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Accord

an international review of peace initiatives



Peace by piece
Addressing Sudan's conflicts

Issue Editors

Mark Simmons
and Peter Dixon



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**Front cover: Sudanese reflected in
a pool of rain water, September 2005.**

Source: Reuters/David Mwangi

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Acronyms

ABC	Abyei Boundaries Commission	NRF	National Redemption Front
AEC	Assessment and Evaluation Commission	NSCC	New Sudan Council of Churches
AMIS	African Union Mission in Sudan	NSP	National Strategic Plan
AU	African Union	OLS	Operation Lifeline Sudan
CPA	Comprehensive Peace Agreement	PDF	Popular Defence Force
DDDC	Darfur-Darfur Dialogue and Consultation	PNC	Popular National Congress
DoP	Declaration of Principles	SAF	Sudan Alliance Forces (NDA) or Sudanese Armed Forces (government)
DPA	Darfur Peace Agreement	SANU	Sudan African National Union
DRDF	Darfur Reconstruction and Development Fund	SCC	Sudan Council of Churches
DUP	Democratic Unionist Party	SCP	Sudan Communist Party
EDF	Equatoria Defence Force	SLM/A	Sudanese Liberation Movement/Army
EF	Eastern Front	SPDF	Sudan People's Democratic Front
ELI	Egyptian-Libyan Initiative	SPF	Sudan Peace Fund
ESPA	Eastern Sudan Peace Agreement	SPLM/A	Sudan People's Liberation Movement/Army
GNU	Government of National Unity	SRRA	Southern Sudan Relief and Rehabilitation Agency
GoS	Government of Sudan	SSDF	South Sudan Defence Forces
GoSS	Government of Southern Sudan	SSIG	South Sudan Independence Group
ICC	International Criminal Court	SSIM/A	Southern Sudan Independence Movement/Army
ICF	Islamic Charter Front	SSLM	South Sudan Liberation Movement
IDP	Internally Displaced Person	SSU	Sudanese Socialist Union
IGAD	Intergovernmental Authority on Development*	SSUM/A	South Sudan Unity Movement/Army
IGADD	Intergovernmental Authority on Drought and Development*	TDRA	Transitional Darfur Regional Authority
IMF	International Monetary Fund	TMC	Transitional Military Council
IPF	IGAD Partners Forum	UDSF	Union of Democratic Sudanese Forces
JAM	Joint Assessment Mission	UNDP	United Nations Development Programme
JEM	Justice and Equality Movement	UNESCO	United Nations Educational, Scientific and Cultural Organization
JIU	Joint Integrated Unit	UNHCR	United Nations High Commission for Refugees
LRA	Lord's Resistance Army	UNICEF	United Nations Children's Fund
MDTF	Multi-Donor Trust Fund	UNMIS	United Nations Mission in Sudan
NCP	National Congress Party	USAP	Union of Sudan African Parties
NDA	National Democratic Alliance		
NGO	Non-Governmental Organization		
NIF	National Islamic Front		
NPC	National Petroleum Commission		

**IGADD was renamed IGAD in March 1996.*

Map of Sudan



Introduction

Mark Simmons and Peter Dixon

The signing of the *Comprehensive Peace Agreement* (CPA) in Nairobi on 9 January 2005 was hailed by leaders from around the world as the dawn of a new era for Sudan. Uganda's President Yoweri Museveni described the scene: "We saw here the reality of the Sudan when they were dancing, the people of the turbans and the people of the ostrich feathers. How do they live together respecting each other's culture? This has been the problem of the Sudan."

Two years on, it is not clear whether Sudan has moved any closer to answering Museveni's question. There is, though, an underlying flaw in the question: implicit in his observation is the common tendency to describe Sudan's conflicts in simplified terms, north and south, Arab and African. The north-south war was just one part of a broader web of conflicts involving competing claims by various, shifting groups to land, water, natural resources, political power or cultural identity.

Moreover, the CPA is a bilateral agreement between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A). It is neither the beginning nor the end of the story of peacemaking for Sudan. Along with the interim national constitution, it represents not an inclusive settlement, but one element – albeit the most significant one – in a more piecemeal approach to making peace. It presents a useful and tenable framework for resolving the north-south conflict, but it did not see this conflict as a product of the centre's relationship with the periphery and did not admit participation from other parts of Sudan. It has not brought about comprehensive peace, which is why this issue of *Accord* is also concerned with Sudan's other wars.

Any analysis of a peace process is bound to be a snapshot of a 'work in progress.' Perhaps even the word 'progress' assumes too much. The long-term sustainability of the CPA is yet to be proven, insecurity in the south remains, the *Darfur Peace Agreement* (DPA) of May 2006 appears to be in a state of collapse and it is

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yet to be seen how effective the *Eastern Sudan Peace Agreement* (ESPA) of October 2006 will be. This issue of *Accord* examines some of the root causes of conflict in the Sudan, describes aspects of recent peace processes, and asks what remains to be done to build a comprehensive peace.

Historical and background issues

We set the scene by examining two significant underlying causes of the conflict: historical political development and land. In his survey of the background to conflict in the Sudan, Atta el-Battahani gives a helpful overview of how a history of exploitative and co-optive politics since the colonial era has fuelled decades of war, and Mona Ayoub's article shows the tension caused by the erosion by modern legal frameworks of traditional concepts of land use.

Assessing the north-south process

The first major section of this issue addresses the protracted negotiations between the GoS and the SPLM/A which led to the CPA, by far the most far-reaching of Sudan's recent peace agreements. The section begins with the views of the government negotiator Mohamed el-Mukhtar Hussein and the

SPLM/A negotiator Cirino Hiteng Ofuho on the factors that allowed the IGAD process to end the long hiatus in which the two sides failed to reconcile their opposing positions on religion and the state and federalism. The authors give understandably different pictures of the obstacles to progress before 2002, but both show in different ways that a combination of international and domestic factors came together to make a change of attitudes possible.

A number of other articles build on this theme of how seemingly intractable obstacles were overcome, not least IGAD mediator Lazaro Sumbeiywo's insight into the process leading up to the signing of the CPA. Sumbeiywo worked hard to develop the long-term ownership of the negotiations by the two Sudanese parties, adopting a robust stance against attempts by various international actors to influence the content and timing of the agreement. His approach to diplomacy was that of a soldier, characterized by firm leadership and organization, and was therefore well suited to a process inherently structured to deal with the two main armed factions in the country. On the other hand, too tight a focus on military and even economic power can lead to neglect of some of the less tangible elements of peacebuilding that can improve the chances of long-term peace. In particular, the limited involvement of

Sudanese stakeholders beyond the two negotiating parties in the development of the CPA reduces its scope. Nevertheless, Sumbeiywo's patience and long-term commitment to the process helped produce a landmark agreement. His account is complemented by that of Fink Haysom, one of his advisors, who describes some of their mediation strategies. Above all, Haysom emphasizes the importance of *process* rather than *text* – and the time needed for a process to develop – if the parties are to develop the political will, trust and joint responsibility for the peacemaking project.

Difficult issues

As Haysom recalls, as soon as the mediators felt they had dealt with one obstacle, another would appear. This is illustrated in the wealth-sharing protocol of January 2004, which contained the challenging issue of how to handle the ample oil reserves in Sudan's mainly southern oilfields. Jostein Tellnes describes how difficult decisions on the ownership of subterranean resources were deferred, enabling the parties to focus on more 'divisible' issues such as revenue sharing and petroleum sector management and thus reach some kind of agreement. Another issue that proved difficult to tackle head-on was that of the 'three areas.' These are areas north of the 1956 boundary but with significant southern affiliation: Abyei, the Nuba Mountains and southern Blue Nile. The complexities involved in dealing with these areas are covered by Jason Matus, who points out that deferring resolution of core grievances to the implementation stage requires strong and serious implementation. While the Southern Kordofan and Blue Nile protocol of May 2004 is often described as a model for resolving similar issues elsewhere in the country, its provisions do not yet seem to be working while implementation is lagging, international and domestic attention is focused on Darfur, and political integration is weak.

Another story of innovative process and poor implementation comes from Taj es-Sir Mahjoub. The GoS and the SPLM/A jointly led an in-depth planning process for 'post-conflict' reconstruction in parallel with the latter stages of the talks. The World Bank and the United Nations Development Programme, whose recognition of the need for a holistic approach to post-conflict peacebuilding reflected lessons learnt in Afghanistan and elsewhere, facilitated this Joint Assessment Mission (JAM). The resulting framework for peace, development and poverty eradication was comprehensive, even if broader involvement had been limited. Yet as Taj es-Sir Mahjoub shows, while the negotiating parties assumed the lead roles in the detailed JAM process, the poor implementation record indicates there was less 'local ownership' than at first appeared. The same difficulties may well resurface with the similar but unconnected JAM process anticipated by the DPA.

Peace for everyone?

The second major section in this Accord issue considers the ways in which the process leading to the CPA was characterized by elements of exclusion – the exclusion of certain regions, interests, constituencies, concepts and themes – and asks what this means for further peacebuilding.

Other parties and regions

From early on, the IGAD process was conceived as a process between the powers behind the country's two major armed forces. The former prime minister and leader of the one of the main excluded political parties, as-Sadiq al-Mahdi, argues in his article that the bilateral nature of the negotiations inevitably led to a flawed agreement and constitution. He argues that only a more participatory and accountable system of government than is allowed for in the interim constitution will assure a peaceful future for the whole of Sudan. He also suggests that in the current circumstances this may only be achievable with significant international intervention.

All of these strands come together in the conflict in Darfur. With international attention focused on the CPA there was only minimal external pressure on the warring parties in Darfur to maintain their ceasefire agreements, although indignation over the plight of Darfurians eventually brought an African Union (AU) peacekeeping force to Darfur, and AU-led talks, located mostly in Abuja. These negotiations led in May 2006 to a text that was only signed by one faction of Darfur's fractious insurgency, and subsequent acceptance of the agreement on the ground has dissipated even further.

Three separate articles by mediators involved in the Abuja process shed some light on this. Julian Hottinger and Laurie Nathan each identify the parties' lack of ownership of the text as significant elements in the agreement's lack of resilience. Nathan highlights the 'deadline diplomacy' and the AU's inability to engender trust between and within the parties such that they could negotiate sufficiently with each other rather than with the mediation team. Hottinger, on the other hand, focuses on the use of the CPA as a model despite the different nature of the conflict – giving Darfur's armed groups the false impression that they could get their own CPA, when in fact the CPA itself limited the scope of any gains they could achieve. Alex de Waal takes up this thread – describing the constraints posed on the mediators by a step-by-step approach to peacemaking – but suggests that the DPA can still offer the Darfur movements a way to become part of a common national process of building democratic participation.

The same opportunity exists in eastern Sudan, where the Beja Congress and Rashaida Free Lions insisted on the right to separate negotiations after the National

Democratic Alliance (an opposition umbrella group of which they were members) signed the June 2005 *Cairo Agreement* with the government. A pre-negotiation initiative led to formal talks, which concluded with the *Eastern Sudan Peace Agreement (ESPA)* in October 2006. Unlike the CPA or DPA, the ESPA was concluded largely without international involvement (beyond the mediation of the Eritrean government) and it remains to be seen whether this will make it easier to implement or lead to an absence of incentives or monitoring. In its scope and its consistency with the CPA, the ESPA complements the *Cairo Agreement*, and if taken seriously by the negotiating parties and their constituencies – and backed up by improved access to economic and educational opportunity and political power – these agreements could prove to be a constructive piece in the jigsaw of Sudan's peace processes.

Beyond elite peacemaking

If the key problems in Darfur were a lack of trust and a fixation on bargaining over shares of political power, those involved in informal peace initiatives would argue that developing this trust and digging deeper for solutions are among the roles of low-profile, informal and long-term 'track two' diplomacy. Our article on these non-official peacemaking initiatives attempts to trace the history of this aspect of Sudanese peace processes. Although effective, sustained and informal interventions are poorly documented and not always well coordinated with official mediation processes, anecdotal evidence and experience convince us that the relationships they build are often the glue that holds agreements together.

Like track two processes, grassroots peacebuilding and civil society initiatives have – or should have – a key role to play in taking peace processes beyond the domain of elites, and the articles by Paul Murphy and Hassan Abdel Ati examine activities which develop sound and equitable governance as a foundation for a peaceful society. Abdel Ati focuses predominantly on northern civil society – a powerful force in the era of strong trade unions, but constrained and squeezed in recent decades and given little space to influence peace processes – and identifies the challenges that civil society must meet to help build peace today. Murphy draws on his experience running the Sudan Peace Fund, which supported various peacebuilding projects including the 'people-to-people' process originally devised by the New Sudan Council of Churches to reconcile divided southern communities and political factions. For continued peacebuilding, he calls for better leadership to link up various initiatives, and the institutionalization of such processes into new governance structures.

The active role of women in war and peace, both individually and collectively, has often been ignored or underestimated. Former SPLM/A negotiator Anne Itto seeks to address this problem by describing women's roles in both conflicts and peacemaking, arguing they

were far more than simply 'guests at the table' of Sudanese processes. Although she shows how women's expectations were not been fully met in spite of their presence in Naivasha and Abuja, she identifies opportunities for an enhanced role for women in post-agreement Sudanese politics.

Beyond the sphere of grassroots activities are many whose engagement with the peace process was at best patchy and at their own initiative. Although Tania Kaiser's account focuses on a particular refugee camp with a high percentage of Acholi people who have traditionally not sided with the mainstream SPLM/A, it provides an insight into ordinary southerners' perceptions of what a peace agreement means to them.

Two politically charged issues that were less than fully addressed in the CPA, and have proved equally difficult in the subsequent processes for Darfur and eastern Sudan, were land and federal arrangements beyond the south. Cultural differences, land use and economic marginalization lie behind much of the controversy over federalism and regionalization, for example whether Eastern Sudan and Darfur should be seen as regions *per se* or remain divided into a number of states. The SPLM/A's Daniel Awet Akot makes interesting comparisons in his article between concepts of regionalism in different parts of the Sudan, while Omer Egemi examines how effectively land use and tenure have been addressed by the CPA and DPA. Despite the various peace processes, questions of who owns what – and with what authority, rights and responsibilities – continue to loom over northern and southern Sudan.

Conclusion

The analysis in this publication shows that peacemaking does not involve just a single process but a complex web of complementary processes and activities from the grassroots to senior diplomatic and military levels. Peacemaking in Sudan, rather than being complementary and coordinated processes that promote the inclusion of a full range of stakeholders in society, has served divisiveness, based on the government's 'sequencing policy' of tackling 'rebellions' piece by piece, and armed groups' failure to look beyond their own factional interests and commit to a national democratic project. The resulting arrangements are hard to manage: Sudan is, as Matus says, one country with seven systems. Understandable as it is to concentrate on the most immediate violent problem, a broader and longer-sighted approach is essential in any conflict situation. Insufficient attention has been given internationally and in Sudan itself to this broader view. It is not too late for a comprehensive peacemaking effort in Sudan, but the main Sudanese parties and international actors must support inclusive and coordinated peacemaking and peacebuilding initiatives if this is to become a reality.

A complex web

Politics and conflict in Sudan

Atta el-Battahani

The last fifty years of Sudan's history have been marred by civil war. Protracted armed conflict in many parts of the country has killed, wounded and displaced millions of people. Education and health services have been disrupted, livelihoods destroyed. Much of Sudan's physical, human and social capital has been destroyed and development opportunities have been squandered. The costs of the economic distortions of military expenditure, political instability and the atmosphere of hatred and distrust cannot be counted in monetary terms.

The war between the government and southern armed groups (1955-1972 and 1983-2005) has received the most international attention, but a sense of marginalization has not just been a southern phenomenon. Elements of the Beja in the east, the Fur in Darfur, the Nuba in Kordofan among many others have been drawn into armed conflict with the Sudanese government or government-backed militias. Sudan's complex armed conflict has been characterized as a civil war of 'interlocking civil wars'. Equally, its causes are interwoven: economic, resource-based, ethnic, cultural, religious and international dimensions all play a role, some being more important in some parts of the country than others. All are underpinned politically by the state's crisis of legitimacy and its utility as a vehicle for economic exploitation, which drives political elites to compete to control its institutions.

