.

The subsequent period has been marred by mutual accusations of ceasefire violations, but the talks continue. Encouragingly, on 26 October the two sides and the UN Operation Lifeline Sudan signed a landmark agreement allowing unimpeded humanitarian access across Sudan until the end of the year.

Progress in the continuing discussions remains uneven with the Sudanese government, in particular, making contradictory public statements. The recapture of Torit appears to have strengthened a perception by military hardliners in Khartoum that a military victory and hence peace dictated on its terms is indeed attainable.

The Sudanese government also seems unready to accept the extent and detail of SPLM/A’s proposals aimed at a comprehensive settlement and appears desirous of limiting the agreement to a simple accommodation of southern demands within existing structures. There are incentives for the two sides to sign an agreement: the government hopes to reactivate aid flows and qualify for the World Bank’s HIPC scheme. Economic growth is already strong, and would be boosted by post-conflict reconstruction aid and rising oil export revenues. Politically, the exclusion of other parties from the talks would allow the main protagonists to consolidate their positions in power for at least the duration of the transition period, barring the holding of elections during this time.

It is questionable whether such a narrow power-sharing agreement that excludes important stakeholders can constitute a sustainable basis for peace. In addition it is essential that the apprehensions of external parties such as Egypt be addressed constructively if they are not to undermine the present process and any future arrangement. Concerted pressure must continue to be exercised by international and regional partners to guide the protagonists through the complex agenda still outstanding and bind them into serious dedication to peace. The lack of a strong political commitment to peace is a great weakness of the Machakos Process. However, despite its flaws and the risks involved, it is the only chance that Sudan’s long-suffering people have. – GO