

National Dialogue in Sudan: Past Experiences and Current Challenges

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This paper expresses the view of the author and not necessarily those of Sudan Democracy First Group or the University of Khartoum

"This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy." Martin Luther King, Jr. reminding the nation of "the fierce urgency of Now".

Delivered 28 August 1963, at the Lincoln Memorial, Washington D.C.

Introduction

Since independence, Sudan has undergone a number of national peace agreements, some of which were observed and honoured for short periods, others which were bypassed and dishonoured. The net result of broken agreements has driven the country into deep conflict, leading to the secession of South Sudan in 2011, and creating a crisis which still threatens the country with further violence and dismemberment. Today, as never before, the country stands at a crossroads, and calls for change are coming from all quarters, even from inside the regime itself. Change seems to be the catchword for all actors, including the ruling National Congress Party (NCP), the armed groups of the Sudan Revolutionary Front (SRF), traditional opposition political parties, youth groups and the international community.

While this is clearly the time for Sudan to embark on a genuine internal dialogue and reform process that leads to a broad-based, democratic government and meaningful reconciliation among Sudanese, there is no consensus on the direction change should take: how far, how inclusive, how substantive? Agreeing on and developing a Shared Dialogue Framework for national dialogue is essential if key issues and modalities for negotiations, and a mechanism to oversee the overall process, are to be laid out to ensure a successful start of a process.

Sudan's most successful past experiences of political dialogue of 1972 and 2005 were shaped by a combination of national conditions and drivers, and the opportune intervention from an international third party. Comparing the present conjuncture to those relatively successful experiences, one may cautiously state that conditions are different now. Regional and international actors no longer have the same appetite with which they pursued past national dialogue processes, and nationally, parties to the conflict are too weak to force an 'endgame', either through military means as in the experience of Sri Lanka, or through a peaceful settlement similar to the South Africa model.

The main objectives of this research are to provide a comparison between successes and failures of past national dialogue and peace processes in Sudan, and to identify options to overcome the current challenges to undertaking a genuine, inclusive and accountable national dialogue as a means to address the root causes of Sudan's crisis.

The concept of national dialogue

Dialogue has several different meanings depending on the way in which it is used. According to Rieker (forthcoming) dialogue is used as a synonym for formal negotiations between two or more parties to a conflict, as well as to describe either the more informal process of communication among opposing parties leading up to negotiations or to processes that aim at avoiding an escalation of conflict, without any concrete ambition to reach a negotiation phase.

It is important to note that the motivations for engaging in a dialogue varies, and a lot hinges on whether dialogue aims to promote understanding, whether it aims to change actors' identities and interests, or whether it merely seeks to avoid the escalation and the use of violence. In some cases, actors may engage in dialogue for instrumental or tactical reasons, with no commitment to a peaceful resolution of a conflict. In other cases, dialogue may be imposed upon the parties by the UN Security Council or other external actors, without sufficient internal commitment to reach an agreement. For example, UN Security Council resolution 2046 currently calls for the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) to negotiate under the auspices of the African Union High-Level Implementation Panel (AUHIP) in Addis Ababa. However, no real progress has been made in nearly three years.

Political dialogue in Sudan, 1956-2011

Sudan has undergone a number of national dialogue exercises and peace agreements from independence in 1956 to 2010, all with the intention of putting an end to the country's ongoing conflicts.

Internally driven national dialogue processes, 1956-1989

1965 Round-table conference between northern and southern political forces following the overthrow of Abboud Military regime in 1964

1972 Addis Ababa Agreement between the Government of Sudan and Anya Nya Movement fighting for autonomy for Southern region

1986 Koka Dam Declaration between Sudan People's Liberation Movement/Army (SPLM/A) and northern political forces expect the Democratic Unionist Party and the National Islamic Front

1988 Sudan Peace Initiative signed between Democratic Unionist Party and SPLM/A

Externally driven peace processes, 1989-2011

1989 Bergen Forum on the Management of Crisis in Sudan, a workshop bringing together newly installed Islamic regime, SPLM/A, and some northern political representatives

1993 Abuja Peace talks in Nigeria between the Sudan Government and SPLM/A

1994 Intergovernmental Authority on Development (IGAD)Peace Talks on the Sudan Conflict, IGAD-led mediation between Sudan Government and SPLM/A