Successive regimes have manipulated administrative structures to undermine the control of local people and authorities over resources. Identity and ideology, particularly Arab nationalism and political Islamism, have been used to mobilize support to compensate for the governance and development failings of state policies. Elites have mastered the divide-and-rule tactics inherited from the colonial era through their territorial organization of the modern Sudanese state. The result has been underdevelopment, exclusion and violent conflict.

State formation without consolidation

Sudan's problems are rooted in its formation as a state. Some degree of central authority and control over a territory is essential for the formation of an orderly and well-functioning state. While a territorial entity can be created by force, it can only be consolidated when political authority expresses itself in the capacity to collect taxes and deliver order and social development. In Sudan, however, political authority has long been exploitative.

Though nationalists in both north and south would claim that Sudan has existed for thousands of years, it only became recognizable as a colonial state in the late nineteenth and early twentieth centuries. Before then it

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was home to enclaves of small, relatively unhierarchical political communities, developing into Sultanates and emerging as merchant kingdoms along the Nile. The Ottoman-Egyptian Turkiyya regime (established through conquest in 1820-21) amalgamated these entities, but was unable to consolidate control over the south and other peripheries. Instead, a pattern of economic exploitation was established, with the south subject to periodic raids (including slave-raids) by government-supported forces and excluded from the developing political community.

Britain and Egypt (from 1882-1922 a British protectorate) regained control of Sudan in 1898 following the Mahdist revolution of the early 1880s, but struggled to establish centralized authority. Darfur, which had reverted to being a Sultanate under the Mahdiyya, was only recovered by the Anglo-Egyptian condominium in 1916. Southern Sudan was 'pacified' in the 1920s, but following a southern rebellion in 1922 the British closed off the south from most northerners with the Closed District Ordinance. The following year a form of indirect rule known as Native Administration was created that worked through village sheikhs and tribal paramount chiefs.

For a long time it was assumed that the south's destiny would be continued British tutelage and protection or possibly separate administration as an East African colony. However, in 1947 it was decided that the south would remain part of Sudan. Education in the south had been neglected, northerners dominated the developing political class, and few southerners were in a position to fill vacant administrative posts under the 'Sudanization' schemes of the early 1950s. In support of Sudanese aspirations towards self-determination, and to head off any Egyptian claims of sovereignty over the Sudan, Britain granted independence in 1956 following a three-year

transition, handing over political power – control of the army and civil service and management of economic resources – to northern 'riverain' elites (mainly from today's Khartoum and Nile states).

Independence, war and development

Post-independence governments – ever since General Abboud took power in 1958 – have sought to modernize the state and economy and to create a Sudanese national identity on the basis of Arabic culture and Islam. Even before formal independence, the tactic of transferring southerners away from the south led to a 'mutiny' of southern troops at Torit in 1955. Most of the 'rebels' continued the fight from Uganda, and what has commonly been called the north-south civil war started to develop. The Anya Nya movement, as the southern insurgency became known, fought for southern independence but faced many internal differences until unified under Joseph Lagu's command in 1970. Abboud had been forced to step down in 1964, but the civilian governments that followed him were equally resistant to southern autonomy.

Jaafar Nimeiri's group of left-wing army officers seized power in 1969, fought off sectarian and Communist challenges and, with a significant support base in the south, signed a peace agreement with Lagu in Addis Ababa in 1972. The south was granted a large measure of regional autonomy and, in 1973, a secular state and presidential political system was established throughout Sudan.

Nimeiri's strategy was to undermine the power bases of traditional political groups who might threaten him, and he abolished the Native Administration system. The elected councils that replaced it came to be

dominated by elites, particularly the merchant capitalist class of the Nile valley. Economic development was also marginalizing many across Sudan. The abolition of traditional land tenure arrangements was among the chief causes of disaffection in the north, while plans to construct the Jonglei Canal to better exploit Nile waters provoked resentment in the south. The national economy was reoriented towards heavily capitalized export-oriented agriculture as Sudan strove to become the 'bread basket of the Middle East.' The state granted new leases for mechanized farms and access to cheap inputs to win political support. Later, the Islamic banks allied to the traditional religious-based (or 'sectarian') parties invested heavily in mechanized schemes, deepening the alignment of interests in maintaining a supply of cheap labour. The policy resulted in the forced relocation of peasant farmers and pastoralists to marginal lands, provoking violent incursions and reprisals.

For a while Nimeiri had offered some protection to the south, but seeking to divert the threat to his rule posed by Islamic fundamentalist interests and the sectarian parties he later turned more towards other sources of support. In the 'National Reconciliation' of 1977, he brought Umma leader as-Sadiq al-Mahdi and Hassan al-Turabi of the Muslim Brotherhood into his government, broadening his support base and increasing the Islamist nature of his rule. Progressive Islamization culminated in the 1983 'Islamic revolution' and an increasingly severe handling of opposition. Pressured by the other northern forces that distrusted his support base in the south, Nimeiri abrogated the Addis Ababa Agreement in 1983, dissolving its constitutional arrangements. Revenues from newly-discovered oil were now to accrue to central government.

Renewed war

Disaffection in the south, which had seen residual guerrilla fighting under the banner of Anya Nya-2 since the mid 1970s, reached a critical mass in 1983. Former army colonel John Garang de Mabior formed the Sudan People's Liberation Movement/Army (SPLM/A) in Ethiopia and a second civil war broke out. Garang's professed aim was a unified, secular 'New Sudan' – a strategy designed to encompass grievances and constituencies outside the south, although most northern parties were resistant to such advances and many southerners remained committed to secession. Among the complaints in the SPLM/A manifesto were interference in selection of leadership of southern region, the unconstitutional dissolution of the regional assemblies and the redivision of the south into three regions.

Nimeiri's imploding regime was overthrown in 1985 and as-Sadiq al-Mahdi once again became prime minister in 1986. In the developing civil war, Khartoum increasingly

used tribal militias such as the Misseriyya and Rizeiqat murahaleen of Kordofan and Darfur to fight 'rebels,' with famine and forced migration among the intended or unintended consequences. The economically-marginalized Baqqara were easily turned against the Nuer and Dinka, offering the government a cheap means of quelling southern opposition. Created to protect land-owning and oil interests, these militias were offered immunity from prosecution and perpetrated massive human rights abuses.

Political competition was sowing the seed of renewed frictions between the Umma Party, DUP and al-Turabi's National Islamic Front (NIF), the political party of the Islamist Muslim Brotherhood. In 1988 Native Administration was reinstated in many regions in the country, including Darfur. Failing to secure a foothold and maintain a support base in Darfur largely because of Umma influence, the NIF attempted to undermine the unity of major ethnic and tribal groupings by calling people to transcend parochial loyalties and subscribe to Islam.

Islamist rule

The military coup led by General Omer al-Bashir in 1989, shortly before as-Sadiq al-Mahdi was due to meet Garang for peace talks in Addis Ababa, triggered an Islamist dictatorship strongly influenced by al-Turabi and the NIF. For the NIF government, fighting 'rebels' assumed the nature of jihad, and it pursued the war in the south to reverse the military advances the SPLA had made in 1989-90. The creation of the paramilitary Popular Defence Force in 1989 created a new round of violence, especially against the Nuba people.

Opposition to Khartoum was increasingly a national issue and not just a north-south affair. The policy of the Islamist regime in the early 1990s was one of systematic destruction of native rule and its replacement by new pro-regime allies: groups known for their hostility to the Umma Party in Darfur; ethnic and tribal groups who had grudges against the traditional parties; and tribal leaders and families who had lost power and wanted to exploit the new opportunity offered by the new regime. Their underlying coincidence of interests brought these elements to forge an unwritten accord with the Islamist rulers in Khartoum. This class of educated elite from the tribal population brought major changes in tribal politics, where both larger and smaller tribal formations are used as constituencies or pressure groups as a basis for competing for modern political and economic leadership. The regime also sought friends in the south: as the SPLM/A began to fracture from 1991, predominantly between Nuer and Dinka groups, the Khartoum government cultivated those southern factions who were willing to fight Garang's Bor-Dinka-dominated group.

From 2001 the international community renewed its efforts to support a major peace agreement between the government and the SPLM/A. However, the recognition this gave to the SPLM/A, and the framing of the IGAD talks as between a unified north and a unified south, alienated those who felt marginalized by their rulers and emboldened them to take up arms; these sentiments are a significant contributor to the outbreak of war in Darfur in early 2003.

The interweaving causes of conflict

Violent conflict has many causal factors, each one a strand in a complex web of causes that both individually and collectively precipitate, aggravate and prolong fighting. As individual factors, each functions within a multi-layered matrix of historic, economic and political dimensions, and is most acute where reinforced by other factors. Unequal access to resources or population pressures, for example, may not in themselves cause conflict, but may react with ethno-cultural prejudice or political manipulation to fuel fighting.

The economic development of the country's regions has been uneven since at least the colonial era, but successive national governments since independence have deepened existing regional disparities and marginalization by favouring northern regions when allocating development projects and investment opportunities. Foreign debt, capital flight and the deterioration of the prices of primary commodities have had economic, social and ecological implications. Unequal access to resources nationwide is also reflected at regional and local levels. All the armed groups in Sudan have stressed the importance of access to natural and social resources, expressed in terms of justice, fairness, and equitable resource-sharing and development.

With population growth, environmental degradation and drought, the scarcity of environmental resources such as cropland, fresh water, marine resources and forests is becoming more significant as a cause or catalyst of armed conflict. Environmental factors and scarcity do not lead inevitably to violent confrontation, yet in situations where the prevailing scarcity is aggravated by social and economic injustice and mismanagement, the confrontational aspect of environmental scarcity appears to predominate, as in the case of Darfur or Kordofan.

The popular assumption that violent conflicts in Africa emanate from ethnic, tribal, religious, or cultural differences is seriously flawed. Most ethnic dichotomies appear to be a consequence rather than a cause of violent conflicts. However, ethnic, religious and cultural dichotomies are potent in determining perceptions of violent conflicts by fighters on both sides, even if such factors are weak or non-existent as root causes of 'new'

conflicts. The longer a conflict persists, the more these ethnic, religious and cultural factors come into play as a principle of political solidarity and mobilization. In a long-standing conflict, even when the initial causes have petered out or died away, abstract, ideological ethnicity becomes an active material and social force. In Sudan, these ethnic and ideological identities have been deliberately encouraged and instrumentalized, stiffening resistance and serving as a catalyst to the internationalization of Sudan's wars.

Underpinning all these factors are a number of fundamental political problems. Sudan has not evolved an effective political answer to the problem of diversity and pluralism. What political scientists call an 'organic-statist' tendency (in which the state seeks to incorporate and control social groups) is reflected in a single-party structure combined with a fragile multi-partyism representing the interests of various groups. Tribal, sectarian, ethnic and regional interests and identifications are in effect preserved and manipulated by the political leadership, who, to consolidate their narrow social and political bases, master the logic of coalition-making and the art of managing patron-client relationships. Furthermore, short-term expediency, tactics of political support-building and self-enrichment undermine the state's already fragile authority, ingraining the conception of public office as a source of income or 'rents.' This 'rentier' nature of public office is fully utilized by politicians, administrators and groups with vested interests in mining Sudan's natural resources.

Conclusion

Despite the breakthrough achieved in the signing the Comprehensive Peace Agreement (CPA) in 2005, it is too early to determine if it will be the basis of the transformation that Sudan demands. Peacemaking is a product of politics, and the CPA and interim constitution can be seen as a product of the government's need to bring a powerful rival into its coalition, while dealing with other rivals sequentially through further agreements. The post-CPA government and federal structure reflect many pre-CPA features. The Sudanese people are resilient, but unless the historical grievances of oppressed sections of the population are redressed, a new social contract is negotiated within a framework of political restructuring, and a conducive environment created for a just political system which accommodates the interests of all, the seeds of further conflict will continue to be sown.

Land and conflict in Sudan

Mona Ayoub



A farmer works next to a destroyed anti-aircraft gun in Yei, 2004.

Source: Reuters/Antony Njuguna

Dr Mona Ayoub teaches local government and public administration at the University of Khartoum.

Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power.

The politicization of land ownership dates back to Sudan's division by colonial administrators in 1923 into tribal homelands (*diar*, singular *dar*). These *diar* are clearly visible in contemporary maps and demonstrate the link between tribal identity and geography that continues today. Within each *dar* are a number of *hawakeer* (singular *hakura*), the lands of a particular clan or tribal group. The strong relationship between a tribe and its homeland, in which leadership is traditionally restricted to the original landlords, has allowed the major tribes to use and monopolize the natural resources within their *dar* and to deny minor tribes any claim to rights or ownership which would allow them to exercise political or administrative power. The colonial administrators reinforced this by considering the paramount tribal chief (*nazir*) as their appointee, entrusting him with legal, administrative and financial authority, expecting him to maintain law and order and the territorial and demographic integrity of his *dar*, and authorizing him to allocate *hawakeer* as he saw fit. This provided a clear and structured hierarchical mechanism for addressing land disputes, but did not always stop groups from attempting to claim *hawakeer* by force.

Conflicts over land were further politicized by the 1970 Unregistered Lands Act. The legislation proved more repressive than colonial laws, entitling the government to use force in safeguarding "its" land and encouraging the accumulation of land by a minority of rich investors (both local and foreign). This alienated agro-pastoralists from their traditional homelands, denied any formal legitimacy or juridical status to traditional property rights, and implied the cancellation of all rights – and income – relating to water, land and grazing by pastoralists.

The 1970 Act also enabled the government to implement a development policy based on the expansion of the agricultural sector, especially mechanized farming, and by 2005 the total area under mechanized farming had increased fifteenfold. In addition, vast tracts of land have been allotted to private capital investments since the 1990 Investment Act, substantially cutting rural communities' rights to land and dislocating people from their homeland. The displacement caused by mechanized farming remains a major source of grievance and conflict, reinforcing feelings of neglect, marginalization and social repression, as well as sealing off nomadic routes, water points and pastures, fostering a culture of land-grabbing and creating large landless groups who are forced to work as precarious wage labourers or to migrate to

urban centres. In addition, the oil industry has fuelled scarcity and marginalization.

The promulgation of the 1970 Act was virtually concurrent with the abolition of the system of native administration, which had acted as an important institution for regulating land and managing the inevitable conflicts between those with *diar* and *hawakeer* and those without one or both. The system has since been reinstated but has been significantly weakened and lacks credibility.

At the same time a period of severe drought led to large-scale environmental degradation, population displacement and urbanization. In Darfur, the areas of the Fur, Birgid, Berti and Daju tribes then became targets for waves of displaced groups from Northern Darfur, especially the Zaghawa and various camel pastoralists of so-called Arab origin whose traditional grazing lands had suffered. In this already chaotic situation, the famine of 1983-84 was devastating. It precipitated widespread conflict that increasingly took on an ethnic dimension as each group emphasized its culture and supposed ethnicity to justify its rights over land.

The 'newcomers' subsequently justified their frequent incursions into tribal lands in terms of their rights as Sudanese citizens, backed up by the modern state's support for concepts such as freedom of movement and settlement, equality of civic rights and obligations before the law and, especially since 1990, Islamic understandings of the public utility of land 'owned by God.' For the southern Sudanese on the other hand, land is traditionally a community resource, and southerners fought to resist the north's policy of government ownership. Ironically, since 2005 this policy has since been replicated by the Government of Southern Sudan.

The conflict in Darfur has been further politicized by social services (eg markets, schools and health centres) being allocated not in accordance with traditional *hawakeer* boundaries, meaning access to them can be restricted by those who own the *hakura* in which they are situated. This has led to conflict between the Midoub and Berti in Northern Darfur and the Beni Halba and Fur in Southern Darfur.

The modern state has also clashed with the traditional system by altering the balance of power. An example of this change can be seen in Darfur between the Massaleit and some 'Arab' tribes. Historically, the Massaleit *dar* was also home to a number of 'Arab' groups. These clans were welcomed into the *dar* and were early on given *hawakeer* by the Massaleit sultan; they enjoyed the degree of autonomy to which the *hakura* entitled them but remained subordinate to the sultan. However, in 1995, without consultation with the native administrators, the government of West Darfur State

divided Dar Massaleit into emirates for the Arab tribes, giving the Massaleit thirteen of the sultanate's nineteen districts. As the title of Emir is given in Darfur only to the sultan's son, this was seen as an attempt by the government to equate the newer 'Arab' groups with the ancient Massaleit landowners that would lead eventually to the granting of 'Arab' chiefdoms in Dar Massaleit.

