

**UNIVERSITY OF NAIROBI**  
**(INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES)**

**Challenges of Implementing Peace Agreements in Africa: A Case  
Study of the Sudan Comprehensive Peace Agreement.**

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**A research project submitted in partial fulfillment of the requirements for  
Master of Arts Degree in International Studies,**

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## Declaration

I declare that this research is my original work and has not been previously published or presented for award of degree in any other university.

Signed.....< S t e d L .

Date.

*Mr. Kuol Nyok Kuol Arop*

This project has been submitted for examination with my approval as the University Supervisor;

Signed.

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## **Dedication**

- In memory of the great freedom fighter Dr. John Garang De Mabior, your legacy lives on.
- To Ali Osman Taha, your determination to see an end to the turmoil of South Sudan bears fruit today.
- To my wife Magdalene Awek and my children, you are the greatest joy in my life.
- My parents the late Nyok and Ayak, my cousin the late RingYai, your inspiration continues to live in me.

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My love for Sudan is without question and to see an end to the conflict that has ridden the country gives me joy and hope for a better future. The efforts of the late Dr. John Garang, and Ali Osman Taha have no doubt ushered in this wonderful feelings within me. Their efforts during the conflict and negotiations that bore fruit to the comprehensive peace agreement have undisputedly been the facilitator of the peace we now enjoy. To the wonderful friends of Sudan the international community, IGAD and Kenya who stood by us to ensure that indeed the baby grew, have left footprints that will never be erased, all these has informed the desire in me to be part of the process of documenting history by embarking on this project. I have never had to walk alone in this journey for life blessed me with a wonderful companion and beautiful children that have stood by me through the pain and laughter and today I share my glory with them. All this would not have been possible without the wonderful University of Nairobi that hosts the Institute of Diplomacy and International Studies through which I can boast of my achievements. To my dedicated Professor Mwangi who in very interesting ways, believed in me and pushed me to my limits, I am sincerely grateful to you. I cannot forget the wonderful colleagues for their network and spirit advice and sharing, I thank you all.

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## **Abstract**

On 9 January 2005 the Sudan People's Liberation Movement (SPLM) and the Government of Sudan (GoS) signed a peace agreement called the Comprehensive Peace Agreement (CPA), which ended the conflict in southern Sudan that had been going on since 1983 and had resulted in at least 54 000 battle-related deaths. The CPA is composed of six partial agreements that have been signed by the parties. This study recognizes the fact that despite the signing of the CPA, the conflicts between the Government of Sudan and the SPLM seem to be far from over. The six-year transition period is coming to its end and yet there is still a lot to be done to implement what is provided for in the signed protocols and the CPA at large. This study explores the challenges facing the two peace agreement partners in the implementation of the CPA.

This study will make use of both primary and secondary data. However, Most of the data used is secondary data. It has explored and critically analyzed works that have been published on peace agreements in Sudan and in Africa, the works that are in public domain. Such works include books, journals, articles, newspapers, relevant papers presented at different for a, and print and electronic media that have a relation to this area of study.

In this study we have used the peace building theory to understand the challenges of the Sudan CPA and other peace agreements in Africa. Peace building theory looks at the whole process of building peace as a process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by addressing root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social, and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation.

The Comprehensive Peace Agreement (CPA) in Sudan was a culmination of a persisting attempt to find solution to Sudan's most intractable rebellion in the southern part of the country. The implementation of the CPA faces several major obstacles in the near future, and unfortunately the outlook is bleak. There are three main reasons for this; the lack of will within the NCP to implement the agreement, the SPLM's lack of capacity to implement the CPA and the widespread problems on the ground. In addition to this the lack of engagement by the international community reduces the possibilities for the successful implementation of the CPA.



## **List of Acronyms**

AACC:	All Africa Conference of Churches
ABC:	Abyei Boundaries Commission
AU:	African Union
CPA:	Comprehensive Peace Agreement
CIA:	Central Intelligence Authority
DDR:	Demobilization Disarmament and Reintegration
DOP:	Declaration of Principles
DRC:	Democratic Republic of Congo
ECOWAS:	Economic Community of West African States
EU:	European Union
FVP:	First Vice President
GDP:	Gross Domestic Product
GONU:	Government Of National Unity
GOS:	Government of Sudan
GoSS:	Government of South Sudan
GPA:	General Principle Agreement
HEC:	High Executive Council
ICC:	International Criminal Court
IDP:	Internally Displaced Persons
IGAD:	Intergovernmental Authority and Development
IGADD:	Intergovernmental Authority on Drought And Development
IMF:	International Monetary Fund
LRA:	Lords Resistance Army
MPLA:	Popular Movement for The Liberation of Angola
NCP:	National Congress Party

NDA:	National Democratic Alliance
NEC:	National Election Commission
NEPAD:	New Partnership of African Development
NGO:	Non Governmental Organization
NIF:	National Islamic Front
NPC:	National Petroleum Commission
OAU:	Organization of African Unity
ONUMOZ:	United Nations Operations in Mozambique
PKO:	Peace Keeping Operation
RUF:	Revolutionary United Front
SAF:	Sudan Armed Forces
SCP:	Sudan Communist Party
SIPRI:	Stockholm International Peace Research Institute
SPLM:	Sudan Peoples Liberation Movement
SPLA:	Sudan Peoples Liberation Army
SPLM/A:	Sudan Peoples Liberation Movement and Army
SSA:	South Sahara Africa
SSDF:	South Sudan Defense Forces
SSLM:	South Sudan Liberation Movement
TFG:	Transitional Federal Government
UK:	United Kingdom
UN:	United Nations
UNITA:	National Union for Total Independence of Angola
UNMEE:	United Nations Mission in Ethiopia and Eritrea
UNMIS:	United Nations Mission in Sudan
US:	United States
WCC:	World Council of Churches

## CHAPTER ONE

### INTRODUCTION TO THE STUDY

#### Introduction

Sudan is the largest country in Africa with an area of about one million square kilometers. It has 597 tribes that speak more than 400 languages and dialects, practicing a variety of religions. Islam, Christianity and African Tradition Religions are the main religions in the country. Moreover, the combination of Hamites, Semites, Nilotes, Bantu and other ethnic groupings has resulted in one of the world's most heterogeneous societies that is almost a microcosm of Africa.<sup>1</sup>

Sudan's land size and diverse population provide an extraordinary challenge to any government. The conflict between the northern and southern Sudan has often been misunderstood because the historical roots of the conflict have been misrepresented. The two opposite explanations are frequently given for the continuing rift. First, that the rift between the North and the South is based on centuries of exploitation and slave trading by the Arab North against the African South. Secondly, that the Sudan was artificially split by imperialist meddling, since Sudanese Islam, being both African and Arab imposes no natural or historical division between the two regions. Certainly there is a broad agreement that the Sudan has been undergoing a process of Arabization and Islamization since the invasion of the Sudan by Arab tribes from Upper Egypt and across the Red Sea during the middle ages.<sup>2</sup>

Since Sudan attained independence from the Anglo-Egyptian condominium on January 1 1956, its governments have oscillated between Westminster-style parliamentary democracy and

<sup>1</sup> John O. Voll (Ed), *Sudan: State and Society in Crisis* (Bloomington and Indianapolis: Indiana University Press, 1991), p. 1.

<sup>2</sup> Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars: Updated to the Peace Agreement* (Oxford: James Currey, 2003), p. 1.

military rule. Independence itself resulted from an act of the Constituent Assembly, freely and fairly elected in 1953 by any reasonable standard, as have all successive parliaments in contrast to most others in the Arab world and Africa.<sup>1</sup>

Sudan has been in conflict for almost half century with itself since 1955. Until 2005, there have been unending conflicts between the South and the North and the call by President Nimeri to implement Sharia Laws in 1983 fuelled the conflict. Several efforts have been attempted since the war which was started in 1983 to reach an agreement between both parties without much success.

After a long and protracted set of negotiations under the Inter-Government Authority and Development (IGAD), the government of Sudan (Gos) and the Sudan Liberalization movement SPLM have finally agreed to end in a peaceful manner, the longest running war in contemporary Africa. The Sudan CPA signed on January consists of six protocols including Machakos general framework of guiding principles; security arrangements; power sharing; wealth sharing, resolution of conflict in the states of Southern Kordofan/Nubba Mountains and Blue Nile; and finally resolution of conflict in the contested area of Abyei.

With the signing of Sudan's comprehensive Peace Agreement (CPA) in 2005, Africa's longest running war ended. The CPA established a six year transition period, de-facto autonomy for Southern Sudan, a unity government in Khartoum, and incorporated Agreements on security, boundaries, revenue sharing from the Southern oil fields and the administration of three contested areas straddling North and South. Under a new constitution that emerged from the

<sup>1</sup> John O. Voll, *op cit*

CPA, national elections are to be held in 2009, followed by a referendum on independence for the South in 2011<sup>4</sup>.

### **Problem Statement**

For 48 years since its independence in 1956, Sudan was engulfed in civil conflict. The conflict between the North and the South erupted one year before Sudan gained its independence in 1955. The war that the Government of Sudan and the Sudan's People Liberation Movement/Army (SPLM/A) recently ended, erupted in 1983, following the breakdown of the 1972 Addis Ababa Agreement. The root causes which propelled the war included disputes over resources, power, the role of religion in the state and self-determination.

The ensuing 21-year conflict devastated a significant part of Africa's largest country and deprived the rest of stability, growth and development. The Sudanese people have paid a terrible price. More than two million people died, four million were uprooted and some 600,000 people sought shelter beyond Sudan's borders as refugees.

Under the mediation of the Intergovernmental Authority on Development (IGAD), the Government of the Sudan and the SPLM/A signed a series of six agreements: The Protocol of Machakos (20 July 2002), The Protocol on Security Arrangements (25 September 2003), The Protocol on Wealth-sharing (7 January 2004), The Protocol on Power-sharing (26 May 2004), The Protocol on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and the Blue Nile States (26 May 2004) and The Protocol on the Resolution of the Conflict in Abyei (26 May 2004).

The CPA was the product of diplomatic efforts led by the East African regional organization, Intergovernmental Authority on Development (IGAD), and accompanied by the

<sup>4</sup> Mike Jobbins, "The CPA Implementation: Taking Stock" in *Implementing Sudan's Comprehensive Peace Agreement: Prospects and Challenges* (Woodrow Wilson International Centre for Scholars, Sept 4th 2006) pg"5

entire international community. In ending Africa's bloodiest war, the achievement of the CPA was considered by many to be one of the largest—and most unlikely—diplomatic successes in recent years. Though a success for the international community, the CPA was nonetheless a Sudanese agreement, and appeared to be a major step forward by the leadership both of the rebel Sudanese People's Liberation Movement (SPLM) and the National Congress Party (NCP)-led government.

With the conscious signing of the Six Protocols and eventually the Comprehensive Peace Agreement on January 9 2005, the conflicts between the Government of Sudan and the SPLM seem to be far from over. The six-year transition period is coming to its end and yet very little has been done so far to implement what is provided for the signed protocols and the CPA at large. This study seeks to answer the following question: What are the challenges faced in the implementation of the CPA making it difficult to honor the protocols and arrangements?

### **Objectives of the Study**

The study seeks to investigate the challenges of implementing peace agreements in Africa, paying attention to the Sudan Comprehensive Peace Agreement signed in January 2005. The general objective of the research is to study such challenges of the Comprehensive Peace Agreement signed between the Government of Sudan (GoS) and the Sudan People Liberation Army (SPLA) in Nairobi on January 9 2005. Specifically, the study will seek to:

- Examine the background of the Sudan conflict that led to the signing of the CPA.
- Study the provisions and protocols contained in the CPA.
- > To identify the challenges faced by both the Government of Sudan and the Sudan People Liberation Army in the implementation of the CPA.

- To make recommendations to the government of Sudan, the SPLA/M and to the international community on the appropriate ways to ensuring that the CPA is implemented appropriately.

## **Literature Review**

This section seeks to review some literature on the challenges facing the implementation of the CPA that was signed in January 2005 between the Government of Sudan and the Sudan People Liberation Army (SPLA). The literature review will be categorized into three sections. The first subsection is on the CPAs in Africa and how they have been implemented. The second subsection will deeply focus on the Sudan Conflict and the CPA signed in 2005. The last section focuses on the challenges facing the implementation of the CPA. This review offers the background on which this study stands.

### ***Comprehensive Peace Agreements in Africa***

Over the last 40 years nearly 20 African countries (or about 40 percent of Africa south of the Sahara (SSA)) have experienced at least one period of civil war. It is estimated that 20% of SSA's population now lives in countries which are formally at war and low-intensity conflict has become endemic to many other African states. This state of affairs has created stereotypes of Africa as a doomed continent with inescapable ethnic cleavages and violent tribal conflict. The more incidents of political violence we observe in Africa, the more support for this simplistic and negative perception.<sup>5</sup>

Africa has a high prevalence of civil wars and this is commonly attributed to the ethnic diversity of its countries. This inference seems self-evident to many, given that African rebel movements almost always are ethnically defined. Ethnic identities and hatred are thus seen as the

<sup>5</sup> Ibrahim Elbadawi and Nicholas Sambanis, "Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict" in *Journal of African Economies* (December 2000), p. 1

cause of violent conflict. However, more systematic analysis of the causes of civil war suggests that Africa's civil wars conform to a global pattern that is better explained by political and economic factors as well as by the extent of ethnic, cultural and religious diversity in the society.<sup>6</sup>

The Algiers Agreement continues to provide a framework for relations between Ethiopia and Eritrea. But it has not created a permanent settlement between the two sides and now seems unlikely to do so. The two instruments created by Algiers to help Ethiopia and Eritrea reach a permanent peace were the Eritrea-Ethiopia Boundary Commission and the United Nations Mission in Ethiopia and Eritrea (UNMEE). These both appear to have ran their course. The two countries have not returned to war. But their fierce enmity has been played out elsewhere in the region, notably through proxies in Somalia. There is no sign of it ending.<sup>7</sup>

Somalia's Mbagathi peace process produced a Transitional Federal Government (TFG) that was supposed to establish a transitional government and administration based in Mogadishu. The TFG still exists and is recognized as the government of Somalia in the region. But it has

*I*

proved quite unable to establish its authority inside Somalia. When the Islamic Courts took control of Mogadishu in 2006, Ethiopia decided to install the TFG by force. Since then Mogadishu has been in the grip of a powerful insurgency, part anti-Ethiopian, part Islamist, directed against the TFG and its Ethiopian sponsors. An undersized African Union peacekeeping force is helplessly caught in the middle. Reconciliation efforts pushed by the international community have made little headway. The conflict in South Central Somalia continues to deepen

<sup>6</sup> Paul Collier and Anke Hoeffler. "On economic causes of civil war," *Oxford Economic Papers* 50 (1998), 563-573

<sup>7</sup> Chatham House, *Lost opportunities in the Horn of Africa - How conflicts connect and peace agreements unravel*, 23 Jun 2008



and spread at a terrible human cost, creating conditions that are much worse than those that existed before the peace process began.<sup>8</sup>

After signing the Rwanda-DRC peace deal on the 30 July 2002, the then President Mbeki of South Africa joyfully stated that it was a bright day for Africa and that Presidents Kagame and Kabila were going to make sure that the sun doesn't go down on Africa. This was a victory for Mbeki, chairing the new African Union and NEPAD. But the deal was not without problems and the parties involved will have to deal with the issues of a short timescale for implementation and finding capacity to implement the deal.<sup>9</sup>

### ***The Sudan Conflicts and the 2005 CPA***

Sudan's history since independence in 1956 has been marked by military rule and warfare. It was ruled by the military in 1958-64, and warfare had already started in the south against the Arab domination of the government. Deng and Medani have attributed the four decades of warfare to the racial/ethnic/religious fault-line which divides the south from the north.<sup>10</sup>

An attempt had been made in 1972-3 to halt the warfare through the introduction of a regional self-government, but warfare intensified after that promise had been abrogated, and the first attempt to introduce *sharia* law made in 1983. The Sudan People Liberation Army (SPLA) was formed in 1983 and two years later a military coup ousted President Nimeri, leading to a period of peace for four years." The change of government in 1989 increased international interest for human rights violations in Sudan, those related to warfare and the introduction of

<sup>8</sup> Ibid

See, <http://www.guardian.co.uk/world/2002/aug/04/congo.sunderkatwala>

<sup>9</sup> Katarina Tomasevski, *Responding to Human Rights Violations, 1946-1999* (The Hague: Martinus Publishers, 2000), p. 275.

<sup>10</sup> Ibid.

*sharia* law in 1991. According to Hubard<sup>12</sup>, attempts at peace-making included in 1997 the Khartoum Agreement with some of the southern armed groups leaving out the biggest ones like the SPLA as well as new northern armed movements based in Eritrea.

Warfare has continued during the past four decades and more than one million people were killed in confusing shifts of alliance between the many actors loosely structured into two main warring parties with considerable (albeit consistently denied) military involvement of the neighboring countries - Ethiopia, Eritrea, Uganda with US backing. A whole menu of atrocities has taken place from bombardments of civilian targets and denial of access to humanitarian relief; from mass abduction of children and their conversion into slaves to forced conscription.<sup>13</sup>

Three agreements needed to be finalized in order to achieve a comprehensive peace accord: one on permanent cease-fire arrangements, one on the implementation of all Protocols signed and the one yet to be concluded on permanent cease-fire arrangements and, one on the International/Regional Guarantees. The negotiations between the parties on Permanent Cease-Fire protocol were stalled during the round of talks, held in Naivasha in July 2004. The parties could not reach agreement on a number of issues, mainly: the redeployment of forces in eastern Sudan and the financing of the SPLM/A.<sup>14</sup>

Under sustained pressure from the international community, the UN Security Council, the UN Secretary-General and his Special Representative for the Sudan, the African Union and the IGAD, the parties agreed to resume the peace talks in Nairobi, on 7 October, 2004.<sup>15</sup>

SPLM approached the peace talks with the desire for detail. This was also driven by their reflection on the failure of the 1972 Addis Agreement, which ended the first civil war in Sudan.

J\* M. Huberd, "Peace Pact Signed for South Sudan", in *Financial Times*, 22 April, 1997.

. Katarina Tomasevski, p. 276.

See, <http://www.unmis.org/English/cpa.htm>

<sup>15</sup> Ibid

To the SPLM, one of the shortcomings of the agreement was the shortness of the transition period before unification, and the lack of precision as to the future of the North-South relationship. The SPLM entered the 2005 Naivasha talks with a long memory, seeking a longer and more elaborate agreement on the transition period.<sup>16</sup>

Sudan's CPA was signed in January 2005, ending two decades of war between Sudan's powerful Arab-dominated Islamist regime (the National Congress Party [NCP]) and the Southern-based Sudan People's Liberation Movement/Army (SPLM/A). At the center, former adversaries - the NCP and a newly autonomous Government of Southern Sudan (the political wing of the SPLM/A) - now share wealth and power in a Government of National Unity. The peace agreement gives new legitimacy to the two major parties, which agreed to face their first competitive election in 2009. The agreement also contains a proviso for Southern Sudan to conduct a referendum on self-determination in 2011.