1995 Asmara Declaration, a comprehensive policy document proposed by National Democratic Alliance for resolving the governance crisis

1997 Khartoum Peace Agreement between Reik Machar's SPLM breakaway faction and the Sudan Government

2002 Nuba Mountains Agreement signed between the Sudan Government and SPLM/A

2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan and SPLM/A $\,$

2006 Abuja Agreement between the Government of Sudan and Sudan Liberation Army – Minni Minnawi

2006 Cairo Agreement between the Sudan Government and National Democratic Alliance

2006 East Sudan Peace Agreement between Sudan Government and representatives of Eastern rebel groups

2011 28th June Agreement between the Government of Sudan and the Sudan People's Liberation Movement-North

2012 Doha Agreement between the Sudan Government and the Liberation and Justice Movement led by Tigani Sesi

Foundations for a successful national dialogue process

While never successful in addressing the root causes of the crisis, there are key elements from Sudan's previous political dialogues which have helped make some processes more successful than others.

Key to the more successful processes has been when negotiating parties had a strong support base and credible claim of legitimacy in representing their constituency, as well as the political will to implement what was agreed upon. The Addis Ababa Agreement of 1972 showed that when parties to the conflict stick to the letter and spirit of the agreement peace can then be delivered.

Another significant element for success was when the macro-political environment was not polarized between competing, diametrically opposed political and ideological camps, such as between the NCP and the SPLM during 2005-2011.

Both the Addis Ababa Agreement of 1972 and the CPA of 2005 involved major national contending forces, but international support and mediation were instrumental in the relative success achieved.

Elements undermining a national dialogue and peace agreements

Throughout Sudan's history numerous elements have undermined dialogue efforts. These include:

• Too often negotiations were conducted in bad faith (Hardallo, 2010), and in fact negotiating parties were either manoeuvring or buying time in the belief that victory was achievable through military means.

- A consistent failure of past negotiations in Sudan is that they most often involved only the belligerents: the government and armed rebels. The silent majority was never involved, including for example victims of conflict such as refugees and the internally displaced.
- Processes were not viable because of insufficient political, legal, and economic livelihood guarantees for 'losers', and/or no acceptable exit strategy for outgoing rulers were developed. No political-legal exit strategies were provided for by reconciliation and justice mechanisms following the cessation of violent conflict.
- Agreements were undermined by fierce competition over resources in a political market place where resources are limited and, more importantly, the value of government positions negotiated during peace talks depreciate quickly when the prices of agreements change, resulting in rebels returning to armed conflict (de Waal, 2013). Failure on the part of rebels negotiating peace was in part rooted in their lack of institutional capacity to play a positive role once in government.
- All too often negotiation tactics and attitudes of the ruling elites were dictated by politicians prioritizing their own personal and short term interests: actions were determined by high discount rates and low transaction costs.
- Historically, peace agreements have barely delivered any peace dividends, so when peace agreements were broken they did not attract any public outcry. Agreements fed into a political system that ensured its own survival and security, and which was costly to run given the huge budget needed to cover the privileges of office holders in the context of a weak economy. The stark and sad experience of SPLM/A in South Sudan, with the outbreak of conflict in December 2013, is a vivid example of how things can go wrong if peace agreements are not translated into peace dividends for the victims of conflict.
- Peace agreements have adopted a piecemeal approach making concessions without addressing the root causes of conflict. Elites in government over the years have shunned any attempt to involve all stakeholders and convene a comprehensive national dialogue process.

Lessons learned from dialogue and peace processes in Sudan

Key lessons for the future can be learnt from the history of political dialogue in Sudan.

An inclusive process

An inclusive process will most likely make the process slower and more complex, but it will also make any agreement more durable. However, according to USIP "complicating matters are divisions within unarmed groups, especially among the opposition political parties, just as there are divisions within the SRF. This is an area in which external assistance and facilitated discussions among the opposition may be able to help smooth the path to national dialogue." (Lyman and Temin, 2013)

Avoiding a narrow definition of peace

Many hoped the 2005 Comprehensive Peace Agreement would not only end the long-running southern civil war, but also provide momentum and serve as a model for resolving other conflicts in the country. However, the widely acclaimed and celebrated CPA, supported by

all, failed to achieve its ambitious goals. It neither ended conflict in Sudan and South Sudan, nor did it lead to democratic transformation.