The story of the Massaleit in eastern Sudan also demonstrates this clash between the traditional and modern political realities. When Massaleit emigrants resident in al-Qadarif in eastern Sudan won two parliamentary seats in the 1986 elections, their request for a *nazirate* in that state was turned down by the local Shukriyya *nazir* in consultation with the Massaleit sultan from Western Darfur. The Massaleit sultan considered his *dar* to be one demographic entity regardless of geographical contiguity, led by one hereditary sultan and not influenced by the political process.

Also in eastern Sudan, a new level of native administration was created for the Rashaida, a group that began arriving from the Arabian Peninsula in 1874. This gives them administrative power without land ownership. In Blue Nile State on the other hand, a new *nazir* status was created for the Fellata, originally from West Africa, who in the 1990s, with the sympathy of the governor, fought the indigenous Funj and Hamag for a *nazirate* of their own. In both these cases, however, results favourable to the government in Khartoum overruled.

In the Nuba Mountains, the continuous alienation of Nuba lands and their appropriation by outside investors has been one of the key motivating factors for the Nuba to join the Sudan People's Liberation Movement/Army (SPLM/A). The main political movement (the Nuba Mountains General Union, established in 1965) stated as one of its main objectives the "implementation of a land reform policy for the benefit of the indigenous farmers of the Nuba Mountains and [the] eradication [of] the feudalistic land policies and relations of production from all forms of exploitation." The scarcity of land is also a result of the population movements, both from mechanized farming and from the war involving southern tribal militias, and is a prominent feature of the Beja insurgency in eastern Sudan that has chosen the Gash River as a regional emblem.

The Darfur conflict is now much more complicated, with competing claims for central government power and wealth. But many of the fertile areas of the Fur and Massaleit homelands are now occupied by other groups and it is clear that whether the issue is resources above the land or those below the surface, land remains central to the questions of wealth and power which dominate Sudanese politics.

Major Sudanese peace processes and agreements

A summary of major Sudanese peace processes and agreements: does not include procedural agreements or ceasefires, people-to-people reconciliation processes or factional talks. Hosts and dates are shown in brackets.



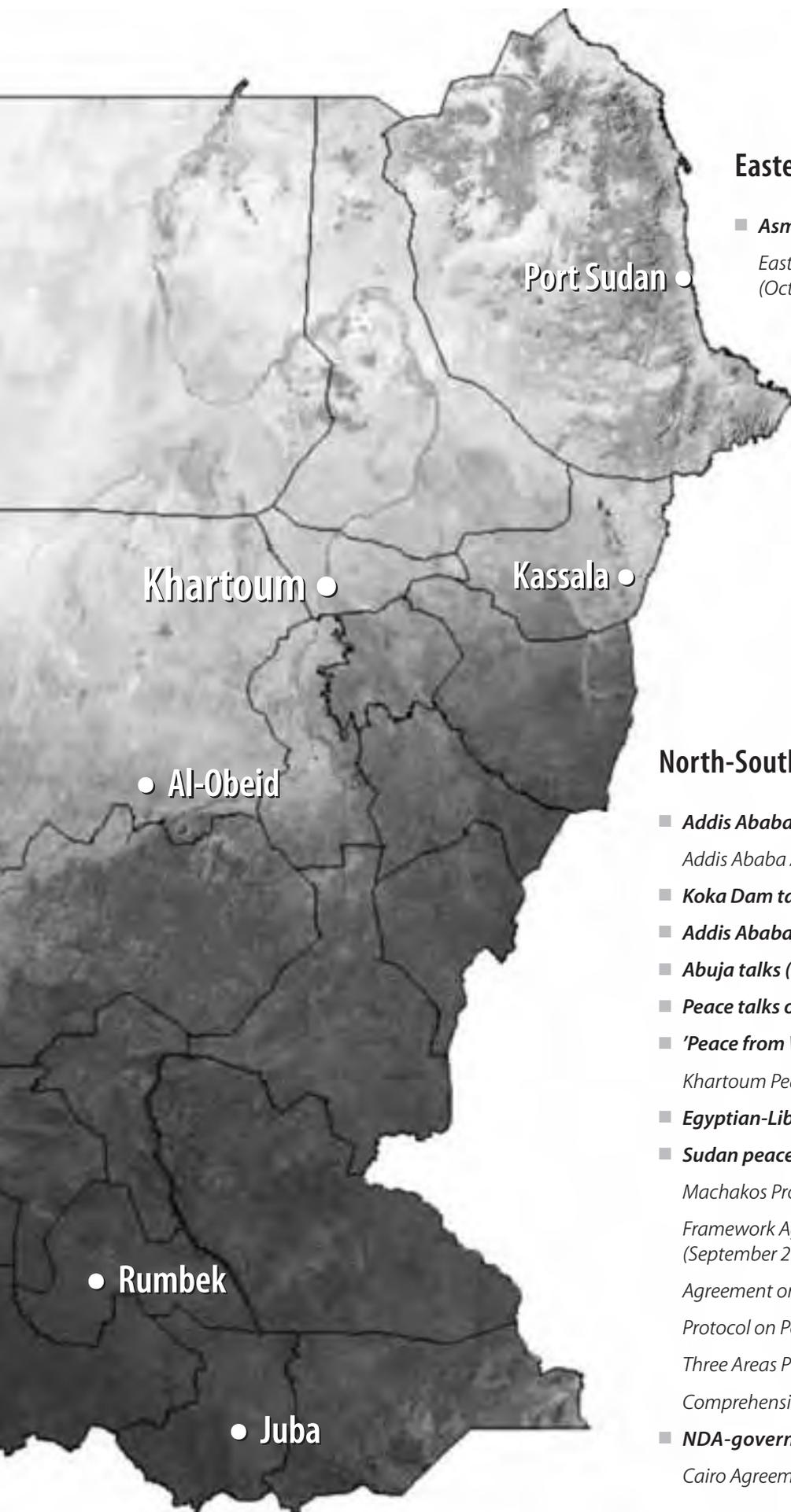
Ali Osman Taha (L) and John Garang (R) with Kenyan President Mwai Kibaki, June 2004.

Source: Reuters/Antony Njuguna



Darfur peace process

- *N'Djamena talks (Chad, 2003-04)*
- *Inter-Sudanese peace talks on Darfur (AU, 2004-06)*
Darfur Peace Agreement (May 2006)



Eastern peace process

- **Asmara talks (Eritrea, 2006)**
Eastern Sudan Peace Agreement (October 2006)

North-South peace process

- **Addis Ababa talks (Ethiopia, 1972)**
Addis Ababa Agreement (March 1972)
- **Koka Dam talks (Ethiopia, 1986)**
- **Addis Ababa talks (Ethiopia and Egypt, 1989)**
- **Abuja talks (Nigeria, 1992-93)**
- **Peace talks on the Sudan conflict (IGADD 1993-94)**
- **'Peace from Within' talks (1992-97)**
Khartoum Peace Agreement (April 1997)
- **Egyptian-Libyan initiative (1999-2002)**
- **Sudan peace process (IGAD, 1997-2005)**
Machakos Protocol (July 2002)
Framework Agreement on Security Arrangements (September 2003)
Agreement on Wealth-Sharing (January 2004)
Protocol on Power-Sharing (May 2004)
Three Areas Protocols (May 2004)
Comprehensive Peace Agreement (January 2005)
- **NDA-government talks (2003-05)**
Cairo Agreement (June 2005)

Negotiating peace

The road to Naivasha

Mohamed el-Mukhtar Hussein



President al-Bashir talks with newly appointed Vice-President Salva Kiir, August 2005.

Source: Reuters/Mohamed Nureldin

Dr Mohamed el-Mukhtar Hussein was a key member of the Government of Sudan's delegation to the peace talks in Machakos and Naivasha. He now works for the Presidency.

The National Salvation government sought peace in Sudan from the first day of the June 1989 revolution. Within seven weeks of coming to power, General Omer al-Bashir organized a meeting with the Sudan People's Liberation Movement/Army (SPLM/A), followed in October by a 45-day national dialogue conference – with broad political representation even though there were no political parties – to discuss the root causes and potential solutions of the conflict. The outcome of this conference was the basis for government policy towards the south. In particular, it was agreed that non-Muslims had the right *not* to be ruled by *shari'a* just as Muslims had the right to be ruled by *shari'a*. At that time self-determination was not on the cards.

However, the SPLM/A was not ready to negotiate in 1989. It was in the military ascendancy, having captured much of southern Sudan, and at the same time was struggling to manage the rivalries between the different southern militias and to build its international profile. Government forces responded with a major offensive in the summer of 1992 that recaptured even Torit, the SPLM/A's administrative centre, and forced the SPLM/A back to the negotiating table in Abuja in 1992-93. However, Dr John Garang returned from a visit to the USA in 1993 unwilling to sign this agreement and hostilities worsened. At the same time, Sudan's relationships with neighbours Egypt, Eritrea, Ethiopia and Uganda were tense.

It was in this difficult environment that the 1994 Inter-governmental Authority on Drought and Development (IGADD) *Declaration of Principles* was presented to the government. It was rejected not because it referred to self-determination but because it was presented as an ultimatum related to the question of Sudan's secularization and as a precondition to formal talks. Although the government delegation was understandably disappointed that the question of self-determination had been pre-empted by Ali el-Hajj's discussions with SPLM-Nasir in Frankfurt in 1992, its real concern was that *shari'a* should remain a source of law in Sudan, at least among Muslims. For the southerners the question of self-determination was critical, but it was unacceptable to the Government of Sudan (GoS) that this become a precondition for negotiation.

By 1997, both sides were more war-weary, the government had negotiated the *Khartoum Peace Agreement* with a number of southern militias and was seeking to improve its relations with the other IGAD member states, so the conditions for talks were more conducive. There was also more international pressure, stimulated by increased public awareness of the 'forgotten war.' The government preferred a locally-

mediated over an internationally-mediated solution, and had been pursuing a strategy of 'peace from within,' demonstrated by then Vice-President General al-Zubeir's 1995 Political Charter, which paved the way for the *Khartoum Peace Agreement* in April 1997.

Even then, it was not clear that the SPLM/A was committed to finding a peaceful solution, and between 1997 and 1999 little was achieved. The language remained hostile and both sides kept their cards close to their chest and maintained maximal positions. However, one important factor had changed. The people had tasted peace in the form of increased freedom of movement and economic activity, and they began to put pressure on their leaders not to go back to war.

The Machakos breakthrough

The really important document in the IGAD process is not so much the Declaration of Principles, which demonstrated little beyond the government's seriousness to engage with the SPLM/A, but the *Machakos Protocol* of July 2002. Many observers thought that with the signing of the protocol a full agreement was imminent, and in a sense they were right: everything that followed in Naivasha was simply adding detail to the substance that had been agreed in July 2002. The approach of the mediators – by this time General Sumbeiywo had been appointed, and his style was more proactive and military than his predecessor's – was to get agreement paragraph by paragraph and to put every agreed paragraph into a new document that would become the agreement, rather than to try to agree every detail before finalizing an agreement. In this way both sides were able to see what progress had been made and what remained to be agreed or further deferred.

Then in September 2002 the SPLA launched an attack on Torit during the talks and the GoS delegation was left with no choice but to abandon negotiations until a ceasefire agreement could be reached. The GoS withdrawal was taken seriously by General Sumbeiywo, and on 15 October 2002 he presented the GoS with a signed agreement for the cessation of hostilities, using the Nuba Mountains Ceasefire Agreement as a model. It is testament to the success of the *Machakos Protocol* and to the trust that has been built up between both parties since then that this agreement has been consistently renewed and that no shot has been fired by either party.

Much has been made of the personal relationship between Vice-President Ali Osman al-Taha and SPLM/A Chairman Dr John Garang. It is certainly true that the rapport between them was a key factor in

finalizing the peace agreement; increasingly, the two leaders met together without any form of mediation to discuss and agree the key principles, and without this personal contact the two sides might not have built up the level of trust and cooperation which developed through the period leading up to the *Comprehensive Peace Agreement* (CPA). But this was not a factor of the road to Machakos, which forms the basis of the CPA: prior to 2002 a number of different statesmen headed the government delegation at different times, including Presidential Peace Advisors Dr Nafie Ali Nafie and Dr Ghazi Salahuddin, Hon Ahmed Ibrahim at-Tahir, former Foreign Minister Mustafa Osman Ismail and Minister Idris Mohamed Abdelgadir. The *Machakos Protocol* itself was signed by Dr Ghazi Salahuddin and General Salva Kiir Mayardit.

Looking ahead

The two sides recognized the importance of their relationship to safeguarding Sudan's post-CPA future. Whether southern Sudan opts to remain within a united Sudan or chooses independence, neighbouring governments must remain friendly. The time and patience given to the process leading to the CPA – in spite of the ups and downs along the way – have proved vital in ensuring that Sudan has friendly relations with its neighbours. But it is not clear that the south is ready for unity yet. A six-year interim period – itself a compromise – is proving a very ambitious timeframe, as is demonstrated by the delays in implementation to date. Establishing the commissions laid down in the CPA requires broad political participation, including from those in the diaspora. It also takes time. and after half a century of war it will take a long time for the south to educate a significant cadre to manage its legislative, judicial, executive and educational institutions. In the meantime, people's expectations of sudden and profound peace dividends have to be managed, and the continuing tribal tensions in the south will need to be resolved, especially between the Dinka who control access to power and the Nuer who control access to oil.

Ultimately Sudan's conflicts are resource-based and fuelled by imbalanced development. President Nimeiri (1969-1985) realized this, and began a programme of decentralization, but this was under-resourced and too gradual a process to have significant impact on the conflicts. Now that the Fiscal and Financial Allocation Monitoring Committee has oversight, supported by the National Assembly, the devolution programme currently underway will be better funded and hence more effective and more successful.

Negotiating peace

Restarting a moribund process

Cirino Hiteng Ofuho



SPLM/A supporters wait for John Garang to arrive in Rumbek, 2004.

Source: Reuters/Antony Njuguna

Professor Cirino Hiteng Ofuho is Deputy Minister at the Government of Southern Sudan's Ministry for Regional Cooperation and was a member of the SPLM's negotiation team during the last four years of the IGAD peace process.

After a long period without progress in the talks between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A), four factors came together from 1997 onwards to encourage the parties to return to the negotiating table. Firstly, people recognized that there was a stalemate following the major offensive operations of 1995-96, in which the SPLM/A recaptured a number of government-held areas. As it became clear that neither side would gain a decisive victory, the door to the negotiation process started to come back into view. Secondly, there was a substantial change of personnel in Khartoum; with few of the previous negotiators remaining, there was a knock at that door. Thirdly, mounting international pressure forced the door to be unlocked, if not opened: this began with pressure from the African states, especially President Obasanjo of Nigeria from 1999; pressure from Intergovernmental Authority on Development (IGAD) states followed as the Kenyans appointed General Sumbeiywo in 2001 and the IGAD group was reinvigorated; and finally came pressure from the US Congress, whose representatives sympathized with what they saw as Dr John Garang's struggle against the forceful spread of Islam. Ultimately, Dr John always had in the back of his mind the notion that a negotiated settlement would be the only way to end the war. He had expected the door to negotiations to be available and so was not surprised when it started to open.

Although IGAD was a regional body not normally mandated or equipped to run a mediation process, the two parties were persuaded to accept its mediation because it had a clear incentive to see a peaceful solution in Sudan, as well as enjoying the full support of the international community. Also, IGAD recognized the limitations of its size and experience and welcomed international support in the form of the IGAD Partners' Forum (Italy, Norway, the UK and the USA). This reassured both sides that the process would be taken seriously and properly funded, unlike the recent Abuja process for Darfur.

The USA in particular was important in garnering international support for the mediation process and in demonstrating its commitment to the negotiations in a number of ways. John Garang's campaign for a secular southern Sudan in which religion would be a matter of private preference rather than an imposition of the state resonated with US liberals, while their religious radicals were keen to avoid the spread of Islamic fundamentalism. Special Envoy John Danforth's initiative was a further guarantee that the US would not lose interest after the initial Machakos Protocol had been signed.