### ***The challenges facing the implementation of the CPA***

#### *Lack of political will*

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The common theme in Sudanese politics is vast, diverse, impoverished, and disenfranchised peripheral communities taking arms against a central Arab-dominated government that is perceived as unfairly controlling the state's power and wealth. The CPA was an exclusive bilateral arrangement between the country's two dominant military-political groups designed to address political and economic marginalization and make North-South unity attractive. Scheduled elections in mid-2009 are supposed to include broad provisions to include heretofore excluded peripheral groups; however, delays in implementing preconditions for the elections (e.g., a census and the demarcation of the North-South border) have limited expectations of success to proceed to a vote. Unfortunately, ambitious plans to invest in the

“ Mike Jobdins, *op cit.*

impoverished Sudanese periphery have yet to create tangible results, North-South reconciliation has been delayed, and the violence in Darfur has not been resolved. As a result, inadequate response from the NCP and the international community has reinforced the idea for many Sudanese that political gains can only be achieved through violence.<sup>17</sup>

The NCP views full implementation of the CPA as a threat to its survival. Not unexpectedly, the regime is undermining the reforms critical to democratization, as well as the ones that would allow for the promised Southern referendum in 2011. CPA reforms threaten Khartoum's Arab dominated government because any implementation would break the NCP's monopoly over structures it has used to control the country. Moreover, the crisis in Darfur and the possible indictment of President Omar al-Bashir by the International Criminal Court (ICC) for war crimes, genocide, and crimes against humanity have forced the governing party to re-examine domestic alliances and consider previously unpalatable deals outside CPA processes. President Bashir is acutely aware of his vulnerability and it is unlikely he will ever let the 2011 self-determination referendum occur.<sup>18</sup>

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To date, the CPA's prescriptions for political progress seem incapable of arresting trends toward fragmentation. Consequently, the provision for a 2011 referendum is becoming the agreement's centerpiece. If the troubled relationships between Sudan's powerful Arab center and its periphery are not resolved (and most indications suggest they will not), the South has the option of seceding from Sudan. The Southern Sudanese have been on the receiving end of a worsening succession of Khartoum-based neglect, abuse, and ethnic cleansing since long before Sudan's independence from the British in 1956. As such, there is little chance they will confirm the unity of Sudan in any referendum. Rather, the 2011 referendum will likely result in an

<sup>17</sup> **Unraveling of Sudan's Comprehensive Peace Agreement (CPA), an unclassified document found on www. J-56 Strategy Division/Maj Roxburgh/29 Jan 09**

<sup>18</sup> **Ibid**

overwhelming majority voting to establish what they have fought for several generations to achieve: an independent sovereign state. The coming conflict arises precisely from the conjuncture of political factors with economic ones. The genocide in Darfur notwithstanding, the IMF estimates that Sudan's GDP will grow by 13 percent this year and is likely to continue expanding.<sup>19</sup>

The lack of political will on both sides, one of the most serious obstacles to effective CPA implementation. To the NCP, the full implementation of the CPA, with its promise of free and fair elections throughout the country in 2009, jeopardizes their political future nationwide. Even if an NCP-dominated government should emerge from those elections, "popular consultations" in the transition areas, followed by the 2011 Referendum for the South, threaten to remove large and oil-rich areas of the country from their control.<sup>20</sup>

While the SPLM has more to gain from the implementation of the agreement, its level of commitment to seeing the national components of the agreement implemented, or whether the strategy consisted primarily of "biding time" until the referendum. It is observed that both parties have shown some reluctance to address challenging aspects of the agreement, including passing the necessary civil service laws and other legislation through the National Assembly, and addressing issues pertaining to the transition areas.

The deadlock over the disposition of oil-rich Abyei state is a manifestation of this lack of will on both sides to tackle the thorniest issues of the CPA. The Abyei Boundary Commission issued its report in July 2005, giving a substantial portion of the contested area to the South. This report was rejected by the NCP, (discussed in detail in later sections of this paper), the NCP rejected the Commission's ruling, which gave a substantial portion of the contested region to the

<sup>19</sup>ibid

<sup>20</sup> Mike Jobbins, p. 11

South. Since the commission's report, neither the SPLM, nor the NCP has "brought the crisis to a head," opting to defer addressing the explosive issue of how to draw the north-south boundary in Abyei, and how the area should be administered.<sup>21</sup>

One explanation for the slowness of CPA implementation was the relative complacency favoring the status quo. The current situation enables the NCP to access the resources of the South, to expand the reliance of southern oilfields on northern refineries, and to focus on investment in northern infrastructure. Oil revenue has partly financed large-scale construction projects within Khartoum, road improvements, and dam construction in the North. At the same time, the power-sharing provisions marginalize Northern opposition parties not party to the agreement.

The SPLM has been particularly preoccupied with development within the South and constituting the Government of Southern Sudan, leading some to question its commitment to playing the national role envisioned under the accords. With official corruption emerging, especially within the security sectors of both North and South, newly entrenched interests are emerging that do not see a benefit to any radical changes that might result in greater democracy. In this context, the implementation of free and fair elections and a referendum at the end of the CPA process hinges on internal political pressure for reform and accountability directed at increasingly entrenched actors on both sides of the North/South agreement.<sup>22</sup>

### *Wealth sharing*

Implementation of the wealth sharing components of the Comprehensive Peace Agreement (CPA) has been slow, and in some cases, nonexistent. Disputes remain over which fields are subject to wealth sharing, how the new institutions are to function, and who determines

<sup>21</sup> **Ibid**

the status of existing and new contracts. Teams that are tasked with auditing existing production and reviewing existing contracts have not been staffed.<sup>23</sup>

The CPA called for establishment of a National Petroleum Commission (NPC) to formulate public policies, approve new oil contracts and monitor implementation of existing ones. The CPA granted the Government of Southern Sudan 50% of revenue from all oil produced in Southern Sudan, net of 2% to the producing state and a deduction for an Oil Stabilization Fund, if revenues go above a certain, and as yet undetermined, level.<sup>24</sup>

Other revenues are subject to distribution through a National Revenue Fund through the equalization provision to be implemented by the Financial Allocation and Monitoring Commission. The CPA allowed the SPLM to have access to existing contracts and provided that contracts signed before the CPA was signed are not subject to renegotiation. It called for all income and revenue at all levels of government to be held in public accounts and be subject to public scrutiny and accountability and for the establishment of National and Government of Southern Sudan Audit Chambers.<sup>25</sup>

The NPC has been established, but it has not established rules of procedure for operating, subcommittees to perform real work, or a secretariat. There are disputes over whether the NPC is policymaking or advisory, if it is independent or part of the Ministry. A reported oral commitment to give the Government of Southern Sudan the Energy or Finance Ministry was not honored and the Government of Southern Sudan is by all accounts marginalized in the Ministry itself. Needless to say, the NPC is not setting or even deliberating over national energy policy.

~ David I. Goldwyn, "Implementation of the Wealth Sharing Accords: oil, Energy and Political Implications" in *Implementing Sudan's Comprehensive Peace Agreement: Prospects and Challenges* (Woodrow Wilson International Centre for Scholars, Sept 4<sup>th</sup> 2006) pg 15

Ibid  
"Ibid

The NCP and The Government of Southern Sudan dispute whether the Heglig field, which produces 37% of Sudan's oil production, is in the North or South. The Government of Southern Sudan is not receiving 50% of these revenues. Measures to resolve this are not fruitful. The border is not established and disputes remain over other fields in the Melut Basin. The 1956 boundary has not been demarcated. The North-South Border Commission was established but is not functioning. The Technical Ad Hoc Border Committee, whose operation was reportedly delayed due to the rains, held its 6th meeting on July 20th, 2006. The results of the Abyei Border Commission were rejected by the NCP as exceeding its mandate.<sup>26</sup>

#### *Weak Capacity*

The large number of transitional institutions created in the CPA represented a challenge to the human and organizational capacities of the SPLM. The enormity of the task of post-war development, combined with the need to form and staff institutions within the Government of Southern Sudan and the Government of National Unity endangered the implementation of the agreement.<sup>27</sup>

The general lack of formal education and technical capacity in the wake of the war created difficulties in staffing commissions and government ministries with qualified personnel beyond the ministerial level. At the same time, the absence of infrastructure obstructs the operations of the Government of Southern Sudan.

The Government of Southern Sudan is "starting from scratch" in the wake of the war, and that much of the skilled workforce and investment capital remain outside the country. The lack of functioning institutions deters highly-qualified Sudanese from returning, but the slow rate of returns weakens institutional capacity.

<sup>26</sup> Goldwyn, p. 17  
Mike Jobbins, op cit

"



The reluctance of skilled Sudanese to return from abroad, both from neighboring countries and from the West, amplifies the lack of capacity and slows development. One striking example of the danger posed by the lack of technical capacity relates to the implementation of the oil provisions of the agreement. Due to a lack of personnel, the Government of Southern Sudan was unable to participate in the making of national energy policy, or to effectively manage oil revenues.<sup>28</sup>

The lack of capacity to manage oil revenue not only cuts into the ability of the Government of Southern Sudan to deliver services and the "peace dividend" hoped for by the population, but it also creates opportunities for corruption, mismanagement, and the evolution of a resource-cursed state. Offers of technical assistance to southern Sudan would be helpful in this regard

Beyond the oil sector, the lack of capacity to deliver services has hindered development throughout the South. Panelists agreed that additional investment in building the capacity of the Government of Southern Sudan to act as a strong, democratic, credible and effective government is essential to fully meeting the terms of the CPA and to meeting the expectations of southern Sudanese.<sup>29</sup>

### **Theoretical Framework**

A theory is a body of internally consistent empirical generalization of descriptive, predictive and explanatory power.<sup>30</sup> A theory explains, describes and predicts phenomena. Since

<sup>28</sup> BP- Quantifying Energy, 'BP Statistical Review of World Energy', 2006, at [www.bp.com/statisticalreview](http://www.bp.com/statisticalreview), p. 16.  
Collier Paul (2000), "Economic Causes of Civil Conflict and their Implications for Policy", Available online at: <http://www.worldbank.org/research/conflict/papers/civilconflict.pdf>  
T. Columbis and J. Holfe, *Introduction to International Relations: Power and Justice*, (New Delhi: Prentice Hall of India, 1986), p. 29.

a theory provides a framework within which to operate, it is hard to think without a theory.<sup>31</sup> In this case, a theory provides a coherent framework for the investigation of phenomena. In this study we are using the peace building theory to understand the challenges of the Sudan CPA.

Peace building theory looks at the whole process of building peace as a process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by addressing root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social, and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation.

The central task of peace building is to create positive peace, a "stable social equilibrium in which the surfacing of new disputes does not escalate into violence and war."<sup>32</sup> Sustainable peace is characterized by the absence of physical and structural violence, the elimination of discrimination, and self-sustainability.<sup>34</sup> Moving towards this sort of environment goes beyond problem solving or conflict management. Peace-building initiatives try to fix the core problems that underlie the conflict and change the patterns of interaction of the involved parties. " They aim to move a given population from a condition of extreme vulnerability and dependency to one of self-sufficiency and well being."<sup>35</sup>

<sup>31</sup> A. J. R. Groom, "Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher" in J. Burton and F. Dukes (eds), *Conflict Readings in Management and Resolution*, (London: Macmillan, 1990), pp. 74-79.

"Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations 1995).

<sup>33</sup> Henning Haugerudbraaten, "Peacebuilding: Six Dimensions and Two Concepts," Institute For Security Studies, [available at: <http://www.iss.co.za/Pubs/ASR/7No6/Peacebuilding.html>]

Luc Reyhler, "From Conflict to Sustainable Peacebuilding: Concepts and Analytical Tools," in *Peacebuilding: A Field Guide*, Luc Reyhler and Thania Paffenholz, eds. (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2001), P. 12.

<sup>34</sup> <sup>ibid</sup>

John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*. (Washington, D C., United States Institute of Peace, 1997), p. 75.

Peace-building measures also aim to prevent conflict from reemerging. Through the creation of mechanisms that enhance cooperation and dialogue among different identity groups, these measures can help parties manage their conflict of interests through peaceful means. This might include building institutions that provide procedures and mechanisms for effectively

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handling and resolving conflict. For example, societies can build fair courts, capacities for labor negotiation, systems of civil society reconciliation, and a stable electoral process.<sup>38</sup> Such designing of new dispute resolution systems is an important part of creating a lasting peace.

### **Hypotheses**

In order to achieve the goals in this research, the hypotheses bellow will guide the investigation:

- i. The challenges facing the implementation of the Sudan CPA arise from the lack of political will from the two parties.
- ii. The availability of natural resources in Sudan is a major challenge in the implementation of the Sudan CPA. »
- iii. The implementation of the CPA is greatly affected by the mutual suspicion that has existed between the concerned parties.

### **Methodology**

This study will make use of both primary and secondary data. The tool of research that will be used to collect primary data will be the use of interviews. The questions will be open ended. The study sample will be drawn from senior government employees of both of the Central Government of Sudan and also of the Government of South Sudan; personnel from the International Organizations such as the IGAD and AU; personnel from NGOs dealing with ^SAIS, op cit.

Michael Doyle and Nicholas Sambanis. "Building Peace: Challenges and Strategies After Civil War," The World Bank Group, [available at: <http://www.worldbank.org/research/conflict/papers/building.pdf>] p. 3.

conflict and Peace issues in Sudan such as the International Crisis Group and the United Nations Mission in Sudan (UNMIS). Scholars in the field of Conflict and Peace issues will also be requested to offer information.

Primary data will be important as the researcher goes out to the field to test hypotheses for himself. It also puts the researcher in touch with the reality under study. This method of study as a source of data will complement the limited literature that exists on the subject matter.

The study will make use of secondary data as well. It will explore and critically analyze works that have been published and that are in public domain. Such works include books, journals, articles, newspapers, relevant papers presented at different fora, and print and electronic media that have a relation to this area of study.

### **Chapter Outline**

The final written research project report will have six chapters as outlined below.

*Chapter 1: Background of the study* - This chapter has introduced the topic of the research study by first setting the broad context of the research study, the statement of the problem, literature review, theoretical framework, hypotheses, and the methodology of the study.

*Chapter 2: Peace Agreements in Africa* - This chapter examines the causes and parties in the conflict that form party to the resulting peace agreements through negotiation processes in Africa. Its aim is to assess their implementation processes.

*Chapter 3: The Sudan Peace Agreements of 1972 and 2005* - This chapter examines the peace agreements which have been signed between the North and South of Sudan with an aim of assessing their implementation this far.

***Chapter 4: Critical Analysis of the Challenges of Implementing the Sudan Peace Agreement*** - This chapter dissects the information and issues brought in the previous chapter in the light of the hypotheses and theoretical framework already stated.

***Chapter 5: Conclusions and recommendations*** - This chapter gives a reflection of the study conducted.

## CHAPTER TWO

### PEACE AGREEMENTS IN AFRICA

#### Introduction

Since the end of the Cold War, civil war has become the predominant form of violence globally.<sup>1</sup> For example, of the 25 major armed conflicts listed by the Stockholm International Peace Research Institute (SIPRI) in 2000, all except two were internal. Also, all of the 15 most deadly conflicts in 2001—those that caused 100 or more deaths—were internal conflicts. Indeed, all but 3 of 57 major armed conflicts registered for 1990-2001 were internal. Unfortunately, in SIPRI's 2000 Yearbook, it was stated that "...Africa is the most conflict ridden region of the World and the only region in which the number of armed conflicts is on the increase".<sup>2</sup> Again, in its 2002 Yearbook, SIPRI stated that "Africa continued to be the region with the greatest number of conflicts".

Africa is home to most of the world's conflicts. In 2003, Africa was home to 46 of 89 cases of armed conflict and one-sided violence that year, and that of the 29 countries experiencing such violence, 13 of them were in Africa. As you would expect with the prevalence of conflict in Africa, it is also home to most of the world's peacekeeping missions. In 2003 Africa had 7 out of the 15 current UN peacekeeping missions, amounting to 82% of the 62,000 peacekeeping troops deployed around the world. And the international community was very heavily engaged in the process of rebuilding post conflict states in Africa.<sup>3</sup>

<sup>1</sup> Peter Wallensteen and Margareta Sollenberg, "Armed conflicts, 1989-1999", in *Journal of Peace Research* (2000) 37, no. 5: pp. 635-649.

<sup>2</sup> SIPRI (The Stockholm International Peace Research Institute), *Yearbook of World Armaments and Disarmaments*. (Oxford: Oxford University Press, 2000)

<sup>3</sup> Nick Grono, *Improving the International Response to Conflicts in Africa*, a speech given at the World Bank Conference on Strategic Agendas for Development, 14 March 2006, Washington DC

Peace agreements are crucial components of the peace process as they not only signify the formal cessation of armed conflict but also provide the framework for the reconstruction of political, legal, economic and social structures. As such, peace agreements are the basis for the ensuing institutional arrangements of a State or community. Peace agreements commonly have a dual function, namely to end war and to build peace. To that end, they commonly define the political, civil, economic and social structures in post-conflict societies. They aim not only at addressing the immediate consequences of war, but also at preventing the recurrence of the root causes of conflict.

The objectives of a peace agreement may go beyond the immediate aim of a ceasefire to establish the foundations for the construction of a modern society and a constitutional framework for sustainable peace. In this sense a peace agreement provides a pivotal moment for the design of a post-conflict society encompassing *inter alia* structures and institutions for a democratic state and the rule of law, reconciling the conflicting expectations of groups identified through race, ethnicity, clan affinity or religion, reflecting human rights guarantees and spelling out measures for economic, physical and social reconstruction.<sup>5</sup>

Peace agreements should aim at obtaining a just and equal society with equal rights, security, and protection under the law for women and men. They should ensure substantive equality for all, and end discriminatory practices against them, including through temporary special measures. They should also commit to ensuring that all people in society fully participate at decision-making levels in the formulation, development, implementation and monitoring of

J P Azam,. "Looting and Conflict between Ethno-Regional Groups : Lessons for State Formation in Africa." *Journal of Conflict Resolution*, 46, February 2002, pp. 131-153.

P- Collier and A. Hoeffler, "On the Incidence of Civil War in Africa", *Journal of Conflict Resolution*, 46 (1), (2002), pp. 12-38.

post conflict development and democracy, and to significant increases in resources allocated to the attainment of economic, social and cultural rights for women.<sup>6</sup>

Peace agreements tend to articulate provisions concerning specific civil and political rights while giving little attention to economic, social and cultural rights. However, as noted in the Vienna Declaration and Programme of Action (1993), all human rights are universal, indivisible and interdependent and interrelated and should be treated on the same footing and with the same emphasis.