According to Young, "by assuming a limited definition of peace, focusing solely on the north-south dimension of the conflict, refusing to involve other political parties and civil society, treating the media as a threat to the process, and leaving the fate of the process to SPLM/A leader Dr. John Garang and First Vice President Ali Osman Taha, the CPA was successful in reaching an agreement based on an acceptance of the lowest common denominator of the parties. But this narrow approach largely precluded the realization of its own stated objectives, which included a sustainable peace, Sudan's democratic transformation, and making unity attractive" (Young, 2007).

Engaging the media to build peace

High levels of media censorship means that the public has had very little understanding of both the nature and impact of conflicts or the terms of different peace agreements, undermining the demand for peace and the public legitimacy and support of peace agreements. Furthermore, the media is politically divided and controlled, which has in the worst of cases led to hate speech and inflammatory rhetoric.

Make peace dividends work

Comparative literature identifies the contest over resources and services, and the dominance of these by particular groups, as key in igniting conflicts, and the reversal of these as key for sustained peace, in particular investing resources to generate development goods and services for the majority. Past peace processes have not positively affected resources and services, key factors of grievances driving conflict in Sudan.

Plans to reform the military and security services must focus explicitly on providing physical security guarantees for the population rather than prioritize the protection of oil fields and other state assets. Unless populations have confidence in the peace process, and see a meaningful improvement in their security and access to services, they are less likely to support the process.

The current context

The secession of South Sudan in 2011 marked a turning point in the history of the Sudanese state. This outcome, the result of a failed transition following the CPA, left the remaining regions of Sudan embroiled in old and new patterns of conflict. Conflicts have been instrumentalized and violence has become the means to address political grievances and access wealth and power.

Following the end of the CPA's interim period, in July 2011, the Government of Sudan signed the Doha Document for Peace in Darfur (DDPD) with the Liberation and Justice Movement (LJM), chaired by Tigani Sesi, followed by a number of separate deals with defecting leaders from the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM) factions. Following the return to war in South Kordofan in June 2011, the

Government and SPLM-N signed the Nafie-Agar 28th June Agreement in Addis Ababa, but this was abruptly abrogated by President al-Bashir.

In the wake of the major reshuffle of the government in November 2013, President al-Bashir's reform speech of January 2014 signalled a potential new move among Khartoum's ruling elites towards negotiations with traditional political parties, and possibly with rebel groups. President al-Bashir's speech outlined the intention of his government to undertake reform measures, promising a new phase in the evolution of a quarter of a century of Islamic rule in Sudan.

The main elements of the speech were:

- Bringing about a resolution to the armed conflicts around the country
- Democratic transformation, including freedom of association, freedom to form political parties and freedom of expression
- Addressing poverty and marginalization
- Addressing questions around identity and citizenship in the country.

The positions taken by key political actors following President al-Bashir's reform speech can be characterised as follows:

- Unconditional support: the pro-government parties of the Democratic Unionist Party (DUP) of al-Mirghani, Ansar al-Suna and other parties, already co-opted and fully integrated into the state patronage machine, hailed the speech as a significant step towards peace and gave almost unconditional support to the process and President al-Bashir.
- 2. Conditional support: the major opposition parties, such as the Umma National Party of al-Sadiq al-Mahdi, the Popular Congress Party (PCP) of Hassan al-Turabi, and the newly formed Reform Now Party led by Gazi Salahedin, welcomed the process, but requested certain concrete measures as proof of its sincerity. However, the positions of these parties were not initially identical and shifted over time. By mid-June 2014, the PCP remained the most militant supporter of the Dialogue process beyond the ruling party, seeing in it an opportunity to reunify the Islamist movement at a time of growing regional hostility towards it in the Middle East. The detention of Sadiq al-Mahdi in mid-May, in retaliation for his critique of the government's counterinsurgency practices, prompted the National Umma Party to withdraw from the dialogue. By early June, the Reform Now Party suspended its participation in the Dialogue in protest against a wave of detentions of political leaders and activists, and continued attacks on freedom of the press.
- 3. Opposition to the process: this includes both the secular, liberal-leftist opposition of the National Consensus Forces (led by Farouq AbuEisa) and the armed rebel groups of the SRF. These groups are suspicious of the intentions of the process, believing it is an attempt to settle differences within the riverine, dominant establishment to preserve the status quo rather than bring about change.

