

How Important is Religion? The Case of the Sudan Peace Negotiations

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Religion was a core issue in the Sudanese civil war (1983–2005). Few media reports failed to emphasise both the historical cleavage between the Muslim north and the (largely) non-Muslim south, and the ideological differences between the two main protagonists, the Government of Sudan (GOS) with its Islamist orientation and the secularist Sudan People's Liberation Movement (SPLM). Increasingly academic analysis in the 1980s and '90s also focused on the relation of religious identity to social, political and economic marginalization. Efforts to end the civil war through negotiations also recognized the centrality of religion. The Declaration of Principles that guided the talks that took place under the auspices of the Inter-Governmental Authority on Development from the early 1990s (which the SPLM signed in 1994 and GOS in 1997), not only identified religion as a key issue, but also implied that the future of the state depended upon how this was dealt with. The Chief Mediator since 2001, General Lazarus Sumbeiywo, recognized the centrality of the religious issue, and decided to make it one of two—the other was self-determination for the People of Southern Sudan—that the Parties had to tackle before they moved on to power sharing, wealth sharing and security. The Machakos Protocol of 20 July 2002 resolved both of these core issues, and the Comprehensive Peace Agreement signed on 5 January 2005 by the GOS and SPLM ended the civil war.

An examination of the negotiations between the GOS and the SPLM provides unique perspectives on the issue of religion and conflict. Not only did the Parties have to articulate their positions on this issue, but in reaching compromises they also revealed what they could live with, and these explain the weight of the religious issue in relation to others. As will be demonstrated in the subsequent sections, religion is important because it has to do with identity, and the religious factor is one reason why the conflict proved so difficult to solve. However a close examination of the Sudan peace negotiations also reveal that compromise is possible because religious issues are not easily separated from issues related to political power. Is it therefore possible to use the case at hand to ask the question: how important is religion? While one case does not really allow generalization for all others, the Sudan negotiations may indicate how parties to a conflict with a religious dimension approach associated issues, and the solution they reached may inspire others to think in creative ways to end entrenched conflicts.

A War of Visions

The celebrated Sudanese scholar and statesman Francis Deng has described the Sudanese civil war by the 1990s as a 'war of visions' between those favouring a state with an Arab-Islamic identity and those who saw the African heritage of the Sudanese, regardless of creed, as the basis of national identity. These visions had developed over time, and had become associated with the ideologies of the National Islamic Front/National Congress Party that had been in power since 1989, and of the SPLM.

¹ For more information on the author, please refer to Section III of this Briefing Pack. Detailed information on PRIO can be obtained via www.prio.no.

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How did the GOS and the SPLM articulate their respective visions at Machakos? To enable each party to understand the position of the other, General Sumbeiywo organized plenary sessions in which the two sides argued their cases. The resulting exchanges were remarkably frank and speakers mixed theoretical arguments with positions directly related to the situation in the Sudan— as seen from their perspectives. The main arguments of the GOS delegates can be summarized as follows:

- First: Religion is a force for good in society;
- Second: Secularism should be rejected because:
 - As an imposition of the West it conflicts with Sudanese/African values;
 - It is hostile to Islam and to religion in general;
 - It leads to despotism;
 - It drives extreme groups underground; and
 - It denies the state a moral foundation;
- Third, it is only right to recognize the role of Islam in Sudanese society; Muslims are the majority of the population and they want Islamic laws;
- Fourth, rights of minorities are recognized and protected in existing legislation; and if they are not, laws can be changed accordingly; and
- Fifth, it is essential to identify *sharia* as (the pre-eminent) source of legislation.

The main arguments by spokesmen for the SPLM were:

- First, in the Sudan religion (i.e. Islam) has been used by a small elite to monopolize political power and economic resources;
- Second, an Islamic state by definition discriminates against non-Muslims and violates universal Human Rights;
- Third, secularism, and the constitutional separation of religion and the state, are necessary to guarantee citizens equal rights;
- Fourth, one state means one national law; exemptions for some groups divide the population into first- and second-class citizens;
- Fifth, State – rather than national – laws may reflect preferences of the majority population of a state; and
- Sixth, specifying religious or other sources of legislation is unnecessary.

The plenary sessions did not achieve consensus. Mediation thereupon sought to define common ground by proposing compromise language that could form the core of an agreement on state and religion. Ideas that were floated included:

- A Constitutional guarantee of fundamental rights;
- Citizenship as the basis for rights and duties;
- Reserving contested issues for state legislatures;
- A Constitutional statement of shared moral values;
- Constitutional reference to God in an inclusive way; and
- Acknowledgement of the multi-cultural, multi-ethnic, and multi-religious nature of Sudanese society.

This approach proved unsuccessful because the Parties decided that it did not adequately address their concerns.

In order to move negotiations forward, the Chief Mediator asked the Parties to form a sub-committee on ‘State and Religion’ to revisit the issue and try to come up with acceptable language on both general principles and specific issues. This sub-committee made some progress on general principles. On the more contentious issues, however, discussions merely served to elaborate on points made during the plenary sessions, and positions became more entrenched. Specifically the parties remained far apart on:

- The nature of the state, i.e. the role of religion in society;
- The sources of legislation; and
- The future of the 1998 Constitution.