The long-term goal of a peace agreement is its national implementation. Implementation involves allocation of roles and responsibilities as well as resources, and those need to be secured in both urban and rural areas. Unlike the relatively closed negotiation process of peace agreements, the process of implementation involves a large range of actors, civilian and military, and including United Nations entities, regional and sub-regional organizations, international financial institutions, as well as governmental bodies, international NGOs and humanitarian organizations that have an obligation and responsibility to ensure implementation of the provisions of a peace agreement. While the section below addresses these actors in general, there is value in clearly identifying those responsible for action in peace agreements as this contributes to accountability, transparency and clarity. Where an international administration is established (such as in Bosnia and Herzegovina, Kosovo, or East Timor), the obligation to act in full compliance with the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, and Security Council resolution 1325 (2000) in regard to gender equality and women's full and equal participation must be affirmed and implemented.<sup>7</sup>

<sup>6</sup> P- Collier and A. Hoeffler "Greed and Grievance in Civil War", *Quarterly Journal of Economics*, July 2002  
<sup>7</sup> J-S Rioux, and J-C Boucher, "peace study and third part intervention as conflict management: the case of Africa", Working paper presented to the meeting of the 16<sup>th</sup> Nordic and 4<sup>th</sup> Baltic Peace Research Conference, 2003



Immediately upon the signing of the peace agreement, the parties as well as other stakeholders shall take all necessary measures to ensure that the content of the agreement is effectively translated and disseminated to the population. The rationale for such action is to promote local ownership and to facilitate discussion of the peace agreement. Local ownership ensures transparency and accountability, and is essential for its sustainability.

### **Causes of conflicts**

That 'Africa is a land of war' may not be an overstatement, at least, when viewed against the backdrops of recurring and unending conflicts ravaging and plundering the continent. Indeed, the need to stem the disturbing trend of conflicts in Africa has been one of the most central challenges of academic discourses in contemporary Africa. This challenge has brought forth a wide range of theoretical postulations and efforts by scholars and students of peace and conflicts studies. There have emerged regional and international organizations, geared towards responding to the new facets of conflict in Africa. Situated within this context is the metamorphosis of the Organization of African Unity (OAU) to African Union, with in all material particular, was  
»  
poised to respond to emerging issues in global development and minimizes the threat to human development in which conflict and wars are major impediments .

Discourses on conflict in Africa have often been subsumed under the rubric of ethnicity. The ethnic theorists argue repeatedly that the roots of civil wars and armed conflicts are locatable in ethnic contestation, which has been further attached to identity politics.<sup>9</sup> Although this position seems to have been substantiated, to some extent, by recent spates of civil and armed conflicts that continually have ethnic coloration, yet, the ethnicity factor seems not only

<sup>9</sup>

Beyond S. Egwu, "Revival of Old Hatred: The state and Conflict in Africa" in S. Gaya-Best, (ed) *Introduction to Peace and Conflicts Studies in West Africa*. (Abuja: National University Commission and University of Peace Addis Ababa, 2006), p.406

O. Nnoli, "Ethnic Conflicts in Africa: A Comparative Analysis" in O. Nnoli (Ed) *Ethnic Conflict in Africa*. (Darkar, Codesria Book Series, 1998), pp 1-17.

insufficient but also inadequate in accounting for all conflicts in Africa. At best, the theory of ethnicity as an explanation of conflict is akin to scratching the surface as different from digging or unearthing the root. The basic argument here is that; at the base of conflicts in Africa is the resource (control/remittance) thesis. This thesis posits that most conflicts in post-cold war Africa are mostly resource-induced, and here is strong indication that behind the ethnic and nationalistic sloganeering lies the hidden greed for resource "curse" or cause. Collier and Sambanis,<sup>10</sup> and Collier and Hoeffler", 2001, all showed the extent of resources-induced conflicts in Africa and other parts of the world. It points to the fact that resource remittance or control or sharing is central to the hitherto perceived ethnic conflicts that have ravaged Africa in the last five decades.

Sub-Saharan Africa is widely regarded as a "development failure," and large parts are embroiled in deadly conflict. However, the question of causes and effects is being reconsidered, and many contemporary researchers are now pointing to issues of governance as lying at the root of conflict in Africa. A study by Douma et al<sup>12</sup> on the causes of conflict in the developing world corroborated that socioeconomic factors in and of themselves do not cause conflict. Instead, they interact with other issues to intensify or prolong it. This conclusion is not news to today's researchers, but this careful analysis of case studies from West Africa, South Asia, and Central America adds important evidence to back up the prevailing conventional wisdom.

At the same time, given the focus which so many researchers place on governance, one must be cautious to not overlook other important socioeconomic factors. The Carnegie Commission<sup>13</sup> emphasizes that economic growth which is unevenly distributed may contribute to

**P. Collier, and N. Sambanis, *Understanding Civil War: Evidence Cum Analysis* Vol. 1, Africa World Bank, 2005.**

**P. Collier and A. Hoeffler, "Justice-Seeking and Loot-Seeking in Civil War", draft report, World Bank, 17th February, 1999.**

**Pyt Douma, Georg Frerks, and Luc van de Goor. *Causes of Conflict in the Third World: Synthesis Report*. (The Hague: Netherlands Institute for International Relations, 1999).**

**Carnegie Commission on Preventing Deadly Conflict. *Preventing Deadly Conflict: Final Report* (Washington, DC: Carnegie Commission on Preventing Deadly Conflict, 1997).**

conflict; especially when poverty is concentrated among certain ethnic groups; Baker and Weller<sup>14</sup> identify uneven economic development along group lines and sharp or severe economic decline as two of the top twelve indicators of internal conflict and state collapse. *Relative* economic decline between groups may also be key; as the Carnegie Commission states, "peace is most commonly found where economic growth and opportunities to share in that growth are broadly distributed across the population."

In contemporary Africa state, ethnic politics and resources sharing or its contestation politics is closely related. In states where the institutions and structures of governance are weak and soft, to the point where access to public goods are exclusively structured on ethnic lines, the tension, struggle and conflict that may emerge is very likely to follow ethnic lines. Thus, unfair distribution of resources in an ethnically or heterogeneous state could promote friction and instability.

The economic viability appears to be the predominant systematic explanation of rebellion and grievances, such as inequality, political rights, ethnic polarization, and religious factionalisation explains, though weakly, the origins of civil conflict.<sup>15</sup> Ali et al<sup>16</sup> also points out a range of economic, political, ethno-cultural-religious and external factors that both trigger civil wars and increase their duration. Using models of the overall prevalence of civil wars in 161 countries for the period 1960-1999 Elbadawi and Sambanis<sup>17</sup> concluded that the relatively higher prevalence of war in Africa is not due to the ethno-linguistic fragmentation of its countries, but

<sup>14</sup> Pauline H. Baker and Angeli E. Weller. *An Analytical Model of Internal Conflict and State Collapse: Manual for Practitioners*. (Washington, DC: The Fund for Peace, 1998)

Seisi Eltigani and M. Ateem, *The Root Causes of Conflicts in Sudan and the Making of the Darfur Trade* (NEPAD & Regional Integration Division United Nations economic Commission for Africa Conflict Prevention and Development Co-Operation in Africa: A Policy Workshop. Wilton Park, Sussex, 8 - 11 November 2007, p.6

A Ali and I. Elbadawi, *"Explaining Sudan's Economic Growth Performance"*, AERC Collaborative Research Project on Explaining Africa's Growth Performance, May, 2002

Ibrahim Elbadawi and Nicholas Sambanis, "Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict" in *Journal of African Economies*, December 2000, p. 1

rather to high levels of poverty, failed political institutions, and economic dependence on natural resources.

It is argued that the best and fastest strategy to reduce the prevalence of civil war in Africa and prevent future civil wars is to institute democratic reforms that effectively manage the challenges facing Africa's diverse societies. To promote inter-group cooperation in Africa, specially tailored political governance and economic management institutions are needed and we advance some hypotheses on the nature of such institutions. It is suggested that Africa's ethnic diversity in fact helps the emergence of stable development as it necessitates inter-group bargaining processes. These processes can be peaceful if ethnic groups feel adequately represented by their national political institutions and if the economy provides opportunity for productive activity.<sup>18</sup>

The literature on civil wars also suggests that social diversity can have several offsetting effects that may reduce the risk of large-scale violent conflict. This may happen because rebel cohesion may be a function of the degree of ethnic or religious diversity of the society; in highly diverse societies, the government may be more easily successful in dividing the rebels given that the rebels themselves may have a harder time in gaining support for their cause across a wider range of ethnic groups with potentially diverse preferences. Collier and Hoeffler<sup>19</sup> find that ethnic diversity becomes problematic when it borders polarization i.e. when an ethnic group accounts for 60-40% of the population and can dominate the others. In such polarized societies, it is easier to start and support a rebellion.

<sup>18</sup> Ibid

<sup>19</sup> Paul Collier and Anke Hoeffler. "Greed and Grievance in Civil War," World Bank Working Paper 2355 (May 2000).

## Parties to African Conflicts

Two classical cases of ethnic war have emerged in Africa which has erroneously made people to regard every war as ethnic-induced. Burundi and Rwanda war were classic in character and content. Rutake and Gahama<sup>20</sup> observe that it was erroneous to classify it as purely ethnic war as the political situation was characterized by intrigue, clientelism, nepotism and ethnicism. Kaufmann<sup>21</sup> finds similarity between the two warring Hutu and Tutsi as they share some historical identities. The Rwanda conflict was similar to the German extermination of the Jews as Hutu and Tutsi, the conflict claimed over seven hundred thousand lives with majority of them non-combatant civilian. The case of Somalia defies ethnic theorist explanation. Somali is known to be relatively homogenous with a strongly cohesive cultural tradition, a common language, a common religion and a shared history of nationalism. Somalia today is a failed and collapsed

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state in the real sense of it. Even though the conflict is not essentially on resource conflict, it is not on ethnic either.

In Africa, there are many cases of resource based conflict that has assumed an ethnic coloration. The Nigerian internal conflict represents one of those cases. While ethnic theorists have argued that the Biafra succession crisis of the late 60s and early 70s assumed ethnic dimension. Ken Saro Wiwa<sup>22</sup> put a damning answer to its causes when he sincerely laid it to "oil war". Oil was the cause of major crisis in Nigeria at least, the renewed militancy in the Niger Delta might have been provoked by genuine grievances of exclusion and underdevelopment, the underlining factor has been contest for control of oil.

**P. Rutake and J. Gahama, "Ethnic Conflict in Burundi" in O. Nnoli (Ed) *Ethnic Conflict in Africa* (Darkar: Codesria Book Series, 1998), p. 79**

**C. Kaufmann, "Possible and Impossible Solution to Ethnic Wars" in R. Arts and R. Jervis (ed). *International Politics: Enduring Concepts and Contemporary Issues*, (London: Peason Longman,2007), p 471**

**R Rotberg, "Failed States, Collapse States, Weak States: Causes and Indicators" " in R. Arts and R. Jervis (ed). *International Politics: Enduring Concepts and Contemporary Issues*, (London: Peason Longman,2007), p 451**

**Ken Saro Wiwa, *Federation and the Minority*, The Canadean Lagos November 30, 1992., p. 68**

The Sierra Leone and Angola conflict also toed this line of argument. Angola's two mineral resources, offshore oil and alluvial diamonds in the interior, have goaded both the MPLA government and UNITA rebels to engage in a protracted conflict for decades. In Liberia and Sierra Leone, the diversity of resources and their geographical spread have led to the development of warlords and a highly fragmented conflict between a weak government and numerous armed groups controlling resources in the interior. The case of "conflict diamond" which the United Nation's General Assembly recognized as crucial factor in prolonging brutal wars in parts of Africa, and underscored that illegitimate diamonds contribute to underdevelopment and fuel brutal conflict in the continent. In Angola and Sierra Leone, conflict diamonds continue to fund the rebel groups; this necessitated the Kimberly Process which certifies legitimate diamond and outlaw conflict.<sup>24</sup>

Not all the wars in Africa are fuelled and funded internally; there are external collaborators who always support rebel movements because of accruable economic consideration. This is what could be referred to as greed from outside Africa. When Kabila said with mere \$10,000 one can rent a crowd of disgruntled youth as soldiers; it underlines the external sources of conflict which can be viewed from two perspectives: funding and arming of rebel. Historically, the ideological interest in the cold war era always polarized the nationalist movements. For instance, Savimbi was the an agent of American right-wing, conservative politicians and the CIA and he was supported to oust President Eduardo Dos Santos his leftist Popular Movement for the Liberation of Angola (MPLA) who was equally backed by Cuba and some communist nation. Likewise Mobutu who was a powerful pro-Western figure supported by the United States, fearful that Zaire's resources would fall into the hands of the Soviet Union.

\* P. Collier, *The Bottom Billion* (Oxford: Oxford University Press,2007), p. 8.

P. Collier, p. 21

There is obvious connection between the conflict and foreign interests engaged in the **exploitation** of natural resources. All foreign governments involved in the conflict have used their political alliances with internal actors on all sides of the conflict to legitimize the systematic illegal exploitation of the **DRC** resources. Natural resource exploitation has become a key factor in determining military deployment, thus perpetuating the cycle of violence.

### **Resolution of Conflict in Africa**

On the basis of our observation and engagements over the years, there is no doubt that there is a desire and commitment, on the part of Africa and the international community, to resolve conflicts on the continent. This desire and commitment are well expressed in the Constitutive Act of the African Union and in the current collaborative efforts with the international community. Ultimately, though, Africa (with the support of the international community) is primarily responsible for shaping its destiny.

Examination of regional efforts towards long lasting peace in Africa reveals that they have been successful where they have occurred. Where the conflicts have persisted, the problem has been lack of implementation of agreed positions because of various reasons, including external interference, and our own internal constraints. It is therefore, my submission that we continue to be inspired by past experiences where solutions to African conflicts have been possible, because of active involvement of all the African parties' concerned and African ownership and drive of the peace processes.<sup>27</sup>

Official negotiation is the main form used in the resolution of conflicts in Africa. This refers to those occasions where parties to the conflict with the leverage to alter the direction of the conflict meet to negotiate. A party with leverage is one that has the coercive means to alter

200°" ^ Kutesa, *Peace and Conflict Resolution in Africa*, A paper presented to JICA, Tokyo, Japan, June,

<sup>27</sup> **Ibid**

the situation. They can choose to cease or continue the conflict. In the case of contemporary civil wars in Africa, these parties are the existing government and armed groups that have taken arms against the government. Official negotiations of civil wars in Africa are in actual fact mediations because they are conducted with the assistance a third party.

Ideally, mediation are convened at the request of states that are party to the conflict, and their international or regional mandate is based on the UN Charter which provides for the intervention of the international community in situations of war. The mediator is nominated by the parties to the conflict or by the international community in consultation with the parties to the conflict. A mediator has no authority to impose an outcome. They vary in terms of approaches because these depend to a great extent on the personal style of the third-party.<sup>28</sup> In reality, mediations of civil wars may not necessarily be convened at the request of states that are party to the conflict. In the case of civil wars, the incumbent government may not want to request for mediation as doing so expresses recognition of the armed groups opposing it as political equals. Mediation requires a transformation of the incumbent government view of armed resistance or rebellion as banditry or criminal acts to one where they are legitimate political parties. It has also requires in a number of cases, the transformation of these armed groups into political organizations (Mozambique, Liberia). Mediation of civil war is therefore not necessarily undertaken voluntarily. Much effort goes into persuading parties to the conflict, to negotiate. The Mozambican and Burundian experiences show this.

A typical official negotiation in the African setting begins with an initial meeting often convened by a third party (mediator) considered neutral and trustworthy by the conflicting parties. This role has been played by religious groups (Sant' Egidio Community in the

<sup>28</sup> Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System* (London: SAGE Publications 2002), pp. 370-375



Mozambican negotiations and the Inter-Faith Mediation in Liberia) international NGOs (Mwalimu Nyerere Foundation, International Negotiations Network), regional states organizations (ECOWAS), or the international organizations (UN). The initial encounters are usually aimed at establishing initial contact, build confidence and gain a commitment from the party to negotiate. This commitment is often expressed in a communique which states the parties' agreement to talk. Doing so also communicates who is considered a representative at the talks, and also demonstrates that the parties consider each other as political equals. Consequent meetings are referred to as rounds of negotiations. The Burundi negotiations for instance comprised two sets of rounds of talks (Mwanza I - II; Arusha I-VI). Parties negotiate over key issues within a framework developed with the assistance of a mediator. The successive round of talks comprise the actual negotiation and are aimed at the securing an agreement for the cessation of conflict and also a durable peace settlement.<sup>29</sup> After a series of these talks, parties may reach a point where they agree on a final settlement. At the final meeting the parties sign an agreement. This signals to the public that the war has been terminated and a new phase in the national peace process has begun.

The official negotiations of civil wars in Africa are an instance of international peace mediation. Studies of international peace mediation focus on the factors explaining the success or failure of the peace talks in arriving at a negotiated settlement, whether the nature of the bargaining process, the role of the third-party, the intransigence of the parties to the conflict, or the conditions under which the mediation takes place. Two main strands are evident in this literature. The first is descriptions of the mediation process and the second is devoted to

**Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System* (London: SAGE Publications, 2002), pp. 8-10.**

prescriptions of how third-party may influence disputants to be more accommodative.<sup>30</sup> They view the official negotiation as an autonomous unit rather than very much embedded in the political and economic dynamics of the day. Touval suggests that the study of mediation would benefit from an analysis that examines it as part of politics rather than merely impacted by it. Seen this way, mediation can for instance be seen as a foreign policy tool that straddles the domestic and international arena. As a foreign policy tool mediation initiated by states perceptions of the international system, domestic needs, and foreign policy objectives. Inquiry thus focuses on "how goals and strategies of the states lead them to mediate in a conflict."<sup>31</sup> This view is of interest to this paper because it considers the socio-political and economic influences, in this case the neo-liberal agenda. It allows us to see how official negotiations of civil war can be used to pursue the political interests of the various actors directly (indirectly) involved, instead of its depiction as a neutral and autonomous site created solely to arrive at a peaceful resolution of conflict.

If the official negotiation is part of politics, then it is possible to see it as a site of political struggle over different economic and political agendas involving domestic, regional and international actors with interests in the outcome of this struggle. This struggle takes place at two levels. At one level it, is expressed in the conflicting political and economic interests of the parties to the conflict and the mediator's approach. In most cases the mediator exercise great influence in the development of the framework of negotiation and the drafting of agreements. The mediator may play a direct role in influencing the insertion of political and economic liberal agenda into peace settlements (Richmond, 2004, 141). At a second level this plays out in the use

**Lilach Gilady and Bruce Russett. "Peacemaking and Conflict Resolution" in W. Carlsnaes et al (ed) *Handbook of International Relations*, (London: SAGE, 2002).**

**Saadia Touval,. *Mediation and Foreign Policy*,International Studies Review 5 (4), 2003, pp. 91-95.**

of peace conditionality to entice the parties to negotiate and to encourage a speedy settlement of the accords.

### **Status of Peace Agreements in Africa**

**Analyzing the causes of success and failure of peace efforts in intractable conflicts has led to the questioning of the number of recurrent assumptions in the field of conflict resolution. Specifically, for mediation efforts to bring about durable settlement, it is generally believed that the peace agreement should be all inclusive, address the root causes of the conflict, come out at the ripe moment, be promoted by a neutral facilitator, provide peaceful solution and be locally owned by the conflicting parties.<sup>32</sup>**

To provide sustainable peace, a peace agreement should be all inclusive. This assumption is based on the belief that a too narrowly-based agreement risks being spoiled or undermined by excluded parties, which may either oppose its terms or feel unfairly neglected. In support of this thesis one may recall the 1972 Addis Ababa Agreement for peace in Sudan which began to unravel after the return to power of northern political forces that were not party to it. In the military field, the lack of inclusion may also prove critical is, for instance, the agreement foresees disbanding of groups that have not explicitly agreed to (like the Hutu extremists in the Democratic Republic of Congo), or on the contrary, fail to stipulate the disarming of groups that did not participate in peace talks, e.g. the Sierra Leonean Civil Defense Force omitted from the Abidjan Agreement.<sup>33</sup>

The requirement for inclusiveness is often paralleled with the recommendation that the peace agreement should be comprehensive as to the contents, i.e. should address the root causes of the conflict. If the sources of the conflict are not tackled, it is argued, hostilities will inevitably

<sup>32</sup> Emeric Rogier, *Rethinking Conflict Resolution in Africa: Lessons from the Democratic Republic of Congo, Sierra Leone and Sudan*, Netherlands Institute of International Studies, July 2004.