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4. Positions of civil society and youth groups: youth leaders as well as many civil society groups view the process with scepticism, in particular until concrete measures are taken to translate policy intentions into action. Leading civil society organizations have initiated an effort to promote an "Alternative Dialogue" that would meet these conditions.

Prospects, obstacles and challenges for national dialogue and peace

Given Sudan's history of at best partial and in fact mostly flawed national dialogue and peace processes, as well as the current context, there are a range of obstacles and challenges to launching a successful process of national dialogue.

National Congress Party

Having been in power for a quarter of a century, NCP policies and the vested interests of the riverine, conservative Arab-Islamist constituency remain a major stumbling block to a just and comprehensive peace deal and a genuine national dialogue. Fears of radical regime change and the personal safety of the leadership are at the top of the NCP's priorities. Popular protests in urban middle class neighbourhoods in Khartoum in September 2013, and subsequent defections from within the NCP and Islamist movement, are signs of fissures within the main constituency of the NCP. While this is a positive, pro-change sign, it may nonetheless constrain NCP negotiators since the defectors did not make a clear break with Islamic discourse of governance.

As Lyman and Temin accurately contend, President al-Bashir and the upper echelon of the regime will not agree to anything that will result in the dismantling of the regime, especially given the security and safety concerns of the President and his entourage, as well as the indictments by the International Criminal Court. Furthermore, "[convincing] the regime to engage in a meaningful dialogue and reform process, while simultaneously addressing their self-preservation concerns, remains a central, unsolved riddle" (Lyman and Temin, 2013).

In the search for a Shared Dialogue Framework, Sudan faces the fundamental struggle that the parties are not interested in actual dialogue, and where the constant failure in communication is central to the problem, particularly because of conflicts over fundamental values. According to Jakobson, the quality of any form of dialogue is based on the context of communication and on the capacity of the participants in dialogue to present their messages in a manner that is clear and understandable. At present there is huge mistrust among the parties and political actors, and therefore poor communication is a result (Jakobson, 1960).

The armed opposition

Despite signs to the contrary, the SPLM-N and Darfur rebel groups of the SRF appear to be fragmented and their ultimate objectives are not fully clear. The January 2013 New Dawn Charter has gone some way to make their position clear, but has lost political momentum with a number of signatories withdrawing their support. A significant challenge is therefore whether opposition groups and rebels can agree and articulate a common political agenda.

Unarmed opposition political parties

The traditional opposition political parties are divided, playing into the hands of the regime and those opposed to change. President al-Bashir's reform speech has attracted the leadership of the 'old political club' who broadly represent the interests of the riverine conservative Arab-Islamist constituency who accepted to join the initiative of the President to talk of reform without clearly laying out conditions for the process as required by their allies in the National Consensus Forces. On the whole, the opposition parties seem at odds with each other, as the example of the Umma Party's objection to the document produced by the National Consensus Forces, the Democratic Alternative, with the Umma Party leadership insisting on a different strategy and opposed to close ties with the SRF.

Following his detention and release in June 2014, the National Umma Party (NUP) leader al-Sadiq al-Mahdi suspended his party's participation in the government's National Dialogue. In an outmaneuvering tactic, al-Mahdi met with SRF leaders in France and singed "Paris Declaration" on 8 August 2014, calling for an end to violent conflict and inclusion of the SRF in the National Dialogue. Immediate repercussions and ripples set off by this move are still unfolding causing re-arrangements of political coalitions by drawing the Umma Party once again to the mainstream opposition forces. Parallel to al-Mahdi's move, the NCP went ahead with its plans for National Dialogue when the leading committee, known as "7+7," (comprised of government-allied parties and opposition parties) met on the 9 August 2014 and adopted a framework agreement, or a road-map, for the dialogue process, setting a time frame, defining committees and agreeing on procedural matters. Adding to this political momentum, the African Union (AU) has decided to set up a higher committee to support Sudan's ongoing national dialogue and tasked its chief mediator, Thabo Mbeki, with chairing it.