Self-determination

By 1994 the government in Khartoum felt sufficiently established to consider ways of ending the civil war, but it was also entrenched in its attitudes, particularly its ideological use of religion for political gain. As a result, the 1994 IGADD *Declaration of Principles* (DoP) was not signed by the government and was unable to address the root causes of the conflict or end hostilities. If anything, Khartoum's failure to demonstrate any change of attitude towards the south intensified the conflict. The DoP was further undermined by the 1997 *Khartoum Peace Agreement*, a hollow document signed by splinter groups but not by the main force in the south.

Self-determination was a central issue in negotiating the DoP. The reaction of Khartoum to this question was in some ways surprising and surprised, because they had until then taken for granted the Sudanese nation's identity and integrity. The GoS had not expected it to be such an important issue for the southern Sudanese, so it did not seem to the government the concession that it now appears. Of course, Khartoum may have had no intention of adhering to the principles outlined in the DoP. Indeed, self-determination was not as important in the mid-1990s to the southern Sudanese as it is now. The southern states found their identity through their local tribal communities; their collective identity as southern Sudanese was to some extent a reflection of Garang's charisma but was also in large part thrust upon them by generations of economic, cultural and political neglect by Khartoum. Nowadays if you ask any southern Sudanese what the *Comprehensive Peace Agreement* (CPA) means for them self-determination is almost the only point to which they refer, and many people on both sides think that southern Sudan will be independent regardless of any attempts by either side to make unity attractive.

The length of the interim period may affect the aspiration for independence. Initially it was scheduled to last only for 18 months – in which case southern Sudan might by now already be independent. But this was changed to 6½ years because both sides wanted to make sure that the option of unity had been given time to prove itself. Many southerners' response to independence is largely an emotional one, and it was felt that there needed to be time to allow the referendum to have a practical, economic, technical, infrastructural, political and socio-cultural rather than an emotional basis.

Personalities

The personal commitment of those involved in bringing to fruition the Machakos Protocol was at least as important as the more publicised personal rapport between the two principals in the later negotiations. It was this commitment which pushed the parties to build on the momentum of Machakos and which led to the first meeting between, at a ceremony in Kampala, of SPLM/A Chairman John Garang and Sudanese President al-Bashir, when each side was able to give assurance of its serious commitment. Later on, the personal rapport between Garang and Taha was indeed to become important, but this would have had no opportunity to develop and mature if it had not been for the willingness of personalities on both sides to invest their time and energy in the process. And the rapport itself was boosted both by Taha's political popularity and preparedness to take the risk of talking seriously with the southerners, and by Garang's presence, charisma and maturity to bring back into the SPLM fold those who had been outside.

Throughout the process the personal commitment of General Sumbeiywo was also important in different ways. As talks unfolded it became clear that both parties needed a serious team of committed negotiators together with strong internal leadership, a clear mandate and fair external mediation; it was at times when these criteria were not met that the negotiations failed.

Conclusion

Getting to and from Machakos took a long time. As well as providing pressure, the international community and the mediation team gave space to the parties and accepted that resolution would be neither easy nor swift. The parties also accepted that Machakos – even though it was signed some twenty years after the conflict had reignited and thirty years after the *Addis Ababa Agreement* – marked not the end of the process but the beginning of the serious, detailed negotiations.

The mediator's perspective

An interview with General Lazaro Sumbeiywo

General Lazaro Sumbeiywo served as Kenya's Special Envoy to the IGAD-led Sudanese peace process (1997-98) and then as mediator (2001-05). From 2000 he served as Chief of Staff of the Kenyan army before retiring in February 2003 and devoting himself full-time to completing the peace process.

How did you come to be mediator of the Intergovernmental Authority on Development peace process?

I had been Kenyan special envoy in 1997-98; at the end of October 2001, President Moi called me and said 'I want to give you a job and I don't want you to refuse it.' I wanted to negotiate myself out of it, but he was determined. The international community had refused to support the peace process without a new mediator.

I went to the parties first of all. The Sudan People's Liberation Movement (SPLM) and President al-Bashir agreed to accept me as mediator. I found that the IGAD Secretariat had built a bill of 10 million Kenyan shillings for rent, services and allowances. My first task was to resolve this, firstly by getting the Kenyan government to pay for it (Moi directed his Treasury to do this) and secondly by establishing credibility with the donors. I went to the US, the UK and Italy, who all supported me.

How did you get the support of the international community for your initiative?

The communiqué of the Khartoum IGAD Summit in January 2002 called on the Chairman of the Committee on Sudan to 'rejuvenate the IGAD Peace Process and invite other initiatives with a view to coordinate the efforts.' I translated what that phrase meant: bringing on board anybody who had something to offer. I saw a chance to bring in the international community in the form of the IGAD Partners Forum. I gave myself powers to invite anybody according to my requirements, as long as they could pay for it. It included the British, the Norwegians, the Americans, the Italians and others.

But there was also at that time an Egyptian-Libyan Initiative (ELI) on Sudan, so I went to Cairo to assure the Egyptians that I was not going to do anything behind their back. President Mubarak was very good and said



he would send his Minister in charge of security to go and talk to [Libyan leader] Gaddafi.

What was the role of the other IGAD member states?

The peace process was an IGAD initiative and therefore when I called the parties to meet in May 2002 I invited the other IGAD envoys, and it was attended by the Nairobi ambassadors of Ethiopia, Eritrea and Uganda. We formed a team and I also started looking for resource persons. In consultation with the envoys I asked for specialized people in particular areas, like Professor [Fink] Haysom from South Africa, a renowned constitutional lawyer, Professor Julian Hottinger and professors from the University of Nairobi.

What was the format of the negotiations?

In 1997-98 I had been following the IGAD Declaration of Principles (DoP) point by point, dealing with the issues of recognition, farming and so forth. The DoP was a complete diagnosis but somebody had to do the prescription for every problem. I realized this was not going to work.

My idea in 2002 was to have continuous negotiation on each element of the DoP until we were through, and prescribe there and then what would happen. When I called the parties in May 2002 they didn't have a problem with the programme of work or the modalities, but they could not agree on two words: the government insisted on a 'transition' period; the SPLM wanted an 'interim' period. They refused to sign the document.

The government wrote a stinking letter to me saying I was insolent and disrespectful to the government delegation and appeared to be a partial mediator. I didn't listen to them: they had wanted to continue but I had called the meeting off prematurely. I wrote a very nice letter back to them saying this had been one of the most successful meetings in the negotiations and invited them to come on 19 June to Machakos, Kenya. Surprisingly they all came. These were the first serious negotiations. In Karen, the delegations had been small, but in Machakos each delegation had eight negotiators plus a two-person secretariat.

The negotiations took a very interesting turn at Machakos. For 29 days the two sides were mostly shouting at each other. But while they were shouting I was making notes on the issues. After 29 days we prepared a text. President Carter had advised me that without a single negotiating text I risked losing the process. So I translated the DoP into a single text and then zeroed in on the two main issues: self-determination and the separation of state and religion. Wealth sharing, security, power sharing, the judiciary, civil rights and so forth were also in the framework.

On 19 July I decided that enough was enough, consulted with the observers and envoys, and we gave the text to the parties at about 10 pm. I added that I needed the answer that night! I gave them an hour, but they wanted two weeks. They started using their mobile phones to talk to their bosses. So the decisions were not being made in Machakos, but somewhere else.

The teams had the power to negotiate, to stick to certain positions, but not to make final decisions.

By midnight they were not through. At one o'clock they called me and said, 'Yes, we have agreed on the two issues.' They said, 'Can we write them tomorrow?' I said 'No, you must write them tonight.' We wrote the framework protocol and both sides were happy about it, but would not sign. Salva Kiir, the signatory leader of the SPLM delegation was in Nairobi that night and so was Dr Ghazi of the government. So I prepared the document and the following day we signed it.

What was the role of the observers at Machakos?

The British, Norwegians, Americans and Italians were there. Their role was very positive, except each country had its own perception of what the resolution would be. In fact, when I made this single negotiating text the American observer asked if I had checked with Washington. I said I wasn't answerable to Washington. I actually didn't need to check with anybody, because I had been given the task and the mandate to negotiate a peace agreement. This was the case throughout, even when it looked like others wanted to take over the process.

How did you proceed after the Machakos Protocol?

We started talking again after a two-week break but in September 2002 the SPLM attacked Torit and the government pulled out of the negotiations. So I had to negotiate to get the parties to come back. Neither delegation was really keen to run away. I think there was a group who wanted to snub the negotiations, but there were many who recognized the negotiations were going somewhere.

We made the breakthrough with the agreement on a cessation of hostilities in October, which was one of the most satisfying bits of the process for me. I had said from the start: that there was no point in negotiating while fighting. But it wasn't going in until after Torit.

Then of course we had the Kenyan elections in December 2002. Moi stood down but that did not really affect my position in the peace process. I had a very able deputy in the army and I spent most of my time with the process.

About this time you started mediating on the contested areas of the Nuba Mountains, southern Blue Nile and Abyei outside the auspices of IGAD. Why?

When the SPLM negotiators went back to report the Machakos success, these 'conflict areas' were not in the framework, and they came back and insisted that this

must be discussed. The government would not discuss the conflict areas. I proposed that we discuss them with the British or the Americans chairing. The SPLM said no, the British would side with the government. The government said no, the Americans would favour the SPLM. Eventually they agreed to negotiate these areas under the auspices of Kenya, but not IGAD.

I had to be very careful at this stage regarding my credibility with the envoys of the other IGAD countries. I said I would mediate but on the condition that I choose my resource persons and observers. The parties consented and I chose the IGAD envoys as observers and resource persons. There was a lot of symbolism. We wrote the agreement on the conflict areas on Kenyan-headed paper initially.

The main IGAD talks at this time were structured thematically, with groups focused on specific issues – was this because they were no longer coming together?

No. What I had sensed in Machakos was that these people did not have the right mandate. Secondly, all of them, the north and the south, were concerned about their constituencies and I wanted to get to the constituencies. I went to Sudan and met many people: civil society, religious groups, lawyers, judges, everybody. Having retired from the Kenyan army at the end of February 2003, I had time to travel. I went with the Machakos framework and tried to find out the positions of the parties regarding all the issues, the issues of security, power sharing, wealth sharing.

By June 2003 I had travelled enough in Sudan. I wrote the 'Nakuru Document.' The observers agreed that this was a document to resolve all the outstanding issues after Machakos. Of course, the government hit the roof. President al-Bashir went ballistic and said, "whoever wrote the Nakuru Document must soak it, drink it and go to hell!" He later sent an emissary to me say that this was just politics and he didn't mean it.

In August 2003 we went to Nanyuki in Kenya. The SPLM wanted direct negotiations, while the government wanted proximity talks. Unlike the SPLM, the government did not want to negotiate on the basis of the Nakuru Document. We got stuck for about two weeks, but I wouldn't agree publicly that we were actually stuck. I tried to pin down who was controlling the government side, and I succeeded. I wouldn't ever say how, but I found that they were reporting back to Sudanese First Vice-President Ali Osman Taha. And they were being told, 'Hold on, don't be the ones to pull out.'

I called the Kenyan Minister of Foreign Affairs, Stephen Musyoka, in Cairo and asked him to see President al-Bashir in Khartoum and ask for his vice-president to

come and negotiate with Dr John Garang. Garang agreed to come to Naivasha on 1 September. Al-Bashir was reluctant, saying John Garang had twice snubbed his vice-president, and a third time would be really catastrophic. But eventually we agreed on a four-day meeting from 1 September – hoping that it was going to be very short.

For three days Garang didn't come! This was very difficult! His officers were insisting that he should only negotiate with the president himself. Two SPLM people helped me: Dr Justin Yaac Arop and Commander Deng Alor, who were in Nairobi. John Garang wrote a letter to Musyoka saying they would reschedule the meeting. Dr Justin gets the letter, puts it in his pocket, but doesn't give it to Musyoka. He puts pressure on Garang by writing to him that he should not dream of going back to Kenya, because the Kenyans were mad at him! They would not want to see him and his family would be kicked out.

On the third day at 6 o'clock John Garang arrives in Naivasha! By 6:30 we had put Ali Osman Taha and Garang together, the first time they had met face to face. They asked us to leave them alone to talk, to get to know each other.

I don't know what they said but Ali Osman later told me the decision rested on a bottle of water: there was only one bottle of water between them. If John Garang opened this water, then they were going to have an agreement. If it was left unopened there was not going to be an agreement. So John Garang opens the water, pours it for Ali and then for himself. For Ali the first test is over!

John Garang told me later that Ali intended to convince him to sign an agreement like the *Khartoum Peace Agreement* signed by Riek Machar in 1997. Of course he could not buy that. He would not have fought so long for an agreement like that.

It was important to have these two at Naivasha, but they also kept their delegations. They gave them things to go and discuss and come back and brief them. But every time I wanted to put something forward I'd go to see the two principals. If I wanted to talk one-on-one I'd always ask the rest to leave.

When we moved to the Simba Lodge at Naivasha, they asked, 'How long are you staying?' I said maybe a week. A week turned into 16 months until we signed the Comprehensive Peace Agreement! We were there full-time except for pre-agreed breaks like for Ramadan or breaks to go and consult. There were of course threats: sometimes the parties would pack their things, go to reception and say 'we are leaving!'

And you were there all the time, which is something not every mediator could have done.

Yes. I don't think anybody like a president would have the *time* to sit, eat, go to the gym, sauna or steam bath with the parties. Being involved with them in those different ways was very important. It takes months of engagement. It takes neutrality. I'm not one to close any avenues for anybody. And because I sometimes told off either party, I was perceived as neutral by both parties.

You were always negotiating with the international community looking over your shoulder. How difficult was that?

Very difficult. Especially the Americans, who were addressing local American politics. In early 2004 they even brought an aircraft and said, 'Let's sign an agreement half way so that the parties can attend the State of the Union Address.' I resisted that.

Sometimes it was positive. I brought in Colin Powell. I brought in Senator Danforth. They applied useful pressure. Whenever one party reneged, I always rang Colin Powell. He came to Nairobi to combat heel-dragging as we were trying to give the final push.

When we went to Naivasha the observers were no longer sitting with us. They came to consult with the parties and me about progress, but were more on the periphery than in the process. I had a rule that the swimming pool at the hotel was the last place the observers could come – the boundary. Beyond that it was only the parties, the envoys and members of the secretariat.

What issues were most difficult to reach agreement on?

Signing a security agreement establishing two armies in one country was probably the most difficult. I didn't believe it possible myself, but Garang told me he had already negotiated on this basis with Ali Osman Taha: you are trying to bury your head in the sand when you know that two armies exist so the best thing is for us to recognize these ones. There were more than two of course.

Second was the issue of wealth sharing. The government was concerned about its budget, but did not consider that this was a new dispensation – that it was not going to be business as usual. At one time we were negotiating over 2½ per cent of the oil revenues and this became very difficult. There were not so many problems around power sharing. The parties negotiated it between themselves, but even here it was a matter of percentages and getting any movement was difficult. Eventually we found a formula.



What difference in negotiating skills and strengths did you notice between the two sides?

Both lacked capacities for mediation. I realized later that they hadn't really conceptualized a changed position – even the SPLM, who did not believe they were going to get an agreement. The government always negotiated on their own terms and had never imagined a new dispensation. But as they went on negotiating they started realizing that they actually had to change. So it was really a *process* and to help it we brought in more resource persons, from the World Bank, from oil-producing countries, from Australia to talk on the issues of land. I brought in nearly everybody!

And that led in effect to the World Bank and the UNDP running their Joint Assessment Mission (JAM)?

Yes. This was after they realized there was going to be agreement. This was well integrated with our talks and I even had a person in the JAM. At one stage it was going faster than the negotiations, which was also good for other people to see and brought the realization that there was going to be peace.

Is this an example of the 'holistic approach' to peace mediation you employed from mid-2003?

Yes. And of course this issue of involving everybody. Don't leave anybody out.

But involving everybody is difficult if the two sides want to be the only negotiators.