Emeric Rogier, op cit

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**resume.** Whereas the argument seems rooted in an unassailable logic, such considerations need once again to be specified and examined in content.<sup>14</sup>

Whether the peace agreement is sustainable also relates to a certain extent of timing of its signing. This is at least what the popular concept of ripeness suggests. In brief this concept is based on the premise that the parties resolve their conflict on when they are ready to do so.<sup>35</sup> The ripe moment occurs in particular when each of the party realizes that a military victory is out of its reach and considers that an ensuing deadlock is more harmful than beneficial. This mutually hurting stalemate opens a window of opportunity for peacemakers. Both conflicts in DRC and Sudan corroborate the notion of mutually hurting stalemates<sup>36</sup>

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According to Boutros-Ghali, the implementation and sustaining of a peace settlement is fraught with difficulties and obstacles. There will always be developments, both political and social, that threaten a peace process. These may be difficult to foresee - such as, for example, the subsequent rise of nationalism from a minority group whose needs were not addressed by the settlement. In addition, the activities of "spoilers" are always hard to predict and plan for.

All settlements require ongoing assessment to check progress and maintain focus. This can comprise keeping to agreed timeframes, ensuring that delivery meets expectations, and guarding against neglect, abuse or manipulation of the process or the institutions that comprise it. Monitoring and evaluation mechanisms should ideally be built into the settlement itself. This was the case in South Africa, where the UN monitored the implementation and maintenance of the

<sup>14</sup> Ibid

William I. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1985), p. 260

<sup>35</sup> Ibid

<sup>37</sup> Boutros Boutros-Ghali, *An Agenda for Peace*. 2<sup>nd</sup> edition. New York, NY: The United Nations. 1995.

1991 National Peace Accord, which was aimed at ending the political violence that was tearing the country apart and threatening the entire transition."

The continued support of the parties for the settlement is crucial. The moment that important participants to the agreement start to criticize the settlement or distance themselves from it, the process is in jeopardy. The support of a party will generally be determined by the extent to which it feels that its interests are being met and the extent that it remains bound to the settlement. One of the greatest risks to the implementation of a peace agreement originates from a recalcitrant party or individual who decides to manipulate or even destroy the settlement.

There are many mechanisms that can be employed to lock a party into an agreement and deal with recalcitrant groupings, such as the use of incentives, inducements or rewards to try to keep a spoiler in the process by addressing their problems and fears. The simple allocation of senior cabinet posts has satisfied many potential malcontents, in the past, as has the judicious distribution of privilege and status. Accommodatory behavior was applied by the UN and the US, without success, to Savimbi's UNITA in the Angolan conflict in 1992 and 1993. The use of

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coercion, such as the use or threat of force, or threatened withdrawal of support for the new regime was used and bore some degree of success in Rwanda. Other mechanisms include the use of binding agreements with consequent commitments and ongoing obligations; agreed codes of conduct from which a party cannot be seen to walk away; the application of pressure on a party from within its own constituency; and pressure from the international community, via a combination of "carrots and sticks", involving both incentives and sanctions.<sup>39</sup>

**Ibid**

**Boutros Boutros-Ghali, op cit**

## **Conclusion**

Peace agreements are formal commitments between parties in a conflict whose intent and purpose is to end a violent conflict, or transform a conflict in a significant way into one that is approached constructively. Peace processes have become the most preferred way in which seemingly intractable conflicts are resolved. Peace agreements are, however, not a panacea to ending violent conflicts. Peace agreements fail as often as they succeed. Peace agreements therefore can be defined as formal commitment between parties in a conflict to end a conflict or transform a conflict in a significant way into one that can be approached constructively. There are three forms of peace agreements.

Implementation agreements break down the details of the substantive agreement for implementation purposes. The implementation agreements often require a new round of negotiations with the parties involved in the substantive agreements. Often, the issues in the substantive agreements are re-negotiated in the process of working out the details.

The African continent has been crippled by numerous conflicts and different ways have been employed in resolving them. These ways range from international military intervention to pacific methods of settling disputes. In countries such as Cote d'Ivoire, Angola, Mozambique, Burundi, Somalia, Sudan, etc, such dispute settlements were concluded by written agreements. The biggest challenge however, has been the implementation of the agreements due to a wide range of factors such as lack of conflicting political interests, availability of natural resources, lack of infrastructure, among others.

## CHAPTER THREE

### SUDAN PEACE AGREEMENTS OF 1972 AND 2005

#### Introduction

The Sudan has suffered two civil wars since independence. The first started in 1955 (but is usually coded in the literature as having started in the 1960s) and was settled in 1972. The peace that followed lasted a little more than a decade. The second war started in 1983 and a peace agreement was reached in 2005 with the signing of the Comprehensive Peace Agreement. The two wars are not unrelated and the peace interlude may have provided grounds for a better articulation of grievances from the first war.

Sudan's civil wars have been long and have caused untold suffering and destruction. Recent estimates suggest that more than "two million people have died as a result of the fighting over the past eighteen years; this includes victims of direct violence or conflict-related starvation and disease. Half a million refugees have spilled into neighboring countries, and roughly four million people have been displaced and driven from their homes within Sudan."<sup>1</sup> Moreover, the

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economic cost of just four years (1986-90) of violence during a period of high-intensity conflict is estimated to have reduced national investment by two-thirds, and GDP by a cumulative rate of eight percent.<sup>2</sup>

The civil war in Sudan started prior to the country's independence during the last days of the Anglo-Egyptian colonial administration. Ali and Matthews<sup>3</sup> describe the atmosphere during these tragic days: "societal anxieties and tensions, coupled with administrative overreaction and

<sup>1</sup> International Crisis Group, (ICG), *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), pp. 3-4.

<sup>2</sup> I-Eibadawi, "The tragedy of the Civil War in the Sudan and its Economic Implications"; in K. Whlmuth, et al (eds.), *African Perspectives Yearbook 1999* (London: Lit Verlag Munster, 1999)

<sup>3</sup> M. Ali, and O. Mathews, "Civil War and Failed Peace Efforts in Sudan," in T. M. Ali and Matthews (ed). *Civil Wars in Africa: Roots and Resolution* (McGill: Queen's University Press, 1999), p. 193.

incompetence, created a highly volatile situation in southern Sudan. Violence erupted in 1955, when the Torit garrison mutinied and was joined by southern civilians, police and prison guards. For about two weeks, Equatoria Province [in southern Sudan] became the dying fields for northerners, most of whom were civilians, including women and children. Government punishment was brutal, though many mutineers had fled into the bush or to neighboring countries." This tragic massacre, and what was perceived as a miscarriage of justice by the northern-dominated administration following the event, set the stage for a civil war that has devastated the country for all but eleven years (1972-83) of its independence since January 1956.

The Anyanya movement emerged in the early 1960s as a loose alliance between army mutineers and politically-conscious southern Sudanese; they were all united in resenting what they perceived as the hegemony of the northern elites in the newly independent Sudan. These groups, though united in their objective of fighting for a separate state in southern Sudan, nevertheless, operated under dispersed and informal authority, at least throughout the 1960s. Therefore, factional fighting and lack of strong military command beset this movement. More importantly, due to its overt secessionist agenda, it failed to cultivate robust and steady external alliances, especially from neighboring African countries; some of these countries, like Ethiopia, were trying to deal with their own secessionist problems. Despite intense grievances, factional cleavages and limited external support prevented the Anyanya movement from mobilizing a sufficiently large force to mount high-intensity warfare throughout the 1960s.

In the 1970s, however, the emergence of Israel as a military supplier and the ability of the military wing of the movement to consolidate power under one military leader, Joseph Lagu, allowed for the projection of a coordinated military campaign in the field for the first time since



the launching of the insurgency.<sup>4</sup> This enhanced military capability of the Anyanya movement partly contributed to the conditions leading to the peace agreement in 1972.

Following the end of the first civil war in 1972 and the signing of the peace treaty between the Nimeri regime and the Anyanya movement, the Sudan entered into a peaceful period. However, political miscalculations by the Nimeri regime and the gross economic mismanagement of the peace dividend generated many grievances among southern Sudanese civil servants, students, as well as the military in the barracks, including former rebels subsequently absorbed into the army.<sup>5</sup>

By the early 1980s, some rebels of the old Anyanya movement formed the "Anyanya 2" movement as an articulation of the wide-spread southern disenchantment with the peace process. However, armed insurrections remained isolated incidents that did not threaten the political grip of the Southern Regional Government in Juba (the capital of the South). It took a mutiny by two battalions in three Sudanese Army garrisons in southern Sudan (Bor, Ayod and Pibor) in mid-1983 to provide the trigger event that heralded the outbreak of the present war, and the formation of SPLA/M.

Unlike Anyanya, the SPLA/M became a melting pot for all southern tribal differences and tensions. For the first time, many different groups were able to coalesce around a national objective. Whether this objective was expressed in the form of one united Sudan or "New Sudan" did not matter much to them. In terms of political and military organization and articulation of the political question, the SPLA/M was a better organized political and military

**D.H. Johnson, "The Sudan Peaople's Liberation Army & the Problem of Factionalism," in Christopher Clapham (editor). *African Guerrillas* (Oxford: James Curie, 1998), pp. 53-72.**

**Elbadawi Ali and A. El-Batahani, "On the Causes, Consequences and Resolution of the Civil War in Sudan," (Unpublished memo, 2002)**

instrument compared to Anyanya 2. It was the first armed group to be established by the people against the regime which also maintained deep tribal and sectional cleavages within its ranks.

The Southern Sudan Liberation Front, a small group of leftist intellectuals, mostly students, who left their universities to start a guerrilla movement in the early eighties, voluntarily dissolved their leadership structures and joined the SPLA/M. This group, although armed with quasi-revolutionary and Marxist ideology, was poorly organized and had no practical experience. They did not differ much from the Anyanya 2 in terms of their objective. What they espoused was an ideology that envisaged a separate and sovereign South Sudan. However, when the SPLA/M emerged with high-sounding Marxist phraseology, this group acquiesced and joined its ranks.<sup>6</sup>

There was no way a government in Juba could have stopped these patriots from leaving their homes to join the national liberation movement. Thus, by the time Nimeri decreed the division of the southern region, and imposed the so-called "Sharia" laws, he had offended nearly all the sections of South Sudanese society and prepared fertile ground for the war of national liberation.

Many South Sudanese joined the SPLA/M to complete what the South Sudan Liberation

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Movement and the Anyanya had left unfinished in the seventeen-year war: the independence of South Sudan. By the beginning of 1983, the die was already cast in that southern Sudanese of different walks of life had already made their decision to join the liberation struggle.<sup>7</sup>

The SPLA experienced a series of military defeats in the early 1990s, following the collapse of the Mengistu regime in Ethiopia, which had been the main foreign sponsor of the SPLA. There was also the split of a major faction from the movement, and the aggressive military campaign of the new "Islamist" military regime which was determined to put an end to the conflict by imposing a crushing military defeat on the SPLA. However, the movement was

**Paul Collier and Nicholas Sambanis (eds). *Understanding Civil War: Evidence and Analysis. Volume I: Africa* (Washington DC: World Bank, 2005)**

**Paul Collier and Nicholas Sambanis, op cit.**

able quickly to restructure the SPLA and re-establish external alliances with other neighboring countries, most notably Uganda, as well as northern Sudanese opposition parties. In a few years, the SPLA was able to regain virtually all of its lost territory. Moreover, through alliances with other marginalized minorities in the North, the SPLA managed, for the first time, to establish a presence in areas outside the historical region of southern Sudan. The leadership was thus able to restructure the SPLA into a "mobile" force of national character, and to mount a creative and flexible approach for cultivating local grievances.<sup>8</sup>

### **Peace Efforts**

The process by which the parties to the Sudanese conflict reached a stage of face-to-face negotiations in Addis Ababa and, finally, a workable agreement, was a complex one.<sup>4</sup> Initial contacts between the Khartoum Government and the SSLM's representative in London began as early as August 1970, originally under the auspices of the Movement for Colonial Freedom (MCF). By January 1971, Colonel Lagu's and the SSLM's decision to accept some settlement "... within the framework of one Sudan ..." had been communicated to Khartoum, although the nature of this offer did not become generally known in government circles until April, shortly before the attempted anti-Nimiery coup by the SCP. In May a World Council of Churches (WCC) and All Africa Conference of Churches (AACC) delegation had agreed with members of the Khartoum Government that it would try to contact southern leaders with a view to arranging formal negotiations, and when the delegation returned to Khartoum in October 1971 it was able to report that southern leaders, having consulted among themselves (an extended process given

**D.H. Johnson, "The Sudan People's Liberation Army & the Problem of Factionalism," in Christopher Clapham (editor), *African Guerrillas* (Oxford: James Curie, 1998), pp. 53-72.**

the geographical "scatter" of southern groups and leaders), were ready to discuss preliminary negotiations for autonomy.<sup>9</sup>

Unfortunately, when these preliminary talks took place they ended in failure, in spite of the fact that, a few days before the talks. President Nimiery and Emperor Haile Selassie had agreed to stop aiding each others' "rebels" in Eritrea and the southern Sudan, thus increasing pressure on the south for a settlement. The southerners objected to the Khartoum Government's view of the nature of "regional autonomy" and the war resumed. However, private meetings continued between SSLM representatives and members of Nimiery's government to try to work out acceptable meanings of "autonomy" and "federation," and on January 28 the WCC announced that new talks had been arranged for February 15 under the auspices of the AACC, with the Emperor of Ethiopia acting as formal mediator in the conflict. This was to begin six days after the start of the Addis Ababa negotiations.<sup>10</sup>

The settlement that emerged from Addis Ababa negotiations and the final period of intra-party politicking up to March 28 was a serious attempt to reconcile northern goals of retaining a unitary (or at least united) state with southern fears regarding safety and security, as well as desires for a considerable degree of autonomy. For some southerners, this last goal took the form of a demand for a separate state for the three southern provinces

The Addis Ababa Agreement of 1972 was the first attempt to bring peace and understanding to Sudan. It was also the beginning of the quest of the South (dominated by the Southern Sudan Liberation Movement, SSLM) to unite and grasp its freedom as a people. The South articulated its desire for sovereignty and called for a peace that included the recognition of the South as a legitimate governing body. 'Besides peace, the most important result of the Addis

Christopher R Mitchell, *Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972*, Center for Conflict Analysis and Resolution, working Paper 3, 1989.  
Ibid. "

**Ababa** Agreement was the establishment of southern Sudan as an autonomous region, with its own Parliament and High Executive Council.<sup>11</sup> This autonomy was limited in that the political parties of the South were given the authority to govern the southern provinces through statehood, leaving national rule to remain in the northern governing body.

The main provisions of the Agreement dealt with the nature of the autonomy that would be enjoyed by the south following a ceasefire and a brief (at most eighteen-month) interim period of rule by an Executive Council for the South, initially appointed by President Nimiery. The three southern provinces were to be regarded as a distinct "region" in the Sudan, with a Regional Assembly to be elected by universal adult suffrage within eighteen months of ratification of the agreement. The Assembly would recommend appointments to a Regional Council and choose its own Regional President as head of that council, although formal appointment of both would remain in the hands of the President of Sudan. The Regional Council was to control all aspects of southern policy except defense, foreign affairs, currency and finance, and overall social and economic planning, the latter remaining under the control of the central government in

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Khartoum, in which the south would also be represented. (Under the Southern Provinces Regional Self-Government Act of 1972 it was later agreed that the Regional Assembly could ask the President to defer the entry into force of any central government legislation applying to the south. The President was also to be responsible for good relations between central Government ministries and members of the southern Council). The Addis Ababa Agreement also stated that, while Arabic would be the official language of the Sudan, north and south, English would be the "common language" of the south and would be taught in schools. Finally, the last of the major provisions of the Agreement dealt with arrangements for the Anya Nya, the southern guerrillas in

<sup>11</sup>Oystein Rolandsen, *Guerrilla government: political changes in the southern Sudan during the 1990s* (Copenhagen: Nordiska Afrikainstitutet, 2005), p. 25

the bush. These (estimated, incorrectly as it subsequently became apparent, at 12,000) were to be incorporated in the Sudanese army's Southern Command. This force would, for a transitional term, be under the command of a commission of northerners and southerners, until the south had set up its own machinery for maintaining law and order, which was to consist of an armed police force and between 2,000 and 3,000 frontier guards.<sup>12</sup>

The Addis Ababa Agreement was designed to reintegrate the south, and southerners, into Sudan's political, economic, and social mainstream. Although the terms of the agreement were implemented in the short-term, the accord's spirit was not, dooming its long-term prospects. According to Peter Woodward, the Addis Ababa Agreement was a series of compromises intended to give sufficient regional powers to appease the south, while maintaining its ties to a

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unified state. Two areas were, however, left ambiguous: the right of the national president in Khartoum to appoint the president of the south's High Executive Council; and, sharing economic resources. These deficiencies would haunt attempts to create an integrated society, leading eventually to the abrogation of the agreement and instigating the prevailed insurgency.<sup>14</sup>

After the signing of the agreement, a ceasefire followed and the southern guerrillas were integrated in the national army over the next five years.<sup>15</sup> However, the false perception of self governance was realized when a large external debt and gross mismanagement of the economy caused the nation's infrastructure to deteriorate. The North used the national economic crisis as a reason to renege on its obligations to develop southern infrastructure and to include the South in

<sup>12</sup> Christopher R Mitchell, *op cit*.

<sup>13</sup> Peter Woodward, *Sudan 1898-1989: The Unstable State* (Boulder, CO: Lynne Rienner, 1990), p.142.

<sup>14</sup> J- Millard Burr and Robert O. Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile* (Westview: Boulder, CO, 1995). pp. 7-9.

<sup>15</sup> Douglas H Johnson, *The root causes of Sudan's civil wars* (Bloomington: Indiana University Press, 2003), pp. 41-42.

the national government."<sup>17</sup> In addition to worsening economic conditions, border security issues and disputes over resources ensued.

The GOS began to invest in the extraction and refining of oil in the North, at the same time building the Jonglei Canal, which carries water from the South to the North. Southerners became suspicious of the North's intentions and viewed these developments as a continued exploitation of the region.<sup>17</sup> As the implementation of the agreement stalled and disillusionment with autonomy set in, southern distrust of and resentment towards the North increased and fuelled the pro-war separatist factions in the South.