Local communities in war-affected areas

The humanitarian situation in war-affected areas is of paramount concern and while the conflict continues, including aerial bombardment and the blocking of humanitarian assistance, a genuine national dialogue will be impossible. In the past, addressing humanitarian concerns has been an entry-point of political dialogue and can be crucial to build confidence between the belligerents and with the local population. Providing the war-affected population the opportunity to voice its grievances and concerns can be crucial to build peace, as was seen in the Popular Consultations in Blue Nile, although this was ultimately not carried through. On the other hand, failure to address the humanitarian and security needs of the local population, and a prolongation of the conflict in which civilians are directly targeted, could create an environment where the population, and in particular youth, in the marginalized war-affected regions adopt a more radical and separatist sentiment, leading to further dismemberment of the state.

Civil society and social groups

Although the legal and political environment is not conducive for a vibrant civil society, there is a lot of potential energy to be tapped in order to support peaceful change. Recently, the University of Khartoum has stepped in, proposing to hold a roundtable event bringing all parties together to discuss issues pertaining to reform and peaceful change, yet it remains to be seen whether such initiatives area allowed to operate independently and unhindered.

International community

The role of international community is indispensable for peace in Sudan. However, given the polarized positions of parties to the conflict, the international community cannot please everybody. The long term and 'balanced' approach favoured by the international community may not be enough for anti-government parties and movements who want to see more robust and vigorous stance in favour of reform and change.

Creating a conducive environment

There is a need to create a credible environment in which dialogue can take place to ensure full engagement of the majority, if not all, political actors and segments of the population. There must be guarantees that decisions will be implemented in order for key actors to engage, something absent in past processes. For example, in the Kenana Darfur forum there was an agreement on keeping Darfur as a single region, but this was not respected, nor therefore were the wishes of the people of Darfur.

Policy options and recommendations

Despite the bleak prospects of a genuine national dialogue process at the moment, a number of policy options are available to help create greater opportunities for such a process to grow. This includes:

- Avoiding piecemeal negotiations. The need for a comprehensive approach, which addresses Sudan's multiple conflicts and governance crises in concert rather than piece by piece, is now widely recognised.
- Reversing the current piecemeal approach means moving towards a collective bargaining process whereby demands are not negotiated individually but collectively. Furthermore, bargaining should not be for positions but for public goods, and negotiations should aim to generate consensus, which will require changes to communication structures. Negotiations could start on issues that are difficult for the government to refuse (e.g. education, roads, and health services), which would in turn and generate the demand for the government to function effectively (Siebert, 2013).
- Reference has already been made to the importance of having a Shared Dialogue Framework as a starting point. This is important in order to identify and confront substantive issues head-on, thereby increasing the confidence that the process is change-orientated. In the case of Sudan, negotiations will have to deal with the role of religion in politics, ethnic exclusion, centre-periphery relations, women's marginalization, youth employment and empowerment, disparity in development and a range of other issues.
- Parties should try to avoid different interpretations of national dialogue. At present the SPLM-N is calling for a constitutional convention whilst the NCP-led dialogue is not yet clearly defined; this is why a Shared Dialogue Framework is important to develop from the beginning. A possible collaboration between Sudanese research and academic bodies, such as the Peace Research Institute and the University of Khartoum, and international agencies specialised in supporting negotiations, may contribute to ideas for elements to be included in a Shared Dialogue Framework.