Of course. But what I'm saying is get everybody to buy into the ideas, not bring everybody to the table. After the Machakos Protocol everybody wanted to come in: the French, the Dutch, the South Africans, the Arab League. But the doors had to be closed. So I said that if the parties agreed then they would be accepted. But the two parties said, 'look, you are putting this problem on us and we really don't want to appear like we're refusing anybody. But what we will do is this: you forward whatever people apply and we will not reply.' So I would tell the would-be interveners, 'I'm still waiting for the parties.' And they would ask me which party so they could sort it out, and I would say 'both parties haven't replied.'

But also within Sudan there were other people who wanted to have their voice heard...

Oh yes, civil society. Everybody. And Ali Osman Taha and Garang also wanted to bring in as many people as possible after making any decision so they could buy the idea. They did it whenever they were signing an agreement: the generals for security arrangements, economists from both sides for the wealth-sharing agreement.

Sudan government delegates Idris Mohamed Abdelgadir and Yahia Hussein at peace talks in Nairobi, January 2003.

Source: Reuters/Patrick Olum

But why was it that the SPLM and the government of Sudan did not involve other groups?

I don't know. Initially in 1994 the SPLM-United and SPLM-Mainstream had agreed to negotiate from one side of the table. So I believe that was the main reason why the government negotiated with the SPLM, the most credible force at that time.

But of course the CPA itself is not comprehensive. Comprehensive in my understanding would be the whole of Sudan. That was never on the table: the government would not allow it. Every time I tried to raise it they said, 'oh, you want to come and resolve all our conflicts? Come to Darfur, come to Eastern Sudan, we have enough problems. Come to the north; we have a lot of problems!'

The agreement is still more comprehensive than any other agreement that has ever been made in Sudan, even the 1972 agreement, because it has an implementation modalities section that gives the who, where and when.

Looking back at the process now, what would you do differently?

I would not waste time on people who do not have the mandate. I'd get the parties to identify the issues, but then very quickly identify what they can and can't make decisions on and lift it to a level where the decisions are really made.

I would go earlier in the negotiations to the ground, to find out what the people want, which is not necessarily the same as what the negotiating team is presenting. Finally, you have to tread very carefully. You have to be able to read the international community's interests way, way ahead. Because if you don't, you run the risk of colliding with them and losing support.

What would you recommend to international partners in any other peace process: how could they best support it?

Help the parties build their own capacity to negotiate credible agreements. The conceptualization has to come from the parties themselves rather than from without. Early on the parties started wanting me to produce papers for both parties, so that they could attribute it to the Secretariat, claiming it wasn't their position. They were concerned about their people back home accusing them of selling out. But I learned this and I used to get the parties to write papers on issues. Only after they had given me their extreme

positions would I try to bring them closer together. Each party would tell me what they would accept, but not in front of the other. I'd call two from each side and start broaching the paper, and each side would say, 'No, that is not our position!' And I'd say, 'I know, but these are your extreme positions and I have tried to consider each of you in drawing this position.' So they would say, 'OK, if this is the Secretariat's position, then we'll consider it.'

But you have to get them to have ownership of the agreement and you have to build their capacity. Even governments sometimes don't have the capacity. Or they send their blocking troops. You identify them and you don't even waste your time in trying to move their positions because they are only there to block progress.

Are there any other lessons for mediators?

I found it personally taxing to administer and mediate, but if you are mediating you must know how much money you have, for how long you can schedule the meeting – but then meetings never end on time. You have to have a big contingency and a good rapport and credibility with donors and account for their funds.

The team is important. In Somalia Bethuel Kiplagat had a big team and there was no way he could account for the money quickly with that many people. I was dealing with a small enough number of people to account for. I wasn't worried about money because we signed a budget agreement so that the donors gave money through GTZ of Germany and I accounted for it through GTZ. The funding was more or less open-ended, but of course no one expected the process to last three years, least of all Moi, who wanted it completed in a year!

Reflecting on the IGAD peace process

An interview with Nicholas (Fink) Haysom

Long-time legal adviser to former South African President Nelson Mandela, Fink Haysom has extensive direct experience of mediation and facilitation in a number of peace processes. From 2002 he worked under General Sumbeiywo on the IGAD peace process.

How did you get involved with the IGAD peace process?

I was asked by General Lazaro Sumbeiywo's predecessor as mediator/facilitator, Ambassador Mboya, to provide an opinion on how to bridge the differences between the Sudan People's Liberation Movement (SPLM) and the Sudanese government on the issues which divided them, notably their approaches to the relationship between the state and religion, and to the nature of a federal solution to the conflict in Sudan. When General Sumbeiywo assumed the mediation role he thought some of my suggestions useful and asked me to join his team in Machakos, Kenya. When I arrived, I found the parties affirming their previously held positions and maintaining close adherence to their respective position papers. The General and I recognized that it was important to generate a single negotiating text and to move the parties from their mutually contradictory position papers. We set that aim as our priority, but the question remained of how to get the parties to agree to a single text.

How did the Machakos talks achieve a breakthrough where other previous initiatives had failed?

Machakos was indeed a breakthrough. It not only generated a basis for a common text but it also saw the parties agree on both principles and details on issues that had previously seemed intractable. Firstly, the two parties agreed substantively on a way of dealing with the relationship between the Sudanese state and religion. This issue had been the stumbling block in previous talks between the parties and had served to prevent the parties from progressing to other substantive issues. It had been suggested that if this issue could be resolved other issues would fall into place. Secondly the parties agreed on a set of general principles to govern a federal Sudan. Thirdly the parties agreed significantly on the right of southern Sudan to hold a referendum on its continued union with northern Sudan after a six-year trial period. The last two



issues in essence constituted a trade-off between the parties, while the first contained an internal compromise on the part of both parties.

In order to break the pattern of simply restating previously held positions, the General suggested that I present a workshop to the parties dealing with constitutional negotiations and problem solving. The workshop format was itself useful in that it placed both parties on the same side of the table – as workshop participants – rather than in an adversarial (across the table) setting. As the subject of the problem-solving exercise it was decided that we should take the state and religion problem, canvass alternative solutions from the parties and have the parties rank them against shared criteria. Using this exercise as a basis, we prepared a single negotiating text reflecting these discussions, and from the alternatives generated in the exercise we were able to suggest the compromises that would form the basis of a protocol containing a model of asymmetrical federalism.

I should mention that at the last moment both parties seemed to draw back from reaching an agreement. It appeared to the facilitators that this was not on account of the suggested proposals but for lack of confidence, a fear on the part of the lead negotiators that they had over-reached their mandate. Out of frustration we decided to put both sides under an ultimatum, to leave them in a room together for an hour within which to secure an agreement. While we had expected the parties to engage with each other we noted that each instead sought to call their principals. This confirmed our view that for the negotiations to

succeed the principals – not then at the table – would have to be constantly engaged.

As it happened the principals agreed to the proposals. The signing of the *Machakos Protocol* surprised both the parties and the international community and generated, on the part of the facilitation team, considerable optimism – even euphoria. We were to learn, however, that as one reaches the top of the hill new mountains become visible.

How did you proceed after Machakos?

When reviewing a successfully concluded agreement in retrospect, it is tempting to view the history of the negotiations as a linear progression. This is not so. There were many reverses and knife-edge moments during the negotiations. There is a fine line between failure and success.

As with other negotiations, the IGAD peace process would reveal that every solution to an apparently intractable problem would bring forth new and equally difficult differences to resolve. Whereas the *Machakos Protocol* implied that the remaining negotiations would simply involve the further development of the principles set out in the protocol, in fact the negotiations became more difficult, throwing up unforeseen conflicts as the parties progressed.

After the two parties returned to the negotiating table following the signing of the *Machakos Protocol* they both presented the mediators with a set of new issues which had not been canvassed at the Machakos round

of talks. The SPLM in particular had been told by its membership that the protocol had neglected the three conflict areas in the north (Abyei, the Nuba Mountains and Southern Blue Nile). These areas had, properly, not been counted as part of the south and they had not been considered as within the terms of reference of the mediation. The SPLM however insisted that they would be unable to reach a deal without addressing the concerns of their members in these areas. On the other hand the government became more insistent that the negotiations could only proceed if there was a ceasefire or cessation of hostilities. This issue came to a head when the garrison town of Torit was overrun, with considerable loss of life. The talks became a hostage to battlefield fortunes. The mediation eventually got back on track on the basis of an agreed cessation of hostilities by the SPLM and an agreement to convene supplementary negotiations on the three conflict areas nominally under Kenyan rather than IGAD facilitation, but still under the chairmanship of General Sumbeiywo.

Once these issues were resolved it was possible to return to the substantive issues, only to find that each new issue was, according to the parties, more important than any other. Thus we were told there could be no peace without a resolution on the modality of sharing oil revenues. Later we would be told that there could be no peace if there was no agreement on the status and treatment of the armed forces of the SPLM. And later still, we would be told that there would be no agreement unless the details on its implementation were also agreed.

Regarding the mode of negotiation, we experimented with sub-committees and technical teams, and continued to develop consensus on the agreed text, leaving the unagreed issues in bold.

When it became apparent that the parties were digging in on the details and refusing to budge, we suggested that the mediation team put forward a compromise proposal. This was accepted, and the General and his team commenced travelling through much of Sudan canvassing the opinions both of ordinary people and of leaders, north and south. There is considerable risk in advancing a mediator proposal and this was evident in the IGAD peace talks. When we unveiled our proposal it appeared that we were ahead of the parties. Although the eventual agreement would closely resemble the mediator's proposal, at the time at which we advanced our suggested solutions the parties were not ready for the compromises put forward, and the government's reaction against it was particularly strong. This draft produced a strain between the mediation team and the government side which was only resolved when the negotiations took a new form in which the principals,

Sudanese Vice-President Ali Osman Taha and SPLM leader John Garang, directly intervened in the talks in September 2003.

How did the talks change with the arrival of Taha and Garang?

The talks were renewed under this new modality and from this point we were largely in the wings. The leaders negotiated and, in a sense, took ownership of the process. We came in to summarize, help formulate agendas, rewrite text and suggest compromises, but only occasionally did we perform a deadlock-breaking role. We encouraged them to use their principal advisors in sub-committees, but with an obligation on them actively to seek compromises.

Garang and Taha needed some time to get to grips with the substance of the talks and to develop their own relationship. They were both under pressure to find each other, and they responded.

Bringing the top leaders in as negotiators is risky. In South Africa there was a clear line between the top negotiators and their teams, with the teams doing the hard bargaining. This is what I would normally advise. If you bring the top leaders face to face, what happens if there is deadlock? Leaders' meetings need to be a forum of last resort.

What was the role played by others, beyond the negotiators and mediators?

It's amazing how quickly the details of substance of the agreements spread. The internet allows for involvement by the diaspora, who had access to developments in autonomy negotiations elsewhere – such as in Sri Lanka.

The observers and envoys played a mixed role. The US representatives would pressure us because they too were under real pressure to deliver because of US domestic politics but we also needed them and worked with them. They applied vital leverage. At times the parties would ask us to 'liberate' them from the various envoys in attendance yet at the same time of course they were arranging their own bilateral meetings with them. The General was famously quite tough with the envoys, ejecting them from the premises at certain critical stages.

What were General Sumbeiywo's qualities as a mediator?

He was new to mediation, and accordingly he actively sought advice from a range of experts and genuinely listened to it. Crucially, the parties accepted his integrity. He could be brusque, and some accused him of punching above his political weight, but they knew he was not manipulative – which is a notable achievement, because in the low-trust world of mediation, mediators are suspected by both sides of having their own agendas. Quite correctly, he tried to be assertive on *process* but leave *substance* to the parties.

Why was reaching the point of signing a comprehensive agreement such a long process?

Negotiating the implementation details took longer than many observers wanted, but for us it was an essential element. Implementation is often the poor child of peace negotiations. The parties were embarking on this huge collaborative project, with low levels of trust and no policeman, so they needed detailed guidelines for implementation. The SPLM, as the non-state party, was understandably keener than the government.

The text of an agreement cannot itself substitute for political will. It can help impose discipline, or on the other hand can even be a source of problems, but it only goes so far. So the process elements in negotiations are vital in creating the will, the trust and the joint responsibility for the success of such a project.

Only when you're over the hump of a negotiating process do the parties begin to believe in it, to visualize the new institutions. After the end of the negotiations the parties jointly had to negotiate a transcription of the agreement into the form of a constitutional amendment. That this agreement was reached swiftly and without third party intervention bears witness to the parties' and mediators' willingness to invest time in the process.

A summary of the Comprehensive Peace Agreement

Machakos Protocol (2002)

A six-year interim period [dated from 9 July 2005] is established during which the southern Sudanese will have the right to govern affairs in their region and participate equitably in the national government.

Peace implementation is to be conducted in ways that make the unity of Sudan attractive.

After the interim period, southern Sudan will have the right to vote in an internationally monitored referendum either to confirm Sudan's unity or vote for secession.

Shari'a law is to remain applicable in the north and parts of the constitution are to be re-written so that *shari'a* does not apply to any non-Muslims throughout Sudan. The status of *shari'a* in Khartoum is to be decided by an elected assembly.

Power Sharing (2004)

Sudan will have both a national government with representation from both sides of the north-south conflict, and a separate Government of Southern Sudan (GoSS). The Southern Sudan Constitution and state constitution must comply with the Interim National Constitution.

A Government of National Unity is to be formed. There shall be a decentralized system of government, granting more power to individual states.

Positions in the state governments are to be split 70:30 in favour of the NCP in northern states (20% for other northern parties and 10% for the SPLM) and 70:30 in favour of the SPLM in southern states (15% for other southern parties and 15% for the NCP). In Abyei, the Blue Nile State and Nuba Mountains the division will be 55% for the NCP and 45% for the SPLM.

The executive will consist of the Presidency and the Council of Ministers. Two Vice-Presidents will be appointed by the President. The First Vice President is the Chair of the SPLM.

A bicameral national legislature will be established: the National Assembly will be comprised of specific percentages (NCP 52% SPLM 28% other northern parties 14% other southern parties 6%); two representatives from each state will be represented in the Council of States.

Elections will be held by the end of the third year of the interim period.

Wealth Sharing (2004)

A National Land Commission, Southern Sudan Land Commission and state land commissions are to be established. A National Petroleum Commission is to be established to manage petroleum resources.

2% of oil revenue will go to oil-producing states in southern Sudan in proportion to their output. The remaining net revenue will be divided evenly with 50% allocated to the GoSS and 50% allocated to the national government. The GoSS has no power to negotiate any of the oil leases granted by the national government prior to the CPA.

The National Government is able to collect revenue from personal income, corporate and customs taxes; the GoSS can collect revenue from personal income taxes, luxury taxes and business taxes in southern Sudan. Taxes that can be collected by states are also outlined. A commission to ensure the transparency of collection and use of revenues will be formed.

Two banking systems will be formed in the two areas, with the Bank of Southern Sudan as a branch of the Central Bank of Sudan. Essentially, the dual banking system means that banks will be commonly stationed with two different windows for service.

Two separate currencies in the north and south are to be recognized until the Central Bank has designed a new currency that reflects the cultural diversity of Sudan.

National and southern funds for reconstruction and development will be established along with two multi-donor trust funds.

Note: each summary includes relevant provisions from the corresponding implementation modalities agreement.



The Resolution of the Abyei Conflict (2004)

Abyei will be accorded special administrative status during the interim period, following the definition of the Abyei areas by the Abyei Border Commission.

Abyei will have representation in the legislature of Southern Kordofan and Warap states; at the end of the six-year interim period, Abyei residents will vote in a referendum either to maintain special administrative status in the north or to become part of Bahr al-Ghazal (Warap) state in the south.

Wealth-sharing of oil revenues from Abyei is to be split between the north and south (50:42) with small percentages of revenues allocated to other states and ethnic groups: 2% each to: the Ngok Dinka people, the Misseriyya people, Bahr al-Ghazal (Warap) state, and 1% each to Southern Kordofan state (SKS) and the Western Kordofan sub-state component of SKS.

The Resolution of Conflict in Southern Kordofan and Blue Nile States (2004)

The two states will be represented at the national level in proportion to their population size. At the state level, the NCP will comprise 55% and the SPLM 45% of the State Executive and State Legislature.