This last point requires explanation. Briefly, the GOS held that the constitution was a legal instrument that had been adopted by the people in a referendum and thus could not be put aside, whether in part or in whole. The SPLM rejected the constitution for two reasons. First, it had been promulgated by (what they saw as) an illegitimate government through an illegitimate process, and so could not itself be recognized as legitimate. Second, the constitution was ‘Islamic’ in the sense that it was both inspired by – and entrenched – Islamic values and norms, and for this reason they wanted nothing to do with it.

Members of the mediation met separately with representatives from both Parties, again with the purpose of moving the negotiations forward by identifying common ground. These ‘private’ sessions revealed each Party’s deeper concerns. Both GOS and SPLM representatives sought to explain their positions by referring to what their constituencies would tolerate. The GOS made it clear they could not compromise on issues that for long had been central to the Islamist movement, for example recognition of the role of Islam in society and the *sharia* as the source of legislation. Occasionally the point was made that President Bashir and his government would not be able to hold on to power if the broader Islamist movement decided they were traitors to the cause. These sessions also revealed how deeply members of the GOS delegation felt about their Islamic identity. They could not comprehend how non-Muslims could feel like second-class citizens when the constitution granted all citizens equal rights and guaranteed freedom of worship.

The SPLM representatives argued along three lines. First, they referred to what may be called the ‘contemporary rights discourse’, stressing that an Islamic state—the Sudan after 1983—is inherently discriminatory since it denies all citizens equal rights. Second, they went to great lengths to explain that they were had nothing against religion, but that religion should be a private matter. Third, they referred to events in recent Sudanese history and insisted they would rather continue the war than accept an unjust peace. While they were clear about representing aspirations of the people of the Southern Sudan, they did not refer to a ‘home constituency’ in the same way that the GOS delegation referred to the Islamic movement.

The Machakos Compromise

Consultations on the equally vexed issue of self-determination for the Southern Sudan had proceeded in parallel with the work of the committee on state and religion. Again the Parties were far apart,

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since the GOS did not want self-determination to mean the possibility of independence and the SPLM insisted that it must include that option. Deadlock having been reached on each issue that had to be tackled before anything else could be considered, the Chief Mediator decided to merge them. This proved to be a stroke of genius, for both Parties now sensed that through bargaining they could get what they really needed.

The core of the Machakos compromise was that the GOS kept Islamic legislation in the Northern States of the Sudan, and the SPLM secured the right of the people of the Southern Sudan, at the end of a six-year interim period, to vote for secession. Thus neither side got all it wanted, even over its key demands. The GOS's Islamic vision stopped at the borders of the South, and it had to accept the possibility that the country would split in two. The SPLM also gave up its vision for a united Sudan based on secularism and the common heritage—the idea of the New Sudan as formulated by John Garang. Implicit acceptance of the borders of 1 January 1956 meant also that the Nuba Mountains and the Southern Blue Nile would not receive the same right to secede. This was no small concession, for the SPLM in these areas had fought for the same vision as the rest of the SPLM, and the two regions were always referred to as 'liberated areas' on a par with regions in Southern Sudan proper. The SPLM later also conceded that Khartoum, as the national capital, should not have a special status, and that therefore Islamic legislation would be applied there on basically the same terms as in the rest of the Northern Sudan. Many members of the SPLM delegation felt that acceptance of an interim period of six years (in fact six and a half years, since the formal period would be preceded by a "pre-interim" period of six months) was a considerable concession as well.

Why did the Parties accept the Machakos compromise? Much has been made of the importance of international pressure. Clearly this was important, and in the post-9/11 climate the GOS had obvious incentives to take the steps necessary to reach a political settlement with the SPLM. But the true significance of the Machakos compromise is that the parties recognized that they could not win either the shooting war or the war of visions. This conclusion is based on the assumption that the political programmes of the two sides draw their inspiration from fundamentally hostile ideologies—Islamism and secularism. If one party's vision triumphed, therefore, in the sense of its acceptance as the guiding principle for the organization of post-conflict Sudan, the political project of the other must inevitably collapse. The negotiations proved beyond doubt that neither side could convince the other, and the Machakos protocol formalized their giving up trying to enforce one or the other vision over the whole country. The advantage of ending the war of visions by having "one state, two systems" was that each party retained its dominant position in its respective home territory.

The Machakos compromise set the stage for the nuts-and-bolts negotiations over power sharing, wealth sharing and security. Discussions on these issues were remarkably pragmatic. To the GOS the key goal was to preserve a dominant role in the part of the country that would remain under its authority if the people of the Southern Sudan decided to secede. To the SPLM, the key goal was to protect what they had gained until the right to self-determination was exercised. The "Agreement on Security Arrangements during the Interim Period" (signed in September 2003) is the best illustration of this point. The Sudan People's Liberation Army, the armed wing of the SPLM, would remain intact and under the command of the President of the Government of the Southern Sudan, even as it would be treated as an equal part of the national armed forces. For its part, the government in Khartoum retained full control over the Sudan Armed Forces. Even though the Parties had committed themselves to render unity after the interim period an attractive alternative, the only element of the security arrangement that pointed towards ultimate unity was agreement to establish a third army called Joint/Integrated Units and a Joint Defence Board under the Presidency. The Joint/Integrated Units

would be the nucleus of a new national army should the people of the Southern Sudan decide to vote for unity.

Conclusion: The importance of religion

The history of the Sudan peace negotiations suggests three conclusions about the importance of religion. First, religion is important because it is about identity. Second, believers find it very difficult to compromise on issues that they view as central to their religion, and for this reason conflict when a religious dimension is very pronounced easily becomes entrenched. Third, compromise is always possible because in real life religion is also about political power.

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