The Addis Ababa Agreement failed to establish national governmental provisions that would bring the country together; instead, it gave the South a conditional autonomy based on a false sense of self-governance underscored by northern control. Animosity towards the Government of Sudan increased as the financial profits gained from oil failed to materialize in the South. As mistrust grew in the South and economic conditions deteriorated, the southern government was confronted with various issues: conflict with the central government over the southern region's borders (as raised in the Addis Ababa Agreement); the role of the southern regional government in developing the region's resources, and more particularly the benefits that were to accrue to it through the exploitation of its oil fields; the growing confrontation in regional politics between the 'Equatorials' and the 'Nilotics' (particularly the Dinka); and dissatisfaction within the region over the fate of the Anyanya guerrillas absorbed into the national army.<sup>18</sup> These factors, along with the North's continued imposition of Islamic laws, led to renewed fighting and the second civil war.

<sup>17</sup> Douglas H Johnson, p.50.  
Øystein Rolandsen, op cit.  
Ibid, p.43

According to Mitchell,<sup>19</sup> The Addis Ababa Agreement is a relative rarity: a negotiated settlement of a major case of "civil strife." Aside from this atypical success, the settlement negotiated at Addis Ababa in early 1972 was unusual in four other respects. For one thing, it represented a successful solution to a conflict in which the main issue increasingly became the survival of an existing political system, or its division into two separate systems via the secession of a part of the geographical "periphery." This type of domestic dispute is particularly intractable to any form of management.

Second, the process of arriving at a final agreement involved a successful mediation by a number of external organizations and governments, all of which helped (in a variety of ways) to bring about the final meetings and the eventual settlement. The successful involvement of outsiders in high-level civil strife is also a rarity. Third, the conventional wisdom about leaders who make peace usually being new replacements for those who have initiated and conducted the war does not seem to hold good in the Sudanese case. It could be argued that the regime of President Nimeiry had only been in power since the military coup of May 1969, and was thus in a position to repudiate earlier failures and repression, especially that carried out under the previous military government of General Abboud. However, examination of the final peacemaking process does reveal clearly that it represented a major switch of policy from that pursued by the Nimeiry regime between May 1969 and July 1971,<sup>20</sup>

Finally, there is the familiar argument that a successful negotiation or compromise must rest on the unquestioned ability of the leadership of both adversaries to conclude an agreement that can be sold to their supporters (and forced upon any dissident elements), and that this, in turn, depends upon firm control of their organizations and on an unchallenged position of

**Christopher R Mitchell, *Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972*, Center for Conflict Analysis and Resolution, working Paper 3, 1989.**

- Ibid



predominance by both leaderships. Again this did not seem entirely applicable in the Sudanese case. In the north, Nimiery had barely survived an attempted military takeover by members of the Sudanese armed forces connected with the Sudanese Communist Party (SCP). In the south, Major-General Lagu, the military commander of SSLM, was still engaged in building up his leadership position even while southern representatives were conducting preliminary exchanges with representatives of the Khartoum Government.<sup>21</sup>

## **Anya-nya II**

Three factors interacted to create a climate of distrust and insecurity that led southerners to revolt. The first involved the south's economic marginalization. Long denied an equitable allocation of economic resources, and with few resources of its own, the south viewed itself as an economic outcast. Decisions such as the one to build the Jongelai canal, which would increase the Nile River water available to northern Sudan and Egypt, only aroused suspicions further.<sup>22</sup> It was, however, the government's attempt to change the north-south boundary in order to exploit economically the 1978 discovery of oil around Bentiu in Upper Nile that caused real consternation. Although Khartoum backed off this attempt, subsequent announcements that the refinery for the oil produced at Bentiu would be built at Kosti and not in the south caused uproar. Worse still was the decision not to refine oil in Sudan but rather to export crude from the Red Sea. Although this would permit Sudan to benefit financially from this resource more quickly, the south perceived this as an attempt to deny it the profits from one of its few natural resources.<sup>23</sup>

The second factor destabilizing relations between north and south was President Numeiri's tinkering with southern politics. Although he had interfered occasionally during the

<sup>21</sup> Christopher R Mitchell, *op cit*

<sup>22</sup> Peter Woodward, p. 142

<sup>23</sup> Marc Lavergne, *Le Soudan contemporain* (Paris: Editions Karthala, 1989), p. 411.

1970s to ensure that his supporters were elected, his direct involvement in southern politics increased during the early 1980s. The dissolution of the regional assembly in 1980 and 1981, and his appointment of a military governor for the south were examples of a growing inequality between the south and the remainder of the country. Moreover, Numeiri's growing closeness with the Islamists in the north, eventually leading to the implementation of Sharia in 1983, heightened southern distrust.<sup>24</sup> It was, however, his attempt to divide the south into three regions, thereby diluting its political power vis-a-vis the north, and his subsequent disregard and distrust of southern soldiers that caused the final rift. According to David Keen<sup>25</sup>, "the most discordant political issues were the question of re-division, which could destroy the Addis Ababa Agreement, and the treatment of southern units in the Sudanese army."

The third factor undermining national unity was the growing insecurity in the south. Although armed conflict had been endemic to this region, the limited objectives of the competing parties and their primitive weapons had confined the damages. The droughts of the 1970s and early 1980s had, however, increased competition for grazing areas and water, while the increasing availability of modern weapons, first from Ethiopia and then from Idi Amin's overthrow in Uganda, made the traditional conflict much more lethal.<sup>9</sup>

This climate of insecurity was aggravated further by increased guerrilla activity in response to the manner in which the Addis Ababa Agreement had been implemented. By the early 1980s numerous groups of former Anya-Nya fighters, several based in Ethiopia, were operating throughout the south. While some were undoubtedly little more than outlaws, others were more ideologically motivated; yet Khartoum lumped all of them under the banner of Anya-

\* J. Millard Burr and Robert O. Collins, p. 11

David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989* (Princeton, NJ: Princeton University Press, 1994), p. 68.

Samuel Decalo, *Psychosis of Power: African Personal Dictatorships* (Westview: Boulder, CO, 1989), p. 101~

Nya II. There was, in fact, little connecting these disparate groups, which often fought each other as much as they did the government." Moreover, at this time many former Anya-Nya soldiers remained loyal to the government and fought the Anya-Nya II vigorously.<sup>27</sup> This failure to distinguish between the various factions of oppositionists would subsequently prove disastrous for the north, as it led Numeiri to treat all southern army units with suspicion and attempt to rotate them north, replacing them with more reliable northern soldiers. This would, in effect, give an ethnic/regional cast to what had been a political disagreement.

In 1983, the southern militia in the northern army again mutinied, this time over the northern promotion of Islamic law, a shortfall in the implementation of the Addis Ababa Agreement and the continued marginalization of the South.<sup>28</sup> The SPLM/A gained popular support and became the dominant political power in the South in 1985, when famine spread through the South. The North blocked domestic and international aid, limiting southern access to supplies and increasing human rights abuse by starving the civilian population. When Operation Lifeline Sudan was established in 1989, it was the first time that the international community, through the United Nations, the GOS, and the SPLM/A, collaborated to give humanitarian aid to the war-affected areas of Sudan in a time of severe famine.<sup>29</sup>

In 1989, when President Omar Hassan Ahmed Al-Bashir took power in the North in a military coup, the civil war was in full force as a result of strategies on both sides to capture oil-rich areas. At this time the National Democratic Alliance (NDA) party formed. It comprised southern and northern opponents to the Bashir government and primarily advocated southern

<sup>27</sup> Jean R. Tartter, "National Security," in Helen Chapin Metz, ed., *Sudan: a country study* (Washington, DC: USGPO, 1992), p. 242.

<sup>28</sup> Douglas H Johnson, p.56

<sup>29</sup> Barnaba Marial Benjamin, *The Sudan People's Liberation Movement/Army and the peace process*. In Korwa G Adar, et al (eds), *Sudan peace process: challenges and future prospects* (Pretoria: Africa Institute of South Africa, 2004), p. 51.

secession.<sup>30</sup> This led to the 1992 Abuja I and II talks in Abuja, Nigeria, which were facilitated by the Nigerian government. These talks encompassed the interests of the GOS in maintaining a united Sudan, but consequently served to solidify the South's call for self determination while reaffirming the GOS position that the unity of Sudan and the centrality of an Islamic state were non-negotiable.<sup>31</sup>

In 1994, the SPLM asked for assistance from their partners in the Inter-Governmental Authority on Development (IGAD) to introduce a declaration of principles (DOP) that could be used to mediate the conflict. The DOP proposed the option of a referendum for a self-governing southern Sudan within the context of a greater Sudan. <sup>32</sup> 'The DOP made reference to religion and state, the question of unity, decentralization, justice, equality, religious conviction and race, and the issue of giving the people of Southern Sudan the right of self-determination in an internationally supervised referendum, including independent statehood.'<sup>33</sup> In 1995, the northern opposition to the GOS attempted to mitigate the conflict by accepting the Asmara Declaration, which asserted that giving the South autonomy, as well as decentralization, was the only alternative to secession. However, this failed because the northerners, advocating peace through southern autonomy, did not have the authority to implement such measures.

It was only in 1997, with pressure to create peace in order to mitigate internal fighting and resolve poor economic conditions, that the GOS accepted the DOP as the basis for future negotiations. This acceptance signified a willingness to negotiate and find a solution for self-determination. The GOS also promoted a new policy of 'peace from within', which formalized their interest of maintaining a united Sudan, re-emphasized Islamic law as the basis for

<sup>30</sup> Steven Wondu and Ann Lesch, *Battle for peace in Sudan: An analysis of the Abuja Conference 1992-1993* (Lanham, MD: University Press of America, 2000)

<sup>31</sup> *Ibid.*

<sup>32</sup> Douglas H Johnson, p. 175

Barnaba Marial Benjamin, p. 51

legislation, and declared that at an unspecified time there will be a referendum for the South to 'determine their political aspirations'.<sup>34</sup> This furthered the ambiguity in the conflict, resulting in continued fighting.

After the resumption of war in 1983 and the formation of the SPLM, numerous attempts were made to bring the conflicting parties to constructive dialogue. After two failed attempts with the Nigerian Peace Conferences (Abuja I and II) in 1992, the Inter-Governmental Authority on Development resumed mediation efforts in 1994. The decade long process resulted in the signing of the Machakos Protocol in July 2004 which forms a key part of the 'bundle' of Agreements making up the Comprehensive Peace Agreement (CPA).

### **The IGAD Peace Process and the Comprehensive Peace Agreement**

Alarmed by the deepening crisis and multiple failed attempts by outside mediators, members of the Inter-Governmental Authority for Development (IGAD), a regional organization that promotes cooperation and development, formed a mediation committee consisting of two organs: a summit committee of heads of state from Ethiopia, Eritrea, Kenya and Uganda, and a standing committee composed of their mediators. Preliminary talks were held in November 1993 and January 1994, and formal negotiations began in March and May of the same year. Presented at the May meeting, the Declaration of Principles (DOP) included the following provisions: the right of self determination with national unity as a high priority, separation of religion and state (secularism), a system of governance based on multiparty democracy, decentralization through a loose federation or a confederacy, respect for human rights and a referendum to be held in the south with secession as an option. The NIF government initially resisted the DOP, particularly its endorsement of self-determination and secularism. The Sudan People's Liberation Movement

<sup>34</sup> **Ibid**, 123

(SPLM), the political arm of the South's main armed opposition force, the Sudan People's Liberation Army (SPLA) accepted the DOP.<sup>35</sup>

The IGAD peace process began with the view among the mediators that the Sudan conflict was having serious repercussions not only in the country but also in the region, and then sought to deal with the root causes of the conflict. Conditions were ripe for talks since both sides were exhausted from years of fighting and some members of the IGAD committee were seen by Khartoum as allies. In 1994, however, relations between IGAD member Eritrea and Sudan began to deteriorate, largely due to Sudan's support for an Eritrean opposition group, the Eritrea Islamic Jihad. Meanwhile, serious opposition to the DOP began to emerge from the NIF government. The most contentious issues were secularism and self-determination, which the Khartoum government refused to concede.<sup>36</sup>

In July 1994, the polarization of the two sides intensified after the Khartoum government appointed a hard-line NIF member to its delegation. The Khartoum delegation professed the government's commitment to Islamic law as part of a religious and moral obligation to promote Islam in Sudan and throughout the continent, and rejected self-determination as a ploy to split the country. In September 1994, President Moi of Kenya convened a meeting of the committee's heads of state, Sudan's President Bashir and the leader of SPLM/A. The Khartoum government walked out of these peace talks, rejecting the DOP. However, military setbacks and intense international pressure forced the government back to the negotiating table in Nairobi in 1997 and it formally accepted the DOP. The return to the IGAD process was, in part, in recognition of the

**"Ted Dagne, *The Sudan Peace Process*, Report for Congress, Washington, June 4, 2003**

**International Crisis Group, *Sudan's Best Chance for Peace: How Not to Lose It*, Africa Report N°51, 17 September 2002**

government's failed effort to attract other mediators, who might have been more supportive of NIF positions.<sup>37</sup>

Further meetings in 1997-1998 sought to narrow divisions between the two sides, with the government of Sudan formally agreeing to self-determination for the south. The government of Sudan also appeared willing to compromise on some other issues. In May 1998, the parties, despite some progress earlier, disagreed on which territories were considered part of the south. The Khartoum delegation defined the south as the three provinces of Bahr el Ghazal, Equatoria, and Upper Nile, established at independence in January 1956. The SPLM/A argued that Southern Kordofan Province and Southern Blue Nile Province and other areas on the margins of the three core provinces were also part of the south. There were also serious disagreements on the duration of the interim period before a referendum on self determination, and issues relating to interim arrangements were shelved by the mediators in part to avoid a breakdown in the talks. The question of religion and state remained unresolved.<sup>38</sup>

Of all the past peace efforts,<sup>7</sup> the IGAD peace process did the most to help narrow the differences between the government of Sudan and the SPLM. But IGAD was never close to resolving the Sudanese conflict because of multiple factors. Perhaps one of the most serious obstacles to peace in Sudan was the government's notion that the war could be won and the SPLM/A defeated. Indeed, with the split of the SPLM/A in 1991 and its loss of allies in the region, the NIF government had retaken most of the territory that had been under SPLM/A control for years. By mid-1990s, however, the SPLA had retaken territories captured by the government, once again changing the dynamics on the ground. Regional dynamics in the conflict-prone Horn of Africa contributed to the persistence of the conflict. Both the government

<sup>7</sup> International Crisis Group, *op cit.*

International Crisis Group, *Sudan's Other Wars*, Africa Briefing N°14, 23 June 2003

of Sudan and the SPLM/A relied on the support of regional actors, enabling both sides to survive setbacks and creating a sort of balance of power between them. Shifting alliances, however, ensured continued instability in the Sudan. The NIF's flirtation with international terrorism and radical Islam contributed to NIF isolation and limited its capabilities for defeating the SPLA. The policies of the United States and its allies focused more on isolating Sudan than pursuing peace efforts, some believe. Competing regional initiatives, such as the one pursued by Egypt and Libya, however, undermined the IGAD efforts, according to observers and U.S. officials.<sup>39</sup>

### **Machakos I**

In late June 2002, IGAD mediators presented the government of Sudan and the SPLM/A with a "Draft Sudan Peace Agreement" proposal. The Draft Proposal dealt with a number of critical issues facing the two parties to the conflict. On the issue of self-determination, the Draft Proposal altered the long-standing position of IGAD and its Declaration of Principles. IGAD in its DOP specifically endorsed self determination for south Sudan. In contrast, the 2002 "Draft Sudan Peace Agreement," proposed a "Pre-Transition" period that would last about six months and a "Transition" period that would last no more than four years. The Proposal did not address the issue of a referendum directly and instead suggested that "the people of southern Sudan shall be consulted; this popular consultation shall solicit the views of southern Sudanese in regard to self-determination arrangements as set out in this agreement."<sup>40</sup>

Members of the SPLM/A delegation and their supporters viewed the proposals as unacceptable and a total abandonment of their basic right to determine their political future. They objected to the proposed government structures and the authority given to the "national government," and to what they saw as the diminished role for southerners within the proposed

<sup>39</sup> Ted Dagne, *op cit*  
Korwa Adar, *op cit*



framework, asserting that southerners would be getting less than what they got in the 1972 Addis Ababa Agreement. The government of Sudan accepted the proposed draft agreement with a few amendments, since the draft agreement was similar to the government's previous offers. The SPLM/A delegation expressed concerns and gave its response to the mediators, arguing for a shorter transition period and demanding clarity on the issue of self determination.<sup>41</sup>

The Draft Proposal was similar to an earlier proposal presented by the Kenyan Special Envoy in early 2002. According to that proposal, self-determination would be replaced by self-administration, and separation of religion and state would be substituted for "religious tolerance." In addition, the proposal called for a cease-fire agreement before final political settlement, a position that has long been rejected by the SPLM/A. Many observers argued then that the ill-fated proposal was a nonstarter, on grounds that the SPLM/A would not make concessions on these two issues. Indeed, after a discussion between President Moi and the leader of the SPLM/A, Dr. John Garang, President Moi agreed with Dr. Garang that this agreement did not offer anything to southerners.<sup>42</sup>

The SPLM/A and its supporters assumed that was the end of that proposal. But the June Draft Proposal seemed to suggest, considering the similarities of the two, that the earlier thinking was never abandoned by the mediators. According to some observers, the strategy of the mediators appeared designed to appease the government and seek concessions from southerners. This strategy appeared to presume that the government was stronger and more cooperative than before; and that concessions had to be made to win the government's acceptance without which there could be no deal. Another assumption may have been that if the SPLM/A rejected this proposal; it would be labeled as the obstacle to peace and would be isolated and marginalized.