Southern Kordofan State (SKS): the southern portion of West Kordofan State (WKS) will be incorporated into the SKS. The state legislature will have 36 members from the SKS component and 18 from the former WKS component, subject to readjustment following a census. The state executive will have 7 from SKS and 4 from WKS. Al-Fula will have branches of all state ministries and institutions headed by a deputy. The legislature will convene sessions alternatively at Kadugli and Al-Fula.

Governorship of each state shall rotate between the NCP and SPLM during the interim period.

Wealth sharing: the 2% of SKS oil due to the state is to be shared between the two state components. The 2% share of Abyei's oil due to the state shall be equally divided between two state components. The 2% forming the Misseriyya share in Abyei oil shall benefit the previous Western Kordofan component.

The legislature of the two states will evaluate the implementation of the CPA.

State Land Commissions are to be established (in case decision clashes with National Land Commission and cannot be reconciled, the Constitutional Court will decide the matter).

Security Arrangements (2003 & 2004)

During the six-year interim period, Joint Integrated Units (JIUs) of 21,000 soldiers are to be formed with equal numbers from the Sudan Armed Forces (SAF) and the SPLA. They are to be deployed to sensitive areas such as the three disputed areas and will be commonly stationed but maintain separate command and control structures. If, after the interim period, the south decides to secede, the JIUs will unify into a 39,000 strong force.

The SAF and the SPLA will also continue to operate as separate armies with both considered part of Sudan's National Armed Forces. Each army is to be downsized and the parties are to implement demobilization, disarmament and reintegration (DDR) programmes. No other armed group will be tolerated outside the umbrella of the three services.

There is to be a redeployment of 91,000 SAF troops from the south to north within 2 years. The SPLA has 8 months to withdraw its force from the north.

A permanent cessation of hostilities is provided for, detailing disengagement and the creation of various committees for enforcement and oversight.

DDR and reconciliation are provided for through a number of commissions.

Monitoring is to be carried out by a UN mission to support implementation, as provided for under Chapter VI of the UN Charter.

The three areas

A template for regional agreements

Jason Matus

Jason Matus has been working in southern Sudan since 1994. He was an observer for the US Government at the Three Areas peace talks and participated in the Joint Assessment Mission for the Three Areas. He continues to be involved in southern Sudan as an advisor to USAID.

The *Comprehensive Peace Agreement* (CPA) is a national agreement negotiated by two parties, the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) ending over 20 years of civil war. The first of its six protocols, the *Machakos Protocol* of July 2002, provides for a referendum on southern Sudanese secession. Despite the SPLM/A's stated national agenda, the protocol imposes a north-south solution to a problem of the marginalization of Sudan's peripheral regions. It uses the contentious 1956 independence boundaries to demarcate the boundary of southern Sudan, excluding from the south three areas heavily represented in the SPLM/A that had been heavily affected by the war. These areas were two of the SPLM/A's five 'administered regions' – the part of the state of Southern Kordofan known as the Nuba Mountains and the state of Southern Blue Nile (now Blue Nile) – and Abyei, an area defined geographically as ethnically as the nine chiefdoms of the Dinka-Ngok who transferred to Kordofan in 1905.

In the months after Machakos, the SPLM/A pushed for – and secured – negotiations that ultimately resulted in separate agreements for Abyei and for the two 'administered regions.' At the insistence of the GoS, the talks were initially outside the wider Intergovernmental Authority on Development (IGAD) peace process, led instead by IGAD mediator General Sumbeiywo under Kenyan auspices. In these 'Karen talks,' named for the Nairobi suburb where they were held, the GoS insisted that each of the three areas negotiate separately and also insisted that the head of each negotiating team be 'from' the area. This approach divided negotiating teams into six groups, three from the SPLM and three from the GoS. These divisions implied that each area had its own isolated conflict – the idea being to prevent any strong challenge to the central government by downplaying the SPLM/A's status as a national movement.



The process started with a list of the grievances that gave rise to the conflict, and then the parties began listing criteria for identifying solutions to these grievances. The Abyei negotiations stalled as the GoS representative heading the delegation did not meet the agreed criteria for 'coming from the area.' If he had been accepted, it would have implied that Misseriyya with seasonal grazing rights were also residents in Abyei. The Nuba Mountains and Southern Blue Nile negotiations proceeded at different paces, but both slowly. This first round of talks ended with minimal progress, and progress was only made later when the three areas were brought into the wider IGAD peace process and considered within the overall negotiations.

The agreements

At the Karen talks the SPLM/A raised a number of core grievances giving rise to conflict: political marginalization; a centralized, minority-dominated and non-democratic government; the nationalization of customary land and its leasing to a few, mostly external investors; discrimination and racism; a lack of religious and cultural freedom; an agenda of Islamization and Arabization including the imposition of *shari'a* law and an education system designed to promote this agenda; and underdevelopment and inequality. The GoS delegation raised a lack of development and greed as causes of the war. The peace talks attempted to find just and lasting solutions to these issues.

Abyei

In the end, the lack of progress by the two parties in negotiating an Abyei agreement resulted in an internationally-drafted agreement that both parties accepted. *The Protocol on the Resolution of the Conflict in Abyei Area* (May 2004) is very strong in its protection of the rights of the people of Abyei and its provision of financial support for recovery. It also provides guaranteed grazing in Abyei to the Misseriyya and other nomadic groups. The relatively small population (around 250-300,000) becomes the direct responsibility of the Presidency and is granted citizenship and representation in state legislature on both sides of the border. The agreement also makes provision for shares in the oil revenues along ethnic and administrative lines: the Ngok and the Misseriyya people each receive 2 per cent of oil revenues, as does the state of Southern Kordofan, former Western Kordofan and the region of Bahr al-Ghazal (of which half is for the state of Warap). The three areas, including Abyei, are also expected to receive their own share of national wealth, and manage locally-raised revenues as if they were states, and the area administrators are given 'special accounts' for making withdrawals.

The people of Abyei have also been guaranteed a referendum simultaneous with that of southern Sudan. They will vote on whether Abyei should retain its special administrative status in the north or be part of Bahr al-Ghazal (now Warap State) in the south. If the

south votes for independence and Abyei votes to join Warap State (or the region of Bahr al-Ghazal) then it will be part of the autonomous southern government. For many in Abyei the main grievance is that there has never been the fair referendum on whether to join the south or remain in the north to which they feel they are historically entitled – neither after independence in 1956 nor again after the 1972 *Addis Ababa Agreement*. This is the crux of the Abyei chapter in the CPA. The two most important commissions for ensuring a fair referendum are the Abyei Boundaries Commission (ABC) to determine the boundaries of Abyei and the Abyei Referendum Commission to finalize the criteria for residency. Beyond providing Abyei a guarantee of a referendum and allocating it some resources (which it may have received anyway through the states of Southern Kordofan and Warap), the agreement does little to address other core grievances directly, and the people of Abyei hope instead that these grievances will be addressed by an appointed, and later elected, government for the area.

Southern Kordofan and Blue Nile States

At the very end of the talks and in the final hours of negotiations, Southern Kordofan and Southern Blue Nile secured their own protocol. Under extreme pressure internally and from the international community, the SPLM/A representatives in the Nuba Mountains and Southern Blue Nile backed down on many of their key demands, including participation in the southern referendum. These compromises secured gains in other parts of the CPA, mostly for Abyei. The Nuba Mountains became part of a new state of Southern Kordofan based on the previous boundaries of Kordofan's two states prior to 1974, and Southern Blue Nile became the state of Blue Nile.

The *Protocol on the Resolution of the Conflict In Southern Kordofan and Blue Nile States* (May 2004) is not the final agreement. The agreement provides some degree of power sharing, security reform and wealth sharing. There is a rotating governorship between the National Congress Party (NCP) and the SPLM; the SPLM comprises 45 per cent and the NCP 55 per cent of the new government; there are guarantees that funds from the central government will be made available; and there are elections. Though the protocol recognizes these areas as a “model for solving the problems throughout the country,” it does little to address directly the core grievances that gave rise to the conflict, instead deferring resolution to a complex political process and a series of commissions. It is not final until it is tested against popular will through popular consultation after the national and local elections.

The remaining mechanisms to deal with core grievances on land reform, sources of legislation and education reform are: the constitution; legislation through the national and state assembly; the state land commission; the census; the Presidential Monitoring Commissions, the States' Parliamentary Assessment and Evaluation Committee; the elections; and finally the process of popular consultation. The popular consultation is designed to be an indirect consultation through the elected representatives to the state assembly (in the Southern Kordofan State Constitution, the parties are discussing whether to include an actual popular vote to inform the elected representatives), with advice from national-level and state-level CPA monitoring commissions. If the state assembly endorses the status quo, it becomes the final settlement. If they choose to amend the current provisions, they will open negotiations with the Government of National Unity.

National relevance

Though the CPA refers to one country with two systems, it is increasingly clear that the one country has seven systems. There are different arrangements for the south, Abyei, the states of Southern Kordofan and Blue Nile, Khartoum State, Darfur, the remaining northern States and most recently for the east. Of the various elements in the CPA, it is the Southern Kordofan and Blue Nile agreement that best reflects a national model for the relationship between centre and states in a federal system.

Southern Kordofan and Blue Nile are models for solving Sudan's problems because the grievances that the agreement attempts to resolve are shared by marginalized groups throughout Sudan. How the agreement deals with these issues, and most importantly how the parties implement the agreement, is critical to determining if it will be a successful model for the rest of Sudan. The key elements that support national peace are decentralization and devolution of authority, democratization, land reform, freedom of religion and culture, equitable distribution of national wealth (financial reform), security reform, and development. Abyei's relevance is slightly different, as a bridge between the north and south, linking the people of Sudan and testing the parties' willingness to implement the CPA, specifically to hold free and fair referenda.

All three areas are of national economic importance. Straddling the border, they are a north-south trade link. They hold important natural resources, including oil, significant rain-fed and irrigated agricultural land, water (including a significant dam on the Blue Nile River),

gold, gum Arabic and other wood products, as well as pasture allowing for the migration of nomads southward. The nationalization of these resources, specifically the removal of customary owners and commercial development by a minority of wealthy investors who are mostly from outside the three areas, is considered a root cause of the war and remains the most likely trigger for renewed conflict.

The three areas are also important for national stability and security. They are dividing line between the northern and SPLA armed forces, which deploy north and south of the 1956 borders respectively. The CPA's security provisions provide for Joint Integrated Units of GoS and SPLA armed forces in the areas. Communities are also very militarized, with many militias and armed groups in the areas or moving through them. Local conflict has the potential to escalate and draw in the two armies.

Implementation

Though Abyei has the strongest agreement, it is the most difficult to implement. At the time of signing the agreement an estimated 85 per cent of Abyei people were outside of Abyei, displaced to the north, south and abroad. National oil interest and the referendum have politicized most local issues. In addition, the Misseriyya whose cattle graze in the area have lost a lot in the talks. They were the overwhelming majority in their own state, Western Kordofan, and now have to share power within an enlarged Southern Kordofan together with the returning Dinka-Ngok. During the war, they had open grazing into Abyei since the population was displaced, and although they still have access (guaranteed under the agreement), they now have to negotiate for it. Because all local groups are militarized, any of them can easily destabilize – or be used to destabilize – the area and undermine implementation as a whole.

As a test, Abyei is currently failing. Displaced people are returning, the UN Mission has been set up and there is an increased UN and NGO presence, but critical elements of implementation have barely progressed. Though the ABC was the first commission to submit its findings, its recommendations remain unimplemented while the Presidency and National Congress Party continue to question the ABC process and to stall implementation. Both parties have a presence on the ground but have not integrated into the area government envisaged by the CPA; neither have the two sides' militaries or police forces integrated. State funds for reconstruction and local government do not seem to be forthcoming. In the meantime there are a number of reports that Misseriyya are resettling in an

area identified by the ABC as Dinka-Ngok, and that the NCP is restricting the movement of UN Mission to prevent them from monitoring north of Abyei town.

In Southern Kordofan and Blue Nile, the SPLM/A must staff three bodies: the civil administration, the SPLM political party structures and the regular army including the JIUs. The NCP must also reform itself, according to the agreement, giving up much of its power in order to integrate into a new local government structure. Yet the SPLM, despite having demanded many of these reforms, is in a very weak position to deliver on them, with only a small cadre of technically-qualified people and controlling only 45 per cent of the government.

In both states implementation is far behind schedule. People are returning, nomads are starting to return to areas previously blocked during the war and investors are coming back. However, integration is minimal and exists only at the top of state and local government hierarchies. Southern Kordofan still does not have a constitution so there is no legal basis for setting up the new government or enacting any of the key reforms. Blue Nile has a constitution but has yet to pass any new laws or set up required commissions. In both states, the NCP remains largely in control through its command of central government. Finances are limited, particularly for government development projects, and there is little transparency on revenues, especially how much money the states should receive from oil revenue. The military and police are far from fully integrated. There are numerous incidents of violence between nomads and farmers. There is still a strong perception that the areas remain divided between NCP and SPLM control.

Conclusion

If the CPA is a national agreement, then the three areas protocols and their implementation are key tests of the parties' willingness to address the causes of conflict and are models for solving problems across Sudan. Yet the protocols do little to directly address core grievances, hoping that these will be addressed during implementation, especially as part of democratization processes. With implementation so far behind schedule, there is a risk that the protocols will eventually prove unsustainable and undermine national peace.

The unexpected deal

Oil and the IGAD process

Jostein Tellnes

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Sudan's oil resources have been viewed as a major catalyst for the outbreak and prolongation of the north-south war in Sudan. A high percentage of the country's oil resources are located in southern Sudan, for which the Sudan People's Liberation Movement/Army (SPLM/A) began demanding self-determination in the early 1980s. In 1999 when the Government of Sudan (GoS) started to export oil, it strengthened its financial base and gained new international allies. Under these conditions there seemed to be few reasons to expect any peace process between the Sudan government and southern resistance movements to succeed. It was expected that oil would prove a difficult issue to resolve in the Intergovernmental Authority on Development (IGAD) peace process, yet a combination of mediation strategies, international pressure, progress in security talks and the motivations of the parties to reap the benefit of Sudan's oil resources led to the GoS and SPLM/A signing the *Agreement on Wealth Sharing during the Pre-Interim and Interim Period* in January 2004, a year before the final *Comprehensive Peace Agreement (CPA)* was signed.

Ownership of land and subterranean natural resources

At the heart of negotiations was the question of land ownership. The SPLM/A claimed in its September 2003 position paper that land in southern Sudan (both surface land and subterranean natural resources) is owned by the community. Although customary land rights exist within Sudanese law, the SPLM/A argued that these laws had effectively been abolished by various governments in Sudan and demanded that new land laws be introduced in the south, based on the legal traditions of the peoples of the region. The GoS, on the other hand, argued that surface land and subsurface land (including subterranean natural resources) were different matters: it accepted in principle the SPLM/A's demand for community-based rights of use of surface land, but it held firmly to a position of national ownership of subterranean natural resources, claiming that when natural resources are unequally distributed the central government is best suited to distribute revenues equitably relative to the needs of the different regions.

Fearing the two parties' positions irreconcilable, mediators and resource persons at the November 2002 round of talks in Machakos proposed that the ownership of subterranean natural resources remain undecided in a peace agreement and that the parties eventually agree to a process to resolve the issue later. This position, enabling the parties to resolve the issues



of revenue sharing and the management of the petroleum sector independently of ownership, was finally accepted by the parties just a week before the agreement on wealth-sharing was signed.

In a parallel argument, the GoS also pushed for a single national commission to control oil resources and handle rights to subsurface land, functioning as a national body which would ensure that the interests of all Sudanese people were served, while the SPLM/A insisted on a separate commission for southern Sudan. In the final agreement, the parties agreed on a single petroleum commission for the whole of Sudan: the National Petroleum Commission (NPC). The functions of the NPC are to formulate public policies and guidelines for the petroleum sector and to approve and supervise all oil contracts in Sudan. The NPC consists of five members from the Government of National Unity (GNU) and five members from the Government of Southern Sudan (GoSS) in addition to a maximum of three non-permanent members from Sudan's oil-producing states. This may have represented an SPLM/A concession, but it did give the GoSS a *de facto* veto in the NPC, was arguably a trade-off for the government's agreement to give the SPLM/A 50 per cent of oil revenues, and was in any case more in line with the Machakos Protocol's notions of establishing unity-based and integrated institutions. In allowing the new commission the GoS also took a calculated risk that the GoSS would not discourage oil development. Given the weak position of the NPC almost two years after the signing of the CPA, it can also be suggested that the GoS calculated that the powers of the NPC could be manipulated in its favour.