- Actors should take a holistic approach in order to resolve the issues identified. They should attempt to strategically link governance, conflict prevention and peace-building in order to address root causes and deficits that result in marginalization, mismanagement of public resources, social exclusion and a weak sense of national identity.
- A successful dialogue cannot just engage the elites. Learning from the Doha stakeholders' process, political dialogues could be made more effective if civil society actors, such as the community leaders or one of the peace commissions representing civil society, are actively involved in crafting and executing them, contributing to popular ownership of the process.
- Furthermore, in order to reverse the current process of de-politicization and disenfranchisement, negotiations must bring people to the centre of power by making politicians accountable to the people. There must be mechanisms for public participation in order to ensure the process has a public mandate and legitimacy. This would create a new environment to support dialogue.
- Given their backgrounds, demobilized and reintegrated former guerrillas may be in a position to make an important contribution to current and future peace efforts. Involving the military in planning for peace could minimize the chances that it would take on the role of a "spoiler" in future peace talks. Wide participation is thus a fundamental requirement of any future Shared Dialogue Framework and, as Lyman and Temin state, "This includes Sudan's Islamists, who are part and parcel of Sudan's political fabric and are legitimate participants in any process, as well as the victims of conflict, not least refugees and those forced from their homes by violence" (Lyman and Temin, 2013).
- The beginning and the end of a dialogue process will likely be particularly challenging. USIP have highlighted the likely need for confidence-building measures to precede the formal start of a dialogue process, such as the SRF putting their weapons beyond use in exchange for a cessation of hostilities and their being able to operate as political parties. Identifying what counts as "sufficient consensus" at the conclusion of a process will also be important; as the long agony of the conflicts in Sudan will make full consensus between all of the parties extremely unlikely (Lyman and Temin,2013).
- The time and effort this will all take should not be underestimated. It follows that the Sudanese Government should be convinced not to go ahead with the 2015 elections and the international community should refrain from supporting the process. Elections should be delayed to enable the principles and structures of a genuinely inclusive national dialogue to take root, and for the process itself to make substantive progress.
- Sudan will need external support. The international community's handling of the Sudan-South Sudan conflict is seen to be at the expense of other internal conflicts in Sudan(Knopf, 2013). There is a growing feeling in Sudan that the international community is concerned with the welfare of South Sudan, not with the welfare of both Sudan and South Sudan, and this has been exploited to maintain the status quo. Renewed focus on Sudan's internal conflicts is important for Sudan's stability and that of its neighbours. The AU High-Level Implementation Panel should lead the international community's efforts in this regard.

Conclusion

Sudan's political history has been shaped by protracted conflicts and turmoil since independence. Nonetheless, throughout this troubled history, efforts have continually been made to resolve conflict by bringing belligerents to the negotiating table in search of direct dialogue and a peaceful and consensual settlement. Most of these national dialogue efforts were translated either into peace agreements and permanent or transitional constitutions, for example the Roundtable conference in 1965, the Addis Ababa Agreement in 1972, and the Comprehensive Peace Agreement in 2005. However none of these national peace agreements and constitutions held for long, leaving observers baffled with the question: what went wrong?

As things stand now, it is imperative that Sudan undertakes a process of genuine, inclusive national dialogue that is aimed at addressing the root causes of the myriad conflicts since Sudan gained its independence. This process must be spearheaded by the Sudanese themselves, with technical expertise and support from international partners. However, a sense of urgency does not mean rushing the process: any genuine dialogue will need to be undertaken over a period of several years for consultations, planning, dialoguing and agreeing a way forward. If any process is to be taken seriously, national elections, currently scheduled for April 2015, must be delayed in order to not allow the parties to re-entrench themselves, in the run-up to, or during, a national dialogue process.

The fundamental obstacle however to a meaningful process remains the lack of faith by the belligerents (the Government, SRF, other political opposition) that a national political process will sufficiently both serve their interests and address the political and security risks they face. This is compounded by an ingrained lack of trust. Even agreeing to a Shared Dialogue Framework, without significant political change in the form of real concessions from all sides, a peaceful political settlement seems a long way off. While this may be the case, the status-quo is untenable, which adds to the sense of urgency to find a way forward out of the current conundrum.

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About the Sudan Democracy First Group

Launched in Khartoum and Juba in mid-2010, the Sudan Democracy First Group (SDFG) is a coalition of democratic, activist, trade unionist and academic Sudanese men and women representing different cultural and ethnic backgrounds. The main agenda of the initiative is to voice the concerns of voiceless Sudanese people across the country around questions of democratization and its intersection with peace, justice and development in Sudan. SDFG focuses on providing Sudanese and international audiences with this type of knowledge and analysis by publishing regular updates, policy briefs and position papers on major political and human rights issues. In addition to raising public awareness both inside and outside Sudan, SDFG works to promote civil society dialogue on crucial issues affecting Sudan, by convening meetings and roundtables bringing together diverse sectors of Sudanese society—particularly those representing marginalized populations.

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