<sup>41</sup> International Crisis Group, *Sudan's Other Wars*, Africa Briefing N°14, 23 June 2003

<sup>42</sup> Ibid

But some analysts argue that this line of thinking achieved quite the opposite results: it unified southerners and opened the door for more violence and intransigence.<sup>43</sup>

Hours before the deadline for the signing of the Draft Agreement, the mediators reportedly realized that the omission of self determination from the agreement was a serious error and that the Draft Agreement altered IGAD's longstanding support for self determination and took inadequate account of the government of Sudan's stated acceptance of the proposal. The Draft Agreement was re-written and a new phase of negotiations began. After a series of give and take discussions and intense pressure on the parties, especially on the government of Sudan, the parties reached what some see as a potentially historic agreement. On July 20, 2002, the government of Sudan and the Sudan People's Liberation Army, after five weeks of talks in Machakos, Kenya, signed a framework Agreements to end the war in southern Sudan. The Machakos Protocol calls for a 6-year transition period and a referendum on the political future of southern Sudan at the end of the transition period. The Agreement establishes an independent Assessment and Evaluation Commission to monitor and evaluate the implementation of a final peace agreement. The Machakos Protocol also exempts southern Sudan from the Islamic law or Sharia. The United States, the United Kingdom, and Norway participated as observers in the Machakos IGAD negotiations.<sup>44</sup>

The Framework Agreement was seen by the mediators and some observers as a major breakthrough in the long stalled IGAD peace process. The government of Sudan had favored the earlier Draft Agreement, which neglected self determination for the South and down-played the separation of religion and the state. The Framework Agreement by contrast gave both sides something to take back to their constituencies. The government of Sudan was able to point to the

<sup>43</sup>

Khiddir H Ahmed, *Sudan at the crossroads: The triumph of African-led negotiations? Brokering peace in Sudan*. Presentation at the Fletcher School on 11 March 2004

<sup>44</sup> Ibid

fact that it could continue its Sharia laws in the North, while the SPLM/A was able to emphasize the agreement on a referendum to determine the political future of southern Sudan, after a six year transition period. The SPLM/A appeared to have made important concessions at Machakos, paving the way for the Framework Agreement. The SPLM/A had long insisted on a short transition period, two to four years. The government had long insisted on a ten year transition period. The SPLM/A accepted a longer transition period in order to give unity a chance, according to members of the SPLM/A delegation at the talks. The SPLM/A also abandoned its long standing opposition to Sharia by agreeing to the continuation of Sharia laws in the North. The government of Sudan's acceptance of a referendum at the end of the transition period was also seen as an important concession.<sup>45</sup>

## **Machakos II**

The second phase of the negotiations in late 2002 proved difficult. There were significant disagreements on a wide range of issues. The parties met to discuss the transition period in mid-August 2002 and agreed to the following agenda: (1) Structure of Government: (a) Power Sharing, Wealth Sharing, Human Rights, and Judiciary and the Rule of Law; (2) Security Arrangements; (3) Modalities for Implementing the Peace Agreement; (4) Regional and International Guarantee. The first two weeks were designed for briefing and lectures by experts on a wide range of issues relating to nation building and conflict resolution. Shortly after, the parties were given a 51-page report called *Draft Protocol on Power Sharing Within the Framework of a Broad based Transitional Government of National Unity Between the Government of Sudan and the SPLM*. The parties were asked to respond to the mediators' draft.<sup>46</sup>

<sup>45</sup> Khiddir H Ahmed, op cit

Francis Deng and Mohamed I Khalil, *Sudan's civil war, the peace process before and since Machakos*. Pretoria: African Institute of South Africa, 2004.

The second phase of the negotiations at Machakos focused on a wide range of issues relating to Power and Wealth Sharing arrangements. On the question of the Presidency there were significant disagreements between the parties. The SPLM/A initially proposed a rotation of the presidency during the interim period. The first three years under Bashir's presidency with the SPLM/A in the vice president slot, and the reverse for the second half of the interim period. The government of Sudan rejected the SPLM/A proposal. The SPLM/A then proposed that Bashir could keep the presidency for the entire interim period provided that the SPLM/A was given the first Vice President slot. The government was at first receptive to the idea, but then rejected the SPLM/A proposal arguing that there should be several vice presidents and the President (Bashir) should fill these slots. Members of the government's delegation expressed concerns that to give the first vice president slot to the SPLM/A would be risky since in the event the president were incapacitated, the first vice president (SPLM/A) would assume the presidency. The SPLM agreed to the proposal of creating several vice president slots, but insisted that the first vice president slot with genuine powers should be given to the SPLM.<sup>47</sup>

There were also disagreements on Power Sharing arrangements in the Executive, Legislature, the Civil Service, and the Judiciary. Both the government of Sudan and the SPLM/A agreed on SPLM/A participation in all these government structures. The SPLM/A argued that due to historical injustices, southerners should get 40% of the seats in the Lower House and 50% in the Upper House. The SPLM/A accepts the fact that southerners may only represent a third of the population, while pointing out the absence of a reliable population census. The SPLM/A argues that it is important to maintain a 50-50% representation in order to avoid abuses of power by the majority in the Upper House. The government contends that southerners represent less than 20% of the population and thus do not deserve to have 40/50% of the seats in the

<sup>47</sup> Francis Deng and Mohamed I Khali!, op cit

Legislature. The mediators have proposed a 33% representation for the SPLM/A. In the Executive (cabinet) and the Civil Service, the SPLM/A demanded 40% of the positions in all levels, while the government of Sudan offered 20%.<sup>48</sup>

On Wealth Sharing there was general agreement that more funds should be allocated for southern Sudan. There were significant disagreements, however, on ownership of natural resources, economic policy, and on revenue sharing. The government of Sudan maintains that all unregistered land belongs to the state, while the SPLM/A contends that land belongs to the community. The SPLM/A argues that because of historical neglect of the south a significant share of revenues, especially oil revenues, should go to the South. The SPLM/A demanded 60% of the revenues from oil, while the government of Sudan offered 10%. The government contends that the National Government will require significant funds to finance reconstruction and development of the entire country during the transition period. Another contentious issue was the Sudanese banking system and the recent introduction of a new currency in southern Sudan by the SPLM/A. The SPLM/A argues that the current banking system is based on Islamic laws and is incompatible with the economic system in southern Sudan.<sup>49</sup>

### **The Comprehensive Peace Agreement (CPA)**

The CPA refers to a series of agreements reached between the government of Sudan (GoS) and the SPLM on 31 December 2004. These agreements were formalized by both parties on the 9 January 2005 between the government and the SPLM facilitated by IGAD. The key issues dealt with in the peace process and agreed in the 260-page Comprehensive Peace Agreement (CPA) that comprised of six protocols.

<sup>48</sup> Francis Deng and Mohamed I Khalil, *op cit*

InternationalCrisis Group, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, Africa Report N°96, 25 July 2005.

The six Protocols are Machakos Protocol, dated 20th July, 2002; Agreement on Security Arrangements During the Interim Period, dated 25th September, 2003; the Agreement on Wealth Sharing During the Pre-Interim and Interim Period, dated 7th January, 2004; Protocol on Power Sharing, dated 26<sup>th</sup> May, 2004; Protocol Between on the Resolution of Conflict In Southern Kordofan/Nuba Mountains and Blue Nile States, dated 26th May, 2004; and Protocol on the Resolution of the Conflict in Abyei Area, dated 26th May, 2004

The resolution of the status of State and Religion and the Right of Self-Determination for the people of South Sudan is set forth in the Machakos Protocol of 20th July 2002. It is premised on a fundamental compromise: a self-determination referendum for the South after a six-year interim period in exchange for the continuation of Islamic (Sharia) law in the North. The deal was predicated on extensive sharing of power, wealth and security arrangements and established an asymmetrical federal system, with the Government of Southern Sudan existing as a buffer between the central government and southern states but no parallel regional government in the North.<sup>50</sup>

Various protocols cover security arrangements and the status and treatment of the government-aligned armed groups in the South gathered under the SSDF umbrella. The parties agreed to establish joint integrated units with equal numbers from the SPLA and the Sudan Armed Forces. The SPLA and Sudan Armed Forces are to maintain their troops in the South and North respectively. The agreement provides in effect for elimination of the SSDF, since no armed groups other than the SPLA or the Sudan Armed Forces are permitted. However, the SSDF is given the opportunity to qualify for integration into the security structures or civil institutions of either party. The Final Ceasefire Agreement spelled out a clear timetable for SSDF

<sup>50</sup> InternationalCrisis Group, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, Africa Report N°96, 25 July 2005.

demobilization.<sup>51</sup> This is set forth in the Agreement on the Security Arrangements during the Interim Period and was signed on 25th September, 2003

The detailed Wealth Sharing Agreement provided for a new national currency, created parallel central banks for North and South, and set specific revenue sharing formulas for the South and the disputed areas of Southern Kordofan state, Blue Nile state, and Abyei (the so-called Three Areas). The Government of Southern Sudan and the central government are to split all oil and other revenue derived from the South evenly.

The power sharing arrangements provided for fixed representation in national institutions, including parliament, among the formerly warring parties who also agreed to conduct elections at all levels of government by the end of the fourth year of the interim period. A number of other institutions, commissions and committees were also created, including a new Upper House in Khartoum -the Council of States -with two representatives from each of the 25 states.<sup>52</sup>

The Machakos Protocol signed in July 2002 established the framework to be followed in

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the CPA for the establishment of a Government of the Southern Sudan and a referendum on the future of the South. It left unresolved the question of the areas immediately bordering the South where the SPLA was also active: the Blue Nile, Nuba Mountains and Abyei. Of the Three Areas, only Abyei has the prospect of voting to be incorporated into the Southern Sudan at the end of the interim period. Until that time it is supposed to have a special administration under the Presidency (which includes the President of the Sudan and the President of the GOSS as First Vice-President). The Abyei Protocol outlines the provision for administration, the sharing of local oil revenues, and the guarantee of continued access to traditional grazing areas by both the

<sup>^</sup> Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005  
*Garang'i Death: Implications for Peace in Sudan*, Africa Briefing N°30, 9 August 2005

Ngok and Misseriya. But unlike the protocols for Blue Nile and the Nuba Mountains, it leaves the area to be administered undefined. Also unlike the protocols on the other two areas, the final text of the Abyei Protocol was not drafted by the two parties, but had been presented to them by the US envoy, Senator the Reverend Jack Danforth, to break the impasse in negotiations.

## **Conclusion**

In January 2005 a decade long peace process between the Southern People's Liberation movement/Army (SPLM/A) and the National Congress Party (NCP) controlled Government of Sudan (GOS) culminated in the signing of the final draft of the Comprehensive Peace Agreement (CPA). The CPA was celebrated as an end to one of the longest conflicts in Africa.

Comprehensive Peace Agreement (CPA) in Sudan was a culmination of a persisting attempt to find solution to Sudan's most intractable rebellion in the southern part of the country. It was a product of Intergovernmental Authority on Drought and Development (IGADD, since 1996 Intergovernmental Authority for Development, IGAD) initiative through which Sudan's neighbors in the Horn of Africa sought to minimize regional tension and instability to which the conflict southern Sudan was contributing considerably. At the time, Sudan's conflict was deemed as one of the main destabilizing forces in the Horn.

The CPA is not the first peace agreement to be signed between the Northern government and the Southern people. As it has been observed, the Addis Ababa Agreement was a great milestone in bringing the two warring Sudanese parties. Just as indicated in the Just as it is in the Machakos Protocol that entails self-determination, the Addis Ababa Agreement provided some clues as to how such matters were dealt with, at least in an initial effort to implement some systems of "autonomy" in the south. A large degree of freedom of action was, in fact, handed over to southern leaders by the agreement which, following transitional arrangements, gave to a



regionally elected Assembly the power to recommend to the national President a High Executive Council (HEC) which would be responsible for all southern affairs, except defense, foreign affairs, currency and finance.

The Addis Ababa Agreement guaranteed that the central government would provide revenue and finance for the region in a variety of ways, as well as development funds from a "Special Development Budget." However, the very fact that the "autonomous" southern region was to be so dependent upon the central government for its finances emphasized one of the difficulties likely to attend attempts to establish systems of regional autonomy as solutions to regionally based conflicts.<sup>53</sup> This provision is in line with the CPA protocol on wealth sharing, which provided for a new national currency, created parallel central banks for North and South, and set specific revenue sharing formulas for the South and the disputed areas of Southern Kordofan state, Blue Nile state, and Abyei. The CPA also provided that the Government of Southern Sudan and the central government are to split all oil and other revenue derived from the South evenly.

The Addis Ababa Agreement made a provision that 'areas that were culturally and geographically a part of the Southern complex' could decide by referendum whether or not they wanted to join the Southern Region.<sup>54</sup> The people of Abyei were denied this right when they petitioned to hold a referendum, and this became one of the grievances that led to the outbreak of civil war in 1983. Both sides agreed during the negotiations of 2002 that the grievances of Abyei (along with the Nuba Mountains and Blue Nile) should be addressed in any comprehensive peace agreement. On the other hand, the Abyei Protocol defines the terms for a special administrative status for the Abyei Area throughout the interim period of the CPA. The Presidency is to

<sup>53</sup> N. Kasfir, "Southern Sudanese Politics since the Addis Ababa Agreement." *African Affairs*, 1977, pp. 143-166.  
*Organic Law to Organize Regional Self-Government in the Southern Provinces of the Democratic Republic of the Sudan, 1972, chapter II, article 3.iii* "

establish an Executive Council, representative of all the residents of the Abyei Area, pending elections, when the people of the Abyei Area will elect their own Executive Council (Abyei Protocol, article 1.2). In addition to other revenues (Abyei Protocol, article 3.2), the Abyei Area is also to get a share of the 'net-oil revenue produced in the Abyei Area' (Abyei Protocol, article 3.1).

## CHAPTER FOUR

### CRITICAL ANALYSIS OF THE CHALLENGES OF IMPLEMENTING OF THE SUDAN PEACE AGREEMENT

#### **Introduction**

The implementation of a peace agreement following a civil war is one of the most critical and uncertain processes of any post-war period, with Wener observing that the implementation phase of an agreement is the most volatile<sup>1</sup>. The failure to move forward with implementation of agreements can result in fear and suspicion but however cannot always be viewed as a calculated move with intent to renege on the terms of the agreement. Therefore As peace agreements cannot fully anticipate the actions of a party after signing; the implementation process is fraught with additional bargaining and renegotiations between the parties to a conflict.

With the signing of Sudan's Comprehensive Peace Agreement (CPA) in 2005, Africa's longest-running war was ended. The CPA established a seven-year transition period, de-facto autonomy for southern Sudan, a unity government in Khartoum, and incorporated agreements on security, boundaries, revenue sharing from southern oil fields and the administration of three contested areas straddling North and South. Under a new constitution that emerged from the CPA, national elections are to be held in 2009, followed by a referendum on independence for the South in 2011.<sup>2</sup>

Overall the implementation of this agreement is lacking in momentum. Some encouraging signs can be seen: a ceasefire that has held with just one major exception; the return of hundreds of thousands of refugees and Internally Displaced Person's (IDP's) to the South; an

<sup>1</sup> Werner, Suzanne, 'The precarious nature of peace: Resolving the issues, enforcing the settlement, and renegotiating the terms', *American Journal of Political Science* 43(3) 1999: 912-934.

<sup>2</sup> United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p. 10-11

extensive redeployment of troops, the creation of a Government of National Unity (GoNU) and the instalment of the head of SPLM as First Vice President (FVP).<sup>3</sup> However, other parts of the agreement have not been implemented: there is still no consensus on the contentious region of Abyei; several stipulated commissions have not yet been launched, and other commissions are not working properly. Another negative aspect is that despite wide redeployment of troops the first major deadline in the CPA was missed when the Sudan Armed Forces (SAF) had not left the South by 9 July 2007 as stipulated in the agreement. The overall impression of the implementation process is negative and the foremost reason for this is the GoS's lack of will and SPLM's lack of capacity to properly implement the CPA.<sup>4</sup>

Among the challenges of the implementation of the Comprehensive Peace Agreement is the death of Dr. John Garang. The impact of his death was felt acutely throughout the country and raised concerns that the CPA could not hold without his strong leadership. His charisma, strong personality and international experience, as well as his appeal throughout Sudan, led many to view him as essential to guaranteeing compliance with the terms of the agreement.

An essential part of the CPA is the Protocol on Security Arrangements and its section on the DDR process which should help to facilitate an environment of human security and social stabilization.<sup>5</sup> To be considered are, for instance the non-combat skills of the ex-combatants, what needs exist within a society and what possibilities there are to meet these needs. Moreover, guaranteeing the safety of the ex-combatants is central, since giving up your weapon could create

<sup>3</sup> International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130 26 July 2007* p. 5

Mohammed, Azzain Adam (2007) *The Comprehensive Peace Agreement and Darfur* in de Waal (editor) *War in Darfur and the Search for Peace* p. 199

Lutheran World Federation-Department of World Service Kenya/Sudan programme (2006) *The Comprehensive Peace Agreement (CPA): A Summary Booklet* p. 6

insecurity for former rebels.<sup>6</sup> The CPA states that the SAF and the SPLA should be the only legal armed forces. This means that militias that have fought against the SPLA as well as with the SPLA are to be disarmed. This type of one-sided demobilization, where the SPLA remains as the sole armed force, could create insecurity among ex-combatants from other groups.<sup>7</sup>

The large number of transitional institutions created in the CPA represented a challenge to the human and organizational capacities of the SPLM. The enormity of the task of post-war development, combined with the need to form and staff institutions within the Government of Southern Sudan and the Government of National Unity endangered the implementation of the agreement. The general lack of formal education and technical capacity in the wake of the war created difficulties in staffing commissions and government ministries with qualified personnel beyond the ministerial level. At the same time, the absence of infrastructure obstructs the operations of the Government of Southern Sudan.

A precondition for the successful implementation of the CPA and sustainable peace in southern Sudan is that the SPLM succeeds in its transition from a rebel movement to a political actor. The CPA states that SPLM should be the major political party in the Government of Southern Sudan (GoSS) and the second largest party in the GoNU. This creates a big challenge for the former rebel movements especially since much of its political knowledge was lost when Garang died. Another tough challenge that the SPLM faces is to transform its armed wing into a state military. The lack of money, structures, qualified individuals etc make this process very problematic. Salaries to both civilian and military staff must be a top priority. Unpaid SPLA troops could turn into security threats in themselves or allow others a free reign. The

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<sup>6</sup> Anders Nilsson, PhD candidate and DDR-expert at the Department for Peace and Conflict Research at the Uppsala University discussion 2006-12-04 (2006)

<sup>7</sup> Lutheran World Federation-Department of World Service Kenya/Sudan programme (2006) *The Comprehensive Peace Agreement (CPA): A Summary Booklet* p. 6

expectations that the CPA has created in the South are huge both among the persons that stayed throughout the war, and among the returnees. How to live up to these expectations is a major challenge for the SPLM.<sup>8</sup>

### **Implementation Challenges to the Ivorian Peace agreement**

From the signing of the accord, many laudable developments occurred in the country, but the issue of what factors inhibit the implementation of this accord needed to be acknowledged and addressed. The accord and its context seemed to cater for the political security of both belligerent groups. Certain events in the country, such as restrictions on the UN's role in the elections and the appointment of Desire Tagro, a Gbagbo loyalist, as his representative at the Ouagadougou talks, provided hints that the identification process would continue in exchange for control of the electoral process, in order to ensure a Gbagbo victory.

From a strategic point of view, by eliminating the international community from the peace process, Ivorian belligerents claimed ownership of the process. But this meant that France and South Africa could not now be scapegoats and be blamed if things fell apart. It was therefore incumbent on the parties to ensure that the accord is implemented in the short term. However, the successful implementation of the accord was contingent on the current status quo. If the belligerents perceived that the accord did not protect their interests with regards to time consistency, the accord might unravel.

The biggest challenge that faced the accord is coexistence in the executive branch of government, which hinges upon Gbagbo and Soro's willingness to share power. Unlike his predecessors, Soro enjoyed a warm relationship with his former mentor and nemesis since becoming Prime Minister. While there was no friction, the relationship would be tested by the implementation of the identification and DDR processes.

<sup>8</sup> International Crisis Group, *Sudan's Comprehensive Peace Agreement: The long road ahead, 2006*, p. 10-11

Implementation of the Agreement has been slow because of a lack of political will on the part of the signatories, including the government of President of President Gbagbo. Observers have accused Gbagbo, in particular, of bad faith. He is said to have "a long practice of publicly endorsing agreements while privately ensuring that they are undermined".<sup>9</sup> With respect to the Agreement, Gbagbo is said to have found "a way to resist the peace pact and stay in power without actually saying no, artfully flicking a switch on when he wants a protest and off when it is time to appear cooperative".<sup>10</sup> A counter-factual argument, advanced during the workshop, is that the Agreement is so profoundly radical, entailing major alterations of the constitution as well as the national character of the country that any elected President would find it extremely difficult to carry it through and still remain in power.