The status of existing oil contracts

The Sudanese government has negotiated and signed petroleum contracts with several oil companies since exploration started in 1974. In September 2003, the position of the SPLM/A was that contracts should be renegotiated if they are 'deemed to have fundamental social and environmental problems which can not be rectified by remedial measures.' The SPLM/A argued that the oil contracts had been negotiated without southern consultation and participation, and were illegal business contracts as the land in which the oilfields are located is owned by the communities living there.

The government, on the other hand, stressed that existing contracts should not be renegotiated, as breaking sound contracts would seriously damage the climate for future foreign direct investment. With companies already facing high risks in Sudan, the government argued that both parties to the talks should have a common interest in protecting the business climate during the interim period.

In the agreement of January 2004, the SPLM/A accepted that existing contracts would not be subject to renegotiation, while the GoS accepted a wording to the effect that necessary remedial measures would be taken if contracts were found to have fundamental social and environmental consequences. This was sufficient to address the concerns of the SPLM/A, which also recognized the importance of not damaging the Sudanese private sector. While the SPLM/A was ultimately willing to give up its position on renegotiation of the oil contracts, the government,

which had established relationships with oil companies and was dependent on the continuous flow of oil revenues, held firmly to its position.

Sharing of revenues

Petroleum revenues are the major source of income for the Sudanese state, constituting approximately 15 per cent of national government revenue in 2002 and expected to constitute as much as 60 per cent of revenue in 2005-07. Although this revenue is from oilfields in which oil production is likely to decline after 2006, a durable peace will create an opportunity for increased oil production in hitherto unexplored areas of southern Sudan. The projections for future oil reserves from new oilfields are highly uncertain, not least because of the doubling of the price of crude oil. The PFC Strategic Study presented to the parties in August 2002 predicted that the government would receive a share of about US\$30 billion over the lifetime of these fields, but this was based on a wildly low price range for oil of US\$18–US\$25 per barrel.

The parties argued over revenue sharing at Naivasha: the GoS argued that it had already invested in the development of the oilfields and had attracted international partners, and that this should be taken into account when revenues were shared, while the SPLM/A claimed that the oil which was rightly southern had already been exploited and southerners should therefore be compensated accordingly.

In suggesting a revenue-sharing model, the resource persons at the talks had to strike a balance between the enormous needs for reconstruction and development in the south, on the one hand, and the limited ability of the central government – highly indebted and in considerable financial problems – to share revenues during the first years of the interim period, on the other. Both the GoS and the resource persons therefore argued that if the central government were to be able to carry out basic government tasks after a peace deal, it could not afford to share a high percentage of oil or other revenues, at least not in the beginning of the interim period.

Specific revenue-sharing arrangements were suggested in the IGAD mediator's 'Nakuru Document' of July 2003, which proposed that a major source of revenue for the GoSS should be transfers from the national government based on a percentage of Gross Domestic Product (GDP) that would increase throughout the interim period. Granting the GoSS revenues defined as a percentage of GDP rather than simply a percentage of all oil revenues was intended to establish a predictable and stable flow of revenues to the south, as well as to

create an arrangement for equalization within a federal system. In addition to such transfers, the Nakuru proposals would have entitled the GoSS to 48 per cent of revenues from petroleum contracts signed after the start of the interim period. The federal government would collect the revenues from existing or 'old' contracts, but parts of the revenues from these contracts would be indirectly shared with the GoSS through transfers defined as a certain share of GDP.

Interestingly, however, the parties agreed neither to share oil revenues nor to establish transfers from the federal government. The parties agreed not to differentiate between 'new' and 'old' oil contracts, but instead to share revenues from oil produced in southern Sudan by allocating 2 per cent of the net revenue from oil to the oil-producing states, then dividing the rest of the oil revenues equally between the GNU and the GoSS. Instead of establishing transfers from the centre to the GoSS, the parties agreed to a 50-50 split of national revenues (including different taxes and non-oil revenues) collected in the south. These arrangements mean that the revenues of the GoSS will primarily come from oil and that resources originating in the north will not be transferred to the south.

This agreement was acceptable to the SPLM/A because it was of greater importance to secure a significant percentage of oil revenues than to secure for the GoSS a high level of transfers from the federal government. Securing a high percentage of oil revenues took on an overall importance for the SPLM/A during the negotiations as they realized the symbolic aspect of the oil for southern constituencies. As most people in southern Sudan see the land and the oil as southern assets, the SPLM/A needed a deal that would secure at least 50 per cent of the oil revenues in order to be able to sell an eventual agreement to rank-and-file commanders and the southern constituency in general.

A second motive for the SPLM/A position of prioritizing a high percentage of oil revenue was its lack of trust in federal transfers after the experience of the Southern Sudan Regional Government (established after the *Addis Ababa Agreement*) from 1972 to 1982, which convinced them that the south should not count on receiving revenues from the north. The oil percentage was regarded as less open to manipulation than a federal transfer. In addition, separatist motives mesh well with a position of prioritizing direct oil revenues over federal transfers. In a political discourse on secession for Southern Sudan, secessionists can claim that the northern government showed little will to share federal revenues in the peace talks, and that there is therefore no economic reason to cooperate with the northern government after the interim period.

Thus, those in the SPLM/A in favour of secession were able to accept the deal, as it gives them a strong argument when the referendum comes up at the end of the six-year interim period.

The Sudanese government sees the oil in the south as a national resource, hence its claim that a significant part of Sudan's national revenues has been shared with the south in the final agreement. However, in the CPA few sources of revenue are mentioned that originate in the north. This is likely to be perceived by southerners as a lack of willingness by the government to make unity attractive. It seems that the government's priority was to safeguard central government revenues, even if that incurred political costs in not committing to explicit revenue transfers from the federal government to the GoSS. Possibly, they concluded the south would vote for secession anyway, and that attempts to 'make unity attractive' would simply be a waste of resources. At the very least, the reasoning of the government can be understood as one where sharing state revenues with the new southern government was problematic, as the central government is heavily indebted, the war in Darfur is costly, and reduced revenues to the central government were perceived as threatening the survival of the National Congress Party.

Instead of asking why the government did not share more revenues originating in the north in order to reap political benefits, it can thus be asked why the Sudanese government could agree to share as much as a 50 per cent of the oil revenues of Southern Sudan, as that was regarded as a significant fiscal challenge for the government in the first years of the interim period (before the oil price rose to over US\$40 per barrel in 2004). One reason might simply have been that government representatives expected that they would not necessarily have to pay the full 50 per cent during the first years of the interim period, or that the pot from which the share would be taken could be manipulated in the government's favour. Such reasons may have played some role given the pattern of broken agreements earlier in Sudan. However, the government felt under massive international pressure to finalize a deal around the beginning of 2004. In the last weeks of the negotiations, the government suggested that the Nakuru revenue-sharing arrangements should be applied, but then the SPLM/A held firmly to a position of a direct sharing of the oil revenues. In this situation, international pressure may have contributed to a reduced willingness on the part of the government to hold on to its position, forcing them to give in to the SPLM/A position of direct sharing of oil revenues. Finally, when the division of oil only from southern Sudan rather than from the whole country became an option, 50 per cent became an acceptable formula of revenue-sharing for the government.

What made the unexpected deal possible?

Oil was one of several issues in the IGAD talks. The analysis above on how the different oil issues were addressed pointed to the different considerations that the parties had during the negotiations on wealth sharing. The approach of leaving the ownership of subterranean natural resources unresolved paved the way for a deal, enabling the parties to focus on 'divisible' issues such as revenue sharing and petroleum sector management. When ownership of petroleum was left undecided, the parties could work through a bargaining process on a joint petroleum commission and a 50:50 sharing of oil revenues from the south.

However, these arrangements on petroleum came about as a part of a larger peace process. To explain why a deal on petroleum issues became acceptable for the parties as well as to explain the signing of the CPA, a broader perspective on the IGAD talks must be adopted. The changed international situation after 11 September 2001 can be regarded as a central contextual factor in the Sudanese government's decision to attend the rejuvenated IGAD talks. A clear signal from the US that a break of the peace process would not be accepted was important at later stages of the talks as well. Furthermore, both the *Machakos Protocol* and the security protocol made an agreement to oil issues easier. After the signing of the *Machakos Protocol* it was hard for the parties to legitimately withdraw from the process as fundamental issues had been agreed to. *Machakos* was also important as it put in place a political framework for further negotiations. Both parties feared for their survival in the aftermath of a peace agreement and the security protocol addressed these concerns. The fact that Sudan could be split into two territories and that the parties agreed to a solution of two armies within one country was important for overcoming the problem of credible commitments in the talks. Ultimately, however, international pressure and the mediation process were decisive in reaching an agreement.

Planning for reconstruction

The Joint Assessment Mission

Taj es-Sir Mahjoub

Dr Taj es-Sir Mahjoub is a former government minister who was head of the Government of Sudan's wealth-sharing committee in the Naivasha peace talks and is now co-chairman of the Joint National Transition Team and Secretary-General of the National Council for Strategic Planning.

As it became clear that both parties to the Intergovernmental Authority on Development (IGAD) peace negotiations in Naivasha, Kenya, were reaching consensus and that peace was imminent, attention turned towards assessing Sudan's reconstruction needs. The idea of a donors' conference had already been mooted, but conversations between the Government of Sudan (GoS) and Sudan People's Liberation Movement (SPLM) wealth-sharing committee, the World Bank, the UN, IGAD and the IGAD Partners' Forum established that a donors' conference would be more effective if presented with a comprehensive framework for Sudan's development priorities. The notion of a Sudanese Joint Assessment Mission (JAM) was born.

Joint assessment missions had been conducted before in Liberia and Iraq, but Sudan's was to be the most extensive yet. Much more than a technical exercise to raise external aid, it would be an inclusive exercise in strategic planning and economic reconstruction for a war-torn country. Even now it seems remarkable that work on the JAM began while IGAD negotiations on power-sharing were still ongoing. We considered it essential to have enough time to develop a thorough piece of work to which the international community would respond properly. Initially planned as an 11-week process, it ended up running for 15 months. Slower-than-expected progress in the peace talks caused some delay, but the signing of the June 2004 protocols finally paved the way for a joint GoS-SPLM workshop in Nairobi to formulate the JAM's conceptual framework, to which representatives from the World Bank, UN, IGAD and donor countries were invited.

From the start all the parties to these discussions enjoyed good working relationships, and the joint sessions were very positive. Common issues were dealt with objectively, in a less emotionally-charged atmosphere than the peace negotiations. The SPLM members of the drafting committee included Kosti



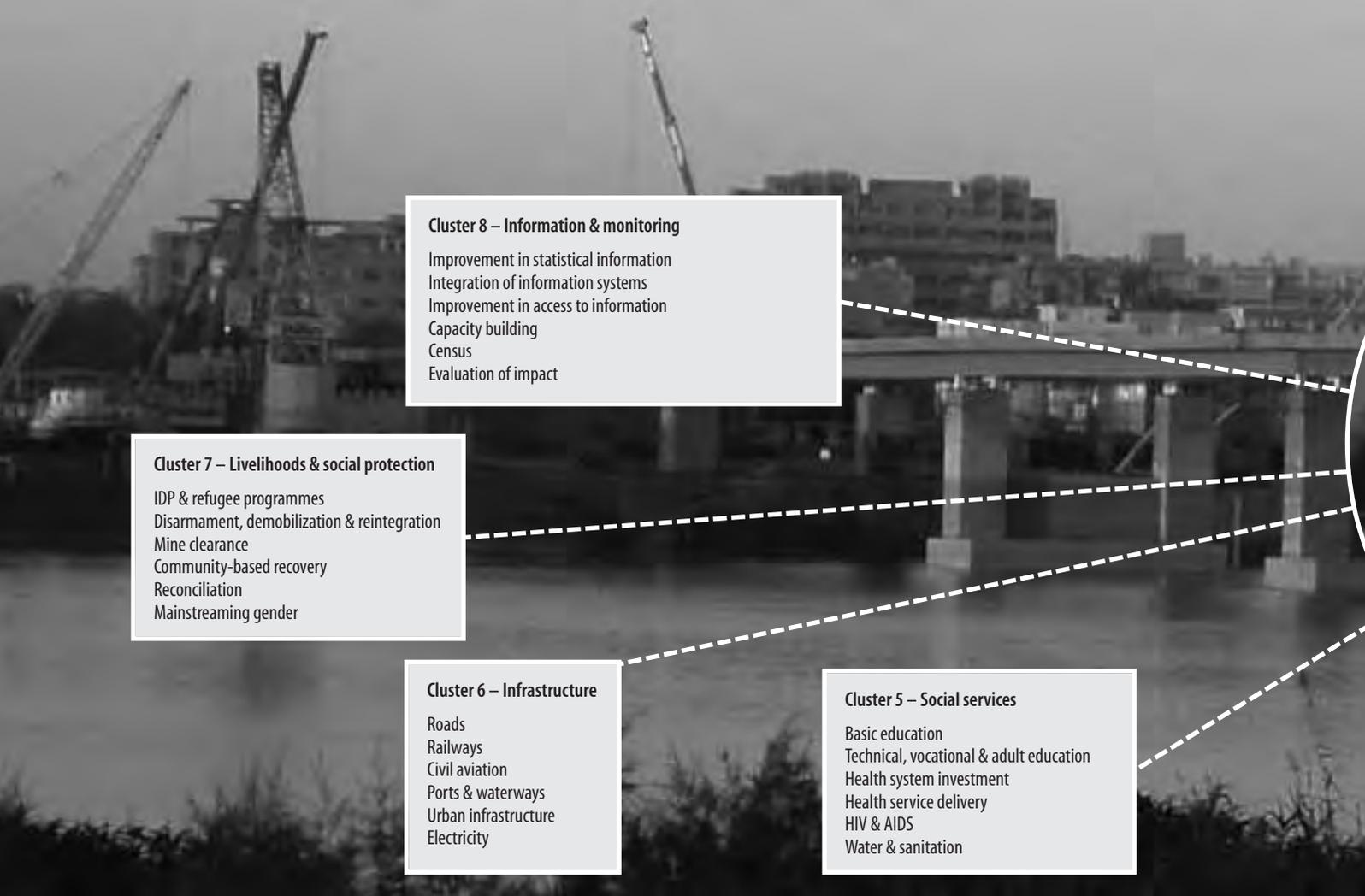
Manibe, Luka Biong, Anne Itto and Lual Deng, all of whom have since continued to show their commitment to making the January 2005 *Comprehensive Peace Agreement* work. Further support was provided by the World Bank's Low-Income Countries Under Stress (LICUS) fund, which had already decided – before the JAM was born – to finance initiatives in support of the peace agreement, making funding available to joint projects especially in the areas of civil service reform, media and youth. Unfortunately much of this funding remains unspent, but it was certainly helpful in promoting early cooperation on the JAM.

Working relationships built up during the talks smoothed the formation of a Core Coordinating Group (CCG) for the JAM, which was headed by Norway and comprised representatives from the GoS, the SPLM, the UN and the World Bank. It took the lead in organizing the JAM's work into eight clusters (see *figure 1*) organized around key themes integral to consolidating peace and facilitating broad-based human and economic development. It also led on identifying and commissioning external consultants, who then undertook a number of field visits, working closely with their national counterparts to develop consensus on their findings. The results of these visits formed the basis of the JAM report published in March 2005 following a two-week-long meeting in Addis Ababa.

This report is much more than a request for external financing, but, as titled, *A Framework for Sustained Peace, Development and Poverty Eradication*. Covering the six-year interim period, it disaggregates programmes for the national government and northern states, the three areas and the southern government. Two thirds of the initial recovery costs are to be met from domestic resources, with US\$7.9bn of spending planned for the initial recovery phase (through 2007).

It was presented first to the Sudanese Cabinet and Presidency, where it received strong approval as a plan for the six-year interim period from which no ministry should deviate, then to the donors' conference in Oslo in April 2005, where donors pledged some US\$4.5bn to Sudan. Those involved in the JAM also followed up the endorsement of the Presidency and Cabinet with separate meetings with the individual line ministries to ensure that the JAM would provide the core ideas for their own sectoral plans. The report was also backed up by a monitoring matrix, developed with the partners and conceived as a binding obligation between the newly formed Government of National Unity and the international community. It was also agreed that there should be an annual consortium to monitor the process of JAM implementation.