The possibility of fragmentation within the rebel movement posed a critical challenge to the accord. The fact that the armed militia negotiated with the government and accepted the premiership, without a firm guarantee with regard to this position's actual powers, did not only fuel speculation of a secret deal between Soro and Gbagbo, but provided a rallying ground for extremists in the rebellion who were not satisfied with the accord. The choice of Soro as Prime Minister did not receive enthusiastic support amongst fellow New Forces members, considering that some of them advocated for vigilance in interactions with Gbagbo." As such, the possibility of a split in the New Forces became a reality. On 27 June 2007, an assassination attempt on Soro's life occurred. However, Soro would succeed in his objectives if he was capable of retaining his most trusted and influential commanders together by guaranteeing that their security and financial interests are met.

Emily Wax, "Pledge peace, creating chaos; Ivory Coast leader said to be behind anti-French protests," *Washington Post*, 16 February 2003; page 17.

*Ibid.*

International Crisis Group, 'Cote d'Ivoire: Faut-il Croire a l'Accorde de Ouagadougou?' in *African Report*, No. 127, 27 June 2007.

Resource mobilization was a critical element in holding a peace process together and ensuring successful implementation, as political will alone cannot ensure this. The Ouagadougou Accord faced the possibility of collapse if the international community did not pledge and deliver its support in terms of resource mobilization. A national workshop, chaired by Soro on 2 May 2007, revealed the dire financial situation facing implementation of the accord. The DDR process was facing a deficit of \$78 million, while the identification process required \$33 million, the elections required \$56 million, the redeployment of state officials required \$29 million, and the national reconciliation process needed \$4 million.<sup>12</sup>

War economies provided much incentive for spoilers to destabilize a peace process if the expected reward of peace is perceived as insufficient to offset the benefit of conflict. Both the armed militia and government were accused of looting diamond and cocoa in attempts to sustain their war efforts. Even the youth militias and lower cadres of the New Forces embarked on rigorous campaigns of extortion and roadblocks, as a way of ensuring their own private accumulation of wealth.<sup>13</sup>

### **Implementation Challenges to the Mozambique Peace Agreement**

One week after the signing of the GPA, the United Nations Security Council approved the establishment of the United Nations Operation in Mozambique (ONUMOZ) to monitor and verify its implementation. The first task of the 6,800-strong force was to monitor the withdrawal of Malawian and Zimbabwean troops from the Beira, Limpopo and Nacala transport corridors. ONUMOZ would also be responsible for overseeing the cantonment, demobilization and disarmament of approximately 110,000 soldiers from both sides, the creation of a new national army, the resettlement of between five and six million refugees and displaced people, and the

<sup>12</sup> United Nations Security Council Thirteenth Progress Report of the Secretary-General on the United Nations Operation in Cote d'Ivoire, 14 May 2007.

<sup>13</sup> International Crisis Group, 'Cote d'Ivoire: No Peace in Sight' in *Africa Report* No. 82, 12 July, 2004.



organization of elections. Originally scheduled for October 1993, the elections were delayed by one year due to persisting distrust between the government and Renamo and the slowness of ONUMOZ deployment.<sup>14</sup>

While the ceasefire was respected more or less promptly by both sides, cantonment and demobilization were delayed as neither side wished to give strategic advantage to the other. Renamo sought guarantees that areas under its control would not be over-run by the army, while the government feared the rebels would renege on their agreement as the National Union for Total Independence of Angola (UNITA) insurgents had recently done in Angola. UN Special Representative Aldo Ajello diplomatically allowed for delays and placated Renamo with frequent high-level visits to its headquarters. In July 1993, this strategy changed, however, as the UN deployment reached full strength and the Security Council hardened its position.<sup>15</sup>

In response to UN pressure, Chissano and Dhlakama met for the first time on Mozambican soil in August 1993. This summit slightly eased political tensions, although new obstacles soon appeared, notably Renamo's insistent demand for funding to facilitate its transition into a political party. In the face of open signs of Renamo hostility to the UN, and a demand for elections before complete demobilization, UN Secretary General Boutros Boutros-Ghali visited Mozambique in October to seek a breakthrough. This visit achieved a compromise on sensitive issues surrounding electoral law as well as the cantonment and demobilization of regular troops.<sup>16</sup>

With conditions in the camps poor and indiscipline widespread, the demobilization phase was still marked by riots and mutual suspicion and, by late 1994, the national army was only half

<sup>14</sup> Richard Synge, *Mozambique: UN Peacekeeping in Action 1992-94*, Washington, DC: United States Institute of Peace, 1997, pp. 96-7.

<sup>15</sup> *Ibid*

<sup>16</sup> Ana Leao, *Weapons in Mozambique*, Pretoria: Institute for Security Studies, 2004, p. 14.

the strength envisaged in the GPA. Although the shortfall was mostly due to the large number of combatants opting unilaterally for civilian life, both sides also sought to retain a reserve military force, either hiding troops or claiming they were 'non-cantonable'. In short, there were widespread signs of war weariness, but the threat of renewed violence and banditry remained a serious cause for concern.<sup>17</sup> Although both sides had pledged to disarm completely prior to elections, the UN found it impossible to enforce the over-ambitious commitments made in the GPA.

In the run-up to elections, Dhlakama made increasingly strident demands for a bipartisan 'government of national unity' to be formed following the vote. In response, the churches and several Western countries sought to arrange a Renamo/government pre-election 'deal' to avert a walk-out by Renamo. Despite two meetings with Dhlakama in September, Chissano continued to reject such a deal. Instead, he offered his rival the status of 'Leader of the Opposition', complete with salary and benefits, including a diplomatic passport. Privately, he reserved the right to negotiate a deal, but only in the event of unfavorable election results.

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Many factors influenced the outcome of the peace process and UN intervention, including the UN mission's strong leadership and a high level of direct UN involvement, a drought that sapped the resources both of the Frelimo government and Renamo insurgents, and the relatively high level of financial and military resources ONUMOZ enjoyed. Most accounts also attribute the success to the 'political will' of one party or another, whether of Renamo leader Afonso Dhlakama (for not contesting the election results, despite disputing them),<sup>18</sup> the

<sup>17</sup> Hilary Andersson, *Mozambique: A War Against the People*, New York: St. Martin's Press, 1992, p. 64

<sup>18</sup> Dennis C. Jett, *Why Peacekeeping Fails*, New York: St. Martin's Press, 1999, p. 119.

members of the National Election Commission (NEC) and other election workers,<sup>19</sup> the war-weary population,<sup>20</sup> or the war-weary parties. This essay will focus on Renamo's presumed 'will' to end the war.

'Political will' explanations are not necessarily false, but they are incomplete. The Mozambican people's distaste for the conflict presumably is supposed to entail that the parties to the conflict will be similarly committed to the peace process. But the assumption that the parties draw their strength from mass popular support does not hold for all governments or insurgencies. Conflicts can continue with brutalized populaces and disenchanting soldiers. All movements rely on *some* relationship with the broader population, but it may not be one that would prevent an insurgency from continuing despite the war-weariness of the population, or even of its own soldiers. Even the willingness of the leaders to end the conflict may be insufficient if we cannot safely assume that the insurgent troops will be more or less fully responsive to their wishes (a point illustrated by the fact that insurgencies often splinter when the leadership signs a peace agreement or ceasefire).<sup>21</sup>

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'Political will' explanations benefit from a deeper understanding of the ways in which potential spoilers are organized and can be disrupted - a prominent theme in counterinsurgency literature. While theorists and practitioners of peacekeeping have recognized the similarities between military tactics for dealing with spoilers and counterinsurgency warfare, counterinsurgency theory also has applications to elements of a peacekeeping operation (PKO) of a less violent nature. It is very easy to personify spoiler groups and talk about their goals,

<sup>19</sup> Moises Venancio, 'Can Peacekeeping be Said to Have Worked in Mozambique?' in Moises Venancio and Stephen Chan with Chris Alden and Sam Barnes, *War and Peace in Mozambique*, New York: St. Martin's Press, 1998, p. 106.

<sup>20</sup> ('Anomalies and Acquiescence: The Mozambican Peace Process Revisited', *African Security Review*, Vol. 7, No. 4, 1998

<sup>21</sup> Joao M. Cabrita, *Mozambique: The Torturous Road to Democracy*, New York: Palgrave, 2000, p. 144

desires, incentives, etc. in the aggregate. But 'political will' is a function just as much of internal lines of decision-making, control, and support, as it is of the psychology of individuals involved. These organizational elements are potential points of leverage for a PKO. »

## **Challenges to the Sudan Peace Agreement**

### *Armies and the Proliferation of Arms*

Perhaps one of the most serious threats to the implementation of the CPA is the presence of many armed groups (Militias) outside government forces and those of the SPLM/A. The security arrangement protocol states that no armed group allied to either party should be allowed to operate outside the two forces (Sudan government army and SPLA). Those who have the desire and quality shall be incorporated into the organized forces of either party (army, police, prisons and wild life forces) while the rest shall be integrated into the civil service and civil society institutions. Any group outside the forces of the two signatory parties to the agreement should not be recognized. But some of these militia groups and other armed rebels still exist in different parts of the country. They refuse that their fate be decided and imposed by others »

without entering into political agreements. This applies to the Southern Sudan Defense Force, the combat force in east Sudan under NDA (National Democratic Alliance). In Darfur there are the Sudan liberation Army (SLA.), the Movement for Justice and Equality as well as the newly formed National Salvation Front.

The parties to the agreement agreed to address the status of There and other armed groups in the country with the view of achieving comprehensive peace and stability and to realize full inclusiveness in the transition process. So far, and after nearly two years of the implementation of the agreement, very little success on these issues has been attained. Leaders of the militia find it difficult to accept the options given to them when they were preparing themselves for greater

\*Ibid

opportunities than these options. Some still do not want to take the options offered, and it is rumoured that they receive support from elements of Sudan army. But the army refuses the accusation. It is, however, known that some of this southern militia have relations with Sudan government since the muting of Nasir against the SPLM/A and the split of the SPLA/M in 1991. From that time on these militias were allied to the government. Even after Fawlino Mateb, Leader of SDF joined the SPLM, there are still armed groups who did not make the choice, particularly, in Upper Nile and Unity States.

Beside these rebel groups the country now has three armies: that of Sudan government, the SPLA/M army in the South and three thousand main units divided equally between government of Sudan and the SPLA/M representing the future Sudan army if the country remained united. This is in addition to the project of ten thousand solders of the African Union and those of the United Nations of the Same Number.

In the face of all these armies, and judging by the historical behaviour of the military institution in developing countries, and in Sudan in particular, the absence of trust between North and South Sudan, the weakness of civil society and the non-ownership by the people to the peace process- for all these one is sceptical that things will proceed as planed for. The military in Sudan has become an integral part of the conduct of politics. Localized rebellions and disturbances may be transforming politics from below. The military coup d'etat has been the most prevalent way of change against the will of those in office- the recurrent coups highlight the pervasiveness of conditions supportive to armed incursions into the political realm. The military does not possess the culture of inclusiveness in governance. It is wise that the two parties to the agreement allowed for internationally monitored ceasefire. But we should not forget that many ceasefires have been violated in Sudan and in other places, and there is no guarantee to curb its re-

occurrence. The Sudan is faced by an open conflict between the state and many groups within it, the thing that complicates the process of interaction. Violence in any form could easily overthrow constitutional arrangements. The question of Abyei whose oil lies in the front-lines of the conflict, could turn out to be an eminent challenge to the peace arrangement. The failure of the Dinka and Nuer to come to an agreement and that of the international commission of experts to determine the boundaries of Kordofan in 1905 is a sure ingredient of war between South and North, if not between two independent states in the near future!

Moreover, there are parallel conflict situations of varying intensity going on in Sudan, both in the East, the West and the North. These different situations are all influenced by the CPA as well as also influencing the implementation process. One important reason behind that is that CPA not only deals with the South but also has a national scope. Another aspect worth noting are the similarities of the demands of rebels in different parts of Sudan indicating the root causes for conflicts in the country. The single most fundamental aspect of this is the extreme regional imbalances that categorise Sudan.<sup>24</sup>

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### ***the Loss of Dr. John Garang***

Another factor that has strongly affected the implementation of the CPA is the death of John Garang in a helicopter crash on 30 July 2005 (an event that investigations have found to be accidental). John Garang was the leader of the SPLM, from the founding of the organisation until his death. Three weeks before his death he was sworn in as FVP of Sudan. The CPA was generally seen as the personal achievement of John Garang, and his personal relationship with

<sup>24</sup> Uppsala Conflict Data Program (2007-08-23) *Uppsala Conflict Database* : [www.pcr.uu.se/database](http://www.pcr.uu.se/database) Uppsala University

Mohammed, Azzain Adam (2007) *The Comprehensive Peace Agreement and Darfur* in de Waal (editor) *War in Darfur and the Search for Peace* p. 199

the then FVP Ali Osman Taha was a sizeable reason for the signing of the agreement.<sup>25</sup> Furthermore Garang was a person intent on reforming the entire country into a New Sudan based on equality, secularism and democracy; a focus that made him immensely popular, not only in the South but throughout Sudan. His successor, as head of SPLM and FVP, Salva Kiir is perceived as more favourable towards secession, even though he has publicly supported a united Sudan after he became FVP. The importance of Garang is shown in a statement of Hassan al-Turabi, leader of the Popular Congress Party, where he describes Garang as "the man around whom all the political forces and the Sudanese have built consensus for the first time in Sudan's history...his departure will greatly affect the issues he has raised and on which the Sudanese

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have agreed with him".

The death of the SPLM/A head was a major setback. Garang was a strong leader who formed personal bonds with key NCP leaders and their allies in the Arab world to create a climate of confidence that enabled negotiations to succeed. The sudden loss of Garang and the resulting scramble to fill the leadership void exposed old divisions in the south between those who favor his "New Sudan" strategy of unity and national transformation and those who prefer a "south first" strategy whose ultimate goal is independence. As the SPLM struggled to consolidate control over a vast territory emerging from decades of conflict with an ethnically diverse population and little infrastructure, it also had to reconcile its competing visions for the future.

Garang's death altered Khartoum's calculations and led the NCP to increasingly obstruct CPA implementation. The prospects for a NCP/SPLM national partnership were always tenuous, but they became even more problematic once the NCP concluded that Salva Kiir, the new GoSS

<sup>25</sup> International Crisis Group (2006) *Sudan's Comprehensive Peace Agreement: The long road ahead* p. 1 -2  
International Crisis Group (2005) *Garang's Death: Implications for Peace in Sudan* p. 1-8

president, was more committed to the path of independence than to Garang's "New Sudan." The NCP rejected the findings of a commission set up to determine the border of Abyei, a politically sensitive, oil-producing flashpoint along the fault line between north and south.<sup>27</sup> The NCP also withheld funding for a national census and demarcation of the north-south border, delaying crucial CPA benchmarks that impact oil revenue sharing, national elections, and the self-determination referendum. Both the Sudan People's Liberation Army, or SPLA, and Sudanese Armed Forces, or SAF, were slow to redeploy their forces, leaving large concentrations of troops in close proximity along hotly contested border areas despite a ceasefire.

The death of Garang left a vacuum at the heart of southern leadership because he was the one man who had become the internationally recognized face of southern struggle, and also because he was widely seen as the only one who could keep the competing tribes and factions together. He probably was the first among those few southern leaders who are committed to a united Sudan. He always believed that the south would get a better deal as part of an African majority that could control the whole Sudan. He articulated a vision of a New Sudan where all

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Sudanese enjoy equal rights irrespective of region, religion or race and inspired millions of Sudanese in both the South and north. His tragic loss is bound to have negative consequence on the whole political seen in Sudan, especially for the south. His character represented the rare moment and a symbol around which the impoverished masses in all Sudan met. It appears to many that there is an overriding fear that this unfortunate event would push the peace process off track. The deadly riots that devastated Khartoum and other towns in the aftermath of the event were an expression of cultural and psychological precipitation in society fed by historical incidents of negative interaction. These precipitations lead in the end to hatred, not necessarily

<sup>27</sup> Roger Winter and John Prendergast, *Abyei: Sudan's "Kashmir"*, ENOUGH Strategy Paper #11, January 2008  
Johan Brosche, *CPA - New Sudan, Old Sudan or Two Sudan?: A review of the implementation of the Comprehensive Peace Agreement*, *Journal of African Policy Studies* (Uppsala University) Vol. 13, No. 1, 2007 ^



absolute perhaps. This hatred could be the prime mover of cruel and hysteric action. The neglect of the social life and the parochial policies have led to poverty coincided with racial and regional identities. As long as these conditions remain neglected, and the people are not convinced that they have a common future, peace will remain illusive and fragile.

The absence of Garang from the national political scene has left the entire peace process in jeopardy. The SPLA/M could again begin to split on regional and ethnic lines with return to intertribal fighting as occurred in 1991. Although the SPLA/M achieved a seamless transition of leadership to begin with, Silva Kier, the new leader and first vice president is described as a military man who does not possess the political abilities of this former leader. The task ahead of the Movement is enormous. There still remain many hanging problems which have direct bearing on the future of peace and a United Sudan. The relations between the two partners to the peace agreement are not yet fully tested. So far some serious differences are arising between them over many issues.<sup>29</sup>

Garang's popularity was something that the NCP was planning to use in the democratic elections that are stipulated in the CPA. NCP's plan was to keep him as an ally and that his popularity would give the NCP a democratic support base. Garang's successor Salva Kiir, who is less popular and less dedicated to a united Sudan, does not give NCP that same option. A full implementation of the CPA with Garang as FVP instead of Kir would have increased the possibilities for NCP to retain some power after the elections in 2009 and enhance the possibility for a no-vote for secession in the 2011 referendum.<sup>30</sup> NCP also sees full implementation of the CPA as a threat against its existence. The reason for this is that an entirely implemented CPA

<sup>29</sup> International Crisis Group (2005) *Garang's Death: Implications for Peace in Sudan* p. 5  
International Crisis Group (2005) *Garang's Death: Implications for Peace in Sudan* p. 5-6

would create a more democratic and transparent Sudan, something that would challenge the power-base that the NCP has at the moment.<sup>31</sup>

### ***Erosion of National Capacity and Post Conflict Reconstruction***

The issue of political transition and post conflict- reconstruction is very complex, multi-faceted, in as much as it has many dimensions ranging from economic, political, social and cultural factors. Guiding principles in the area of political transition and post conflict reconstruction should in the very least include the following:-

- a) Inclusiveness: the need to ensure inclusiveness and pluralism to take into account diversity of interests and in particular cultural pluralism.
- b) Shared purposes direction and future: as long as former combatants as well as society at large are not convinced that they have a shared future, peace will remain illusive. For this reason, participatory and practical inclusive exercises of national visionary and long term perspectives are essential for the objective of instating a shared vision. This constitutes a major component of the reconstruction package.  
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- c) Developing capacity: The ability to mobilize financial resources, both domestically and externally; the need to revive infrastructure and the need to relate to the external environment.<sup>32</sup>

These capacities are critical for the sustaining of peace and reconstruction as they constitute the basis of successful reconstruction and development. In the long run in the post conflict period, the agenda for peace cannot be dissociated from the agenda for development, rehabilitation, poverty alleviation and human development. All these development actions should

<sup>31</sup> International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130 26 July 2007, executive summary and recommendations*

<sup>32</sup> Dr. Hassan Abdel Ati and Prof. Galal el Din El Tayeb (Eds), *Peace in Sudan: so near... so far.? Proceedings of the National civic Forum Dialogue Sessions 2007-2008 (Khartoum: National Civic Forum and EDGE for consultancy and research, 2009), p. 41*

not be deferred to eventually create new areas of contention as happened after the Addis Ababa Agreement. The tasks of the resettlement of displaced and refugees, demobilization of combatants and their integration in civilian activities etc.... are urgent priorities that have to be urgently treated.<sup>33</sup>

In the light of the conspicuous absence of the above cited guiding principles in the area of political transition and post conflict reconstruction it is difficult to imagine that peace will be preserved and implemented. Instead of inclusiveness that takes into consideration the diversity of interest, the ruling National Congress Party is bent on exclusion. The government of the day is dominated by small groups that run the country in a, more or less, secretive authoritarian manner lacks the support of civil society and the endorsement of the major political parties interests. This neglect is a serious threat to the peace process. The government has a narrow definition of security based on considerations of military defense and regime stability. Instead of participation and inclusiveness it resorts to force to resolve issues. Exclusion is not only, practiced against opposition forces and civil society, but also against partners in the same government. Many

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complaints are raised by the SPLM/A against the NCP for not keeping with the spirit of the CPA, and against lack of consultation on major policy decisions. This is in addition to complaints of all parties against the sluggishness in the implementation of the agreement, particularly complaints against the delaying tactics of the National Congress Party to review all the laws that contradict the interim national constitution.<sup>34</sup>

As for the principle of shared purpose and future direction, it seems that neither the partners to the agreement nor society at large see that they have shared purpose and future direction. Many ordinary citizens today seem to be convinced that each of the political forces

<sup>33</sup> Dr. Hassan Abdel Ati and Prof. Galal el Din El Tayeb, *op cit*, pp. 41-42.  
Dr. Hassan Abdel Ati and Prof. Galal el Din El Tayeb, *op cit*, pp. 41-42.

that are active on the stage is working for a different purpose and future. For the NCP the CPA is just "a deal to stop the war; nobody is convinced of it". It, therefore, behaves in a way as if nothing has changed. So, it sticks to controlling power, at least till the end of the transitional period. On the other hand the SPLM/A is beginning to show some differences among its leadership and failed to come up with initiatives that counter the policies of the NCP.<sup>35</sup> Currently it is on the defensive. This stance led to losing its initial glamour with many Northern Sudanese, who earlier flocked to join the movement. Many Northern Sudanese now are of the opinion that southern Sudanese are working for their future! Their own state!

The principle of capacity is another hurdle on the way of peace implementation. At present Sudan is at its weakest, and has more or less lost its momentum. It suffers from seriously eroded economic, social and political structures.

It has long been recognized that state capacity has implications for the type of peace agreement provisions that a state is able to implement.<sup>36</sup> One of the first steps that weak states must take is to produce the revenue needed to fund the implementation process. For strong states,

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this is a relatively simple task. Hoddie & Hartzell find that higher levels of economic development are associated with greater probability of agreement implementation.

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According to Rothchild, post-conflict states attempt several methods to maintain the peace, from reassurance and incentives to strengthening the state's institutions, all while generally lacking legitimacy and economic growth. The issue becomes one of meeting

"Ibid

<sup>36</sup> Dursun Peksen, Zetnep Taydas & A Cooper Drury, *Tax and spend... but don't fight: State building, public welfare spending, and civil war*. Paper presented at the Annual Convention of the International Studies Association, San Francisco, CA, 29 March, 2007.

<sup>37</sup> Matthew Hoddie & Caroline Hartzell, "Civil war settlements and the implementation of military power-sharing arrangements" in *Journal of Peace Research* 40: 303-320, 2003.

Donald Rothchild, "Settlement terms and postagreement stability" in Stephen John Stedman, Donald Rothchild & Elizabeth M Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements*, (Boulder, CO: Lynne Rienner, 2002), pp. 117-141.

implementation obligations, with the state lacking most (if not all) of the components that reflect state capacity. Rothchild argues that disagreements over design can be overcome by allowing power-sharing agreements and guaranteeing factions representation or decision making authority. These arrangements will supplement the existing state capacity and eventually expand it further to allow for stronger implementation by the state.

However, weaker states are often not afforded this luxury. States can raise revenue through international organizations, such as the International Monetary Fund, in order to supplement the state's capabilities, but the costs will often outweigh the revenues received. The state will be required to increase revenues through taxation, which could have the effect of boosting state capacity while producing internal opposition. Opposition may expose the government's tentative position, as evidenced by the experience of Guatemala, where the government eventually acquiesced to opposition despite international pressure to fulfil its

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obligations. If the government presses such policies further, the state risks the possibility of renewed hostilities and instability.

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Redressing the historical grievances which resulted from the unbalanced development in the south, the Blue Nile, the Nuba Mountains, Darfur as well as other parts of the country require capacities that are, at present, not available in Sudan. The civil service on which depends the planning and execution of development and reconstruction has disappeared. It lost its neutrality and became a partisan machine integrated into the web of the ruling National Congress Party. It is no longer a service that supports the public at large. The capacity of professionals, scientists, technicians and university professors has been lost either by political purges or by emigration to the oil rich countries or regional or international organizations. Budgets preparation has become

<sup>39</sup> William Stanley & David Holiday, "Broad participation, diffuse responsibility: Peace implementation in Guatemala" in Stephen John Stedman, Donald Rothchild & Elizabeth M Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements*, (Boulder, CO: Lynne Rienner, 2002), pp. 421-462.

a ritual rather than a planning process. The educational system which is supposed to produce the necessary skills and professions and, which has, to a greater extent done so in the past, has seriously deteriorated at all levels. All this happens at a time when the country is preparing for wide changes in its social, political and constitutional structures as called for by the CPA. Under the circumstances described it is unlikely that the agenda of the CPA would be realized to the satisfaction of the Sudan people.<sup>40</sup>

### *Abyei*

Abyei is a disputed oil-rich area located between the Bahr el-Ghazal and South Kordofan provinces. The area is in geographic, ethnical and political terms caught between southern and northern Sudan. Abyei is home to the Ngok Dinka tribe and bordered to the north and north east by the Misseriya who are an Arab cattle herding tribe. Every year the Misseriya pass through Abyei for grazing of their animals<sup>41</sup> Historically, the relations between the Ngok Dinka and the Misseriya have been harmonious and even mentioned as a model for North-South collaboration.<sup>42</sup> However, the North-South conflict where the Misseriya was armed by the regime in Khartoum and the Ngok Dinka was fighting on the SPLM side has complicated relations. The boundaries of the Abyei area are a much contested issue and the decision on the status of this area was not included in the CPA, instead it was decided through the *Protocol on the resolution of Abyei conflict* that the demarcation of the Abyei border should be solved by an Abyei Boundaries Commission (ABC)<sup>43</sup> The final report of the ABC came in July 2005 and their findings were seen as be favourable to the Ngok Dinka and hence more favourable to

<sup>40</sup> Dr. Hassan Abdel Ati and Prof. Galal el Din El Tayeb, op cit.

<sup>41</sup> Francis Deng, *The Dinka of the Sudan* (Holt, Rinehart and Winston, New York, 1972), p. 151  
International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007*

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United States Institute of Peace (2005) *Resolving the Boundary Dispute in Sudan's Abyei Region*  
[http://www.usip.org/pubs/usipeace\\_briefings/2005/1026\\_sudan.html](http://www.usip.org/pubs/usipeace_briefings/2005/1026_sudan.html) Here you can also find a more comprehensive investigation of the ABC decision.

southern Sudan.<sup>44</sup> In the CPA it is stated that the ABC decision should be "final and binding" but as of October 2007 the NCP has still not accepted the conclusion of the commission.<sup>45</sup> This refusal by the NCP has been highlighted by the SPLM several times as one of the most central factors when they have claimed that the NCP deliberately has been slowing the implementation of the CPA.

During the CPA negotiations, the disputed area of Abyei was among the most contentious topics.<sup>46</sup> In the end, it was granted a special administrative status, with the right of a referendum on whether to remain part of the North or join a potentially independent South. The NCP and SPLM agreed to establish the Abyei Boundaries Commission (ABC) to determine the geographic boundaries defined in the Abyei Protocol. The international experts on the commission decided the borders after NCP and SPLM delegations failed to agree. When the report was presented to the presidency on 14 July 2005, the SPLM endorsed the findings and the NCP rejected them, claiming the experts had exceeded their mandate.<sup>47</sup> Because of this deadlock, Abyei's status remained undetermined, and no formal administrative structures were put in place.

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While many issues are at play in Abyei, the main motivating factor behind NCP intransigence appears to be oil. With the majority of Sudan's reserves in the South, the NCP has a major interest in maintaining as great a percentage as possible in the North and avoiding the revenue-sharing provisions for oil within the borders set by the ABC. According to those borders, Abyei includes three major oilfields, whose 2005-2007 revenues were roughly \$1.8 billion.<sup>47</sup> After the SPLM suspended its participation in the national unity government, Abyei

<sup>44</sup> International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* P • 11

Crisis Group Briefing, *Breaking the Abyei Deadlock*, op. cit.

<sup>45</sup> Douglas Johnson, 'The Abyei Protocol Demystified', 11 December 2007, at [www.sudantribune.com/spip.php?article25125](http://www.sudantribune.com/spip.php?article25125)

Crisis Group Briefing, *Breaking the Abyei Deadlock*, op. cit.

became the single largest point of contention. In addition to the concrete element of the deadlock - particularly the renewed clashes and rising tensions between the Ngok Dinka and the Misseriya - there is a symbolic aspect.

To resolve the Abyei issue is crucial as the area has been pointed out as the place where the risk of returning to a North-South war is largest. Moreover, succeeding to solve the issue of Abyei could be the measure that pilots the implementation of the CPA in the right direction and consequently the opposite could get the CPA to evaporate. There are several reasons for this. First of all Abyei is essential since it ties into the issues that are at the heart of CPA; border demarcation, oil-revenues and the referendum.<sup>48</sup> Moreover it has become an influential symbolic issue and to solve such an issue could give the implementation some momentum. This is especially important when we are dealing with two different parties that completely lack confidence in each other.<sup>49</sup> Unfortunately the National Reconciliation and Healing Process mandate that was stipulated in the CPA has yet not started to work to overcome this lack of trust.<sup>50</sup> One way of decreasing tensions in Abyei is to make it a demilitarized zone. The troop presence by both the SAF and SPLA is high in and around Abyei and a demilitarized zone could reduce the risks of clashes between the two parties. Ideally the whole border between the South and North should be a demilitarised zone but Abyei should be the focal point to start with. Another important factor is that the displeasure with NCP among Misseriya, who were fighting on the GoS side in the civil war, is increasing and many are beginning to see Juba (capital of southern Sudan) as a more preferred power centre than Khartoum. This also has an effect on the

<sup>48</sup> Ibid, p. 2

<sup>49</sup> Small Arms Survey (2007) Sudan Issue Brief- Human Security Baseline Assessment. *Emerging North-South Tensions and Prospects for a Return to War*

<sup>50</sup> United Nation Mission In Sudan (2007) The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007 p.2



power-relations between the SAF and SPLA since reportedly 10 000 to 15 000 Misseriya troops are looking to join the SPLA.<sup>51</sup>

<sup>51</sup> 'international Crisis Group (2007) *Sudan: Breaking the Abvei Deadlock Africa Report No 47 12 October 2007* p. 6

## CHAPTER FIVE

### CONCLUSION

The implementation of the CPA faces several major obstacles in the near future, and unfortunately the outlook is bleak. There are three main reasons for this; the lack of will within the NCP to implement the agreement, the SPLM's lack of capacity to implement the CPA and the widespread problems on the ground. In addition to this the lack of engagement by the international community reduces the possibilities for the successful implementation of the CPA. Therefore the international engagement for implementing the CPA must increase. Especially the third party signatories to the CPA should feel a responsibility to this end. These signatories include the states of Kenya, Uganda, Egypt, Italy, the Netherlands, Norway, the UK, the US, and the organisations of Intergovernmental Authority on Development (IGAD), Arab League, UN, AU and the EU.<sup>1</sup> Among the states in the region it could be argued that Uganda should take the lead since they are the neighbouring country that has suffered most from the war in southern Sudan. A return to war would have devastating effects on Uganda, not least because it would duplicate the problems that they face in the negotiations with the LRA. However, the other neighbouring countries should also put a lot of effort into a successful implementation of the CPA, both for humanitarian reasons and of pure self-interest. The humanitarian reasons are above all that the people of southern Sudan already have suffered too much, and the self-interest lies primarily in that a return to war in southern Sudan will destabilise the region and create new large-scale refugee-flows.

The problems that the implementation of the CPA faces must be dealt with in parallel and a comprehensive approach has to be applied. At the moment the implementation process is

<sup>1</sup> International Crisis Group (2007) *Sudan: Breaking the Ahyei Deadlock Africa Report No 4712 October 2007*, p. 1

caught in a bind where the NCP does not want to implement the agreement, in part because they believe that the South will vote for secession anyway. At the same time the South will probably become more likely to vote for secession, since the agreement is not being fully implemented. A situation has to be created where NCP sees a commitment to the implementation of the CPA as less costly than continued unwillingness to do so. This could be done with both carrots and sticks. The carrots could for example be a secured part of the oil-revenues in the South even after the referendum,<sup>2</sup> and an example of sticks could be international sanctions.

An enormous amount of uncertainty surrounds the implementation of peace agreements in Africa and the probability of the faction leaders to honor commitments. A faction leader's decision to comply may be affected by unexpected changes in the political and military environment resulting from concessions or actions of external entities, the failure of resources and other supportive features to materialize, or events that indicate the other party will not follow through on promised actions. The common thread among these potential deal-breakers is not only the uncertainty they bring to the peace process, but the inability to fully know them *ex ante*.

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Importantly, unknown variables may also work to encourage compliance. These environmental changes or revelations about a faction leader's commitment alter the balance of political and military power among factions.

Multiple factions render peace agreements even more complicated and raise the degree of uncertainty, as not all factions share the same goals and some may take steps to undermine the implementation process. Thus, given that peace agreements cannot fully anticipate the actions of a party after signing, the implementation process is characterized with additional bargaining and renegotiations between the faction leaders.

<sup>2</sup> Here lessons could be learned from the Aceh 2005 peace agreement, between the Indonesian Government and GAM (Free Aceh Movement) since its also regulates nature resources and this is an agreement that have held this far. See UCDP (2006) *Uppsala Conflict Database Categorical Variables 1989-2005 version 1*

Because the unpredictability of external events and the actions of the signatories are similar to problems faced by firms entering into contract with other firms or their employees, they may be managed with strategies from contract theory. Upon signing a contract, firms must manage unanticipated events that could either positively or negatively affect the contract and mitigate the danger that the contracted firm will not follow through with agreed products. Because contracts, just as peace agreements, are in reality incomplete in the beginning and affected by external contingencies, the parties commonly renegotiate the terms.<sup>3</sup> Indeed, two main conditions threaten peace agreements and economic contracts alike: adverse selection and moral hazard. Adverse selection refers to the possibility that the other party has hidden find themselves mutually vulnerable, the agreement becomes self-enforcing. At that point, the implementation of the peace agreement proceeds; the presence of mutual vulnerability determines the probability that the warring factions will implement the peace agreement. On the other hand, the implementation of the peace agreement can stall if one or both factions find themselves invulnerable.

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When faced with a choice of implementing a particular aspect of a peace agreement, faction leaders compare their present political, military, and economic position with their future positions *as well as the positions of their opponents*. When factions assess that they will be mutually vulnerable, they are more likely to implement agreements than when one side has an advantage. Thus, in Mozambique and Liberia, when the factions felt that they had a governing structure that provided sufficient mechanisms to both advance their interests and prevent their opponents from taking adverse actions, they were more likely to implement required tasks.

The examples in the cases demonstrate the continual and *ad-hoc* bargaining process that characterizes the implementation period. It underscores the incompleteness of peace agreements

<sup>3</sup> Bernard Salanie, *The Economics of Contracts: A Primer* (Cambridge, MA: The MIT Press, 1997)

at the signing ceremony. For example, the Mozambican peace agreement to grant temporary territorial control to Renamo evolved into the creation of official government posts for Renamo. This was an unforeseen condition and not one likely to have been agreed to by the government at the negotiating table. However, it was needed to move the process along. The *ad-hoc* nature of the bargaining stems from an evaluation of the decision-making environment faced by the faction leaders and the timing of actions that can result in the creation of a particular environment. Thus, the appearance of the anti-riot police in Angola at the time they were unveiled (when UNITA had turned over its territory and begun a demobilization process) may have had a different effect if they had been discovered earlier in the process. Similarly, the rules that determined the members of the Council of State were a function of events in the Liberian civil war.

On the issue of coming up with agreements that can sustain peace, the type of the government that will be constituted in the post-conflict situation is an important part of the peace-building process. In the recent past we have seen the conflict resolution process lead to a peace agreement and then rapidly on to elections with disastrous consequences. The insistence on holding elections immediately following a peace agreement has met with mixed results.<sup>4</sup> In Angola, when the elections did not favour Savimbi he chose to return to war and the country continued to suffer for several years to come.<sup>4</sup> In Sierra Leone, elections were held not long after the cease-fire, but because national cohesion had not been adequately rebuilt, the government that was created was unstable and became the focus of a power struggle. The peacebuilding was eventually postponed when there was a renewal of fighting between the Revolutionary United Front (RUF) rebels and the government.

<sup>4</sup> Timothy Sisk and Andrew Reynolds, *Elections and Conflict Management in Africa*, Washington: US Institute of Peace, 1998.

The basic lesson emerging from these experiences is that in the post-conflict situation the government that is created has to be an extension and continuation of the peace-building process. In this regard, we also need to begin to think of the institutions that are created for governance as institutions for conflict resolution.<sup>5</sup> Therefore the process of creating the government has to be articulated through a strategy of bringing all sub-national groups and sectors of the nation-state together in a framework of shared and distributed power. Therefore in the peacebuilding process, it is worthwhile to place an emphasis on establishing governments of national unity based on the principle of power sharing. In governments of national unity less emphasis is placed on opposition parties and groups and adversarial politics, and more is placed on unity and collective bargaining with a view to securing the interests of all members of the society. The experience in South Africa is informative in this regard, a government of national unity allowed the country to reduce the possibility of conflict escalation during a difficult transition period. In Burundi, there is an ongoing effort to build an inclusive framework of governance but the situation is very fragile and there are still cases of low intensity conflict.

<sup>5</sup> Anthony Pereira, 'The Neglected Tragedy: The Return to War in Angola, 1992-3', *Journal of Modern African Studies*, Vol.32, No. 1 (1994), pp. 1-28

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