The JAM process, from its conception in Naivasha to its birth in Khartoum and Oslo, demonstrated the importance of inclusiveness at all stages, a shared commitment to reconstruction, a thorough preparatory phase and an understanding of the local context. Unfortunately, practical and time constraints meant there was insufficient consultation at local and state government levels, and the JAM could have been improved had there been more of an opportunity to develop a deeper understanding of local needs, the different expectations of rural and urban communities and the root causes of conflict in Sudan. The JAM also avoided the issue of oil except to highlight its usefulness as a means for developing the industrial and agricultural sectors and fuelling economic growth. Nonetheless, the JAM was a statement on the importance of poverty eradication and sustainable development in reducing existing and potential conflict, and was a good learning experience for all involved.



Cluster 8 – Information & monitoring

- Improvement in statistical information
- Integration of information systems
- Improvement in access to information
- Capacity building
- Census
- Evaluation of impact

Cluster 7 – Livelihoods & social protection

- IDP & refugee programmes
- Disarmament, demobilization & reintegration
- Mine clearance
- Community-based recovery
- Reconciliation
- Mainstreaming gender

Cluster 6 – Infrastructure

- Roads
- Railways
- Civil aviation
- Ports & waterways
- Urban infrastructure
- Electricity

Cluster 5 – Social services

- Basic education
- Technical, vocational & adult education
- Health system investment
- Health service delivery
- HIV & AIDS
- Water & sanitation

Mixed progress

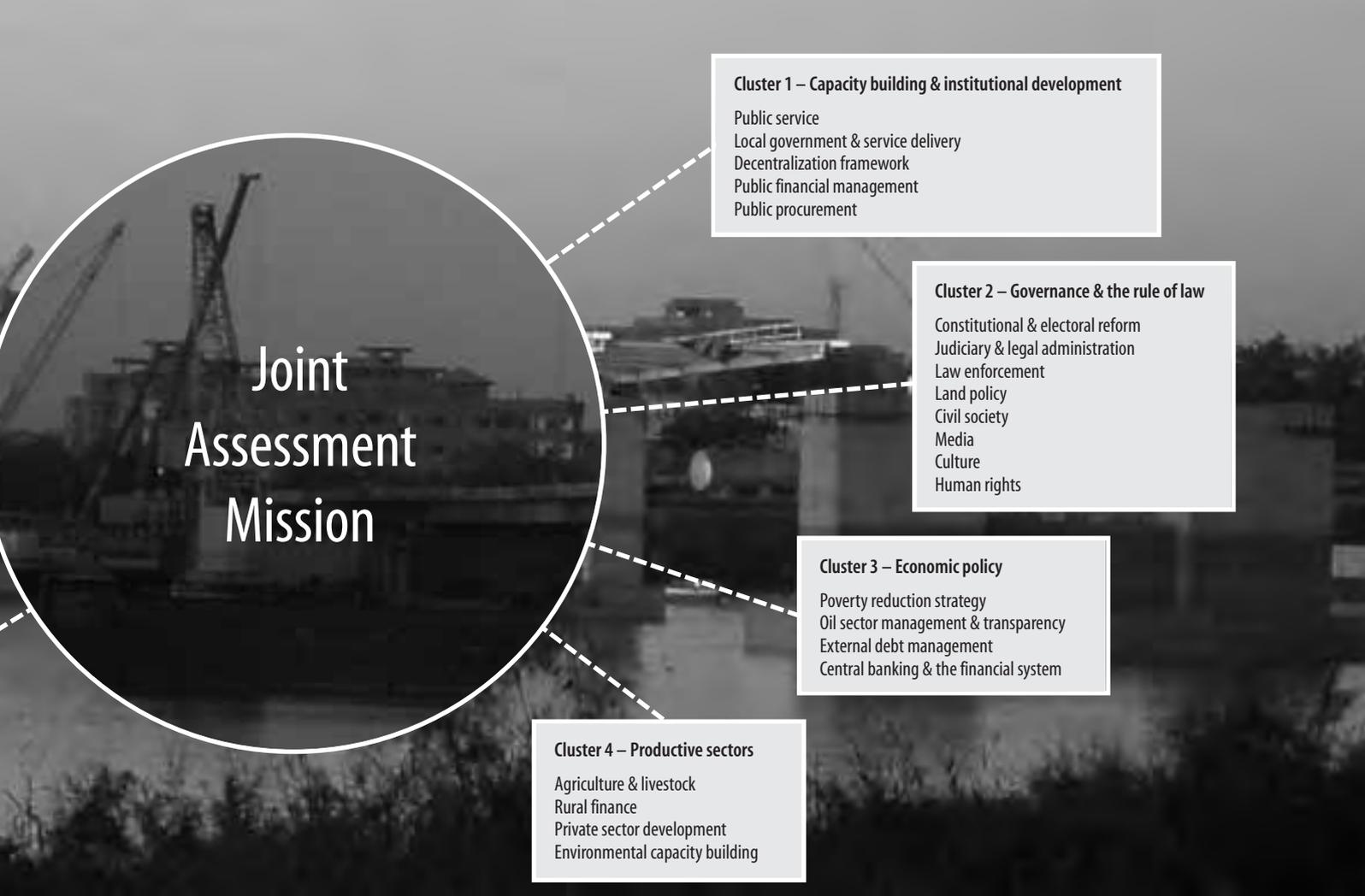
Since April 2005, and despite the President’s strong endorsement of the JAM report, there has been less progress than hoped for or envisaged. Most critically, the Multi-Donor Trust Funds (MDTFs), designed to disburse funding according to the JAM’s recommendations, have not functioned as planned. The co-operation between the Government of Sudan and SPLM delegations to Naivasha has continued, but the planned representation of northerners in the southern MDTF and vice versa has not materialized.

This was the beginning of an indication that the MDTFs would not be taken as seriously as many of us had hoped. Those of us involved in the JAM had intended the Minister of Finance to chair the northern Sudanese MDTF to ensure that the fund would be managed at a senior level and operated in conjunction with national development policy. But the Ministry of Finance has continued to operate the budget with only partial regard to the JAM’s findings, reports and matrices, which makes it either difficult or futile for the Joint National Transitional Team (JNTT, the successor to the Core Coordinating Group) to perform its stated task of ensuring that MDTF expenditure is in line with the JAM before funding is approved. Moreover, the Ministry of Finance was not heavily involved in designing and implementing the JAM, and so is not aware of the wealth of experience and brainstorming which

contributed to the process, or of what was intended by the JNTT at each stage. The Ministry is therefore ill-equipped to manage the implementation of the JAM’s recommendations without the involvement of the JNTT and in some areas it even ignores them. Thus far, the World Bank too has ignored this discrepancy.

Whether the international community is to blame for renegeing on its commitment or whether the MDTF has been poorly managed and directed, the Sudanese people have yet to see the dividends of peace. Despite high-profile commendation from President al-Bashir, and match funding of US\$30 million from the European Union, the JAM process has largely remained a process of paperwork and procedure, bogged down in details of renting office space and vehicles rather than pressing ahead with community-driven recovery programmes.

The slow start of the MDTF (at least in northern Sudan) has allowed not only the individual line ministries to implement their own projects without reference to the JAM. Other agencies working in Sudan, such as UNDP or international NGOs, are now following suit, leading inevitably to duplication and wastage. This duplication is in part caused by the lack of clarity about institutional responsibility. The JNTT does not play its intended role as guardian of the JAM in ministries’ budgets and plans, but it is seen as guardian of the JAM by the UN and other organizations when they want ‘government’



approval for a project that has been blocked by a line ministry. Because these roles have been ill-defined the process has been slow to get off the ground, and this lethargy itself breeds a reluctance which further slows implementation.

Having all foreign aid managed by the Ministry of International Cooperation would help avoid duplication and encourage cooperation, so that there could be a clearer mechanism for government departments, international organizations and local civil society organizations to coordinate internal and external plans with each other and the JAM. It would also help if civil society organizations – which had been active at the donor conferences in Oslo and Paris but have not maintained their level of interest – could be encouraged to become more involved, as this would provide an impetus for activating the thematic groups, which is now behind schedule. During the JAM planning stages these thematic groups were seen as central to the MDTF – providing a focus for projects it funded – and it remains to be seen whether they will be belatedly activated by the Ministry of Finance or whether they can be rescued from apparent oblivion and reactivated as part of the government’s new National Strategic Plan (NSP).

A further indication of the reluctance to take the JAM as seriously as the Presidency’s original endorsement

suggested has been that JNTT members have not been invited to share experiences with those involved in peace talks for other regions in Sudan. The May 2006 *Darfur Peace Agreement* includes provision for its own joint assessment mission, but unfortunately no one involved in the conception of the JAM was given the opportunity by the parties or mediators to share the positive and negative lessons learned. This is likely to lead to further duplication of responsibilities and competences, less coordination of foreign assistance, and in the end a less effective mechanism for reconstruction.

Looking ahead

The advent of the NSP in August 2006 should go some way to addressing these gaps, reinvigorating the JAM by using the report as one of its main points of reference. Indeed, the circular from the Council of Ministers which supported the presidential decree establishing the NSP stated that in developing guidelines for a five-year plan the NSP should take into consideration the peace agreements signed in Naivasha, Cairo, Abuja and Asmara, the JAM report and the international community’s existing commitments to reconstruction. It is hoped that the NSP will be able to build its sectoral work around the JAM clusters, encourage compatibility with the JAM and build on the wealth of know-how which informed it, so that the JAM is not destined to be just another good idea.

The Darfur Peace Agreement

Expectations unfulfilled

Julian Thomas Hottinger

Julian Thomas Hottinger of the Swiss Federal Department of Foreign Affairs took part in negotiating the 2002 Nuba Mountains Ceasefire Agreement and was a member of the IGAD resource team in Machakos and Naivasha. In November 2005 he joined the African Union's mediating team in Abuja and helped draft the Power Sharing Protocol of the Darfur Peace Agreement.

The war in Darfur erupted in 2002-03 when the Sudan Liberation Movement/Army (SLM/A) and Justice and Equality Movement (JEM) emerged to fight the Government of Sudan (GoS). The conflict is rooted in ongoing political, economic and cultural marginalization since the colonial-era absorption of the Western Territories into Anglo-Egyptian Sudan. Violent conflict in the region had been steadily increasing since the 1980s when drought intensified the competition for scarce land and water resources. Amidst increased resource-competition, 'Arab' and 'African' identities were invoked and used to incite violence. Add to this extensive interference in Darfur by Libya and Chad, and with the availability of modern weaponry to supersede traditional forms of conflict resolution, the combination proved fatal.

The tribal/identity-based explanation of the conflict has been put forward by the government both as a means to stoke conflict and to suggest that a solution can be found through traditional mechanisms based on discussions between communities and clans. The SLM/A and JEM, on the other hand, insist that Darfur's three states are totally marginalized and demand better political representation in Khartoum and a share of national wealth. JEM's political agenda is more national than the SLM's and stems from conflict within the ruling regime.

While the SLM/A and JEM largely draw their support from the 'African' ethnic groups, such as the pastoralist Fur and Massaleit and the semi-nomadic Zaghawa, the government in Khartoum has relied on 'Arab' militias for support (the so-called *janjaweed*, which is Arabic for 'ghostly riders' or 'evil horsemen') in quashing what it saw as a rebellion, and any southern Sudan People's Liberation Army (SPLA) involvement in it. The *janjaweed* are difficult to define; some belong to regular security forces such as the Popular Defence Forces (PDF), the Border Intelligence Unit and the Central Reserve Police. This has not prevented them from attacking and plundering the civilian population.



The birth of a peace process

The 'rebellion' in Darfur caught the government by surprise. The Governor of North Darfur, Ibrahim Suleiman, was inclined to negotiate with the 'rebels,' but was soon removed from his post by Khartoum.

The first international involvement was led by Chadian President Idriss Déby, who was concerned about the effects of conflict-induced displacement on Chad, and had some standing both with the GoS (who had helped him achieve power) and Zaghawa leaders within the SLA (his own ethnicity is Zaghawa). He mediated a 45-day ceasefire between the GoS and the SLM/A in the Chadian border town of Abéché in September 2003. The ceasefire soon disintegrated and further Abéché meetings collapsed, with Déby blaming the failures on the demands of the SLM/A and JEM. This assertion severely compromised his credibility as an impartial mediator and led the rebels to demand international observer presence at any further talks. With African Union (AU) assistance, Chad mediated a ceasefire agreement to allow humanitarian access in Darfur at N'Djaména, Chad in April 2004 between the GoS and a joint SLM/A and JEM delegation. The GoS had objected to US, EU and UN participation and eventually compromised on the AU as mediators, with international observation only for talks on humanitarian issues.

The *Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers*, signed in Addis Ababa in May 2004, acknowledged the AU as the lead international body in Darfur. This was followed by the protocols on security and the humanitarian situation, both signed in the Nigerian capital Abuja in November 2004, and the *Declaration of Principles*, signed in May 2005.

The signing of the Comprehensive Peace Agreement (CPA) in January 2005 by the GoS and Sudan People's Liberation Movement/Army (SPLM/A) had little impact on the AU-mediated process in Abuja. There had from the start been minimal overlap between the two processes. IGAD was a small regional grouping; the Sudanese peace process and the Somali transitional process were its only experiences of mediation, and the AU saw no need to consult it. In addition, a piecemeal, regional approach to talks favoured GoS policy.

Talks in Abuja

The Abuja talks were complicated. Trust between and within parties was very low, and the GoS team was stronger, understood the process better and held most of the cards. The AU continued to deal with the SLM/A as if it were one party long after the split between Abdelwahid Mohamed en-Nour and Minni Arkou Minnawi was public, only recognizing the two factions as separate negotiating parties in December 2005. Causes of the split included tribal confrontation between the Fur and Zaghawa, the personal ambition of the leaders, influence from a mostly Zaghawa JEM and disagreement about how or whether to proceed with negotiations. Perhaps taking its lead from the AU, the international community was unsure how to deal with the internal politics of the SLM/A, especially in a climate where both sides had broken ceasefire agreements and at least some elements of the GoS were now "the good guys" having signed the CPA. Incidentally, similar disagreements between military and political leaders in the Beja Congress were simultaneously hampering efforts to begin negotiations for a political settlement in Eastern Sudan, which faltered throughout 2005.

Under pressure from the international community, the mediators set deadlines for a final agreement, which were repeatedly extended until finally the *Darfur Peace Agreement* (DPA) was signed by the GoS and Minni Minnawi's faction of the SLM/A in Abuja in May 2006. To the surprise of many, Abdelwahid's SLM/A faction, like JEM, refused to sign. There have been competing interpretations of this, from the draft agreement's failure to meet high expectations, to the strong pressure put on the parties by the AU mediators and international observers.

However, the failure was probably more linked to the profound flaws within the Abuja negotiations themselves: on the one hand Sudan's regional peace processes were being addressed independently of each other, with each expecting a quasi-CPA of its own, while at the same time the CPA itself placed significant limitations on what could be agreed; the SLM/A and JEM expected a comprehensive agreement of their own but this was politically impossible. The CPA had shared out power between the ruling National Congress party (NCP) and the SPLM/A (while creating some limited space for other political forces), and neither was or is inclined to convert their ruling partnership into a larger configuration.

While the rebels in Abuja were struggling to obtain the equivalent of what the SPLM/A had obtained in the CPA, the new Government of National Unity (GNU) was refusing to give more than what was allowed for by the Interim National Constitution spawned by the CPA. Any lingering SLM/A and JEM hopes of favour from the SPLM/A, now in government, were quashed in January 2006 when the SPLM/A made it clear that it would countenance no revision of the CPA: there would be no modification of the Interim National Constitution, and they would have to settle for a share of power, wealth and security within this interim framework.

Despite these limitations and the fact that different teams worked on the CPA and DPA and the processes took place in different countries, Abuja was a close replica of the CPA process. Both peace agreements are built on a Declaration of Principles (DoP) followed by protocols for each topic of negotiation (wealth-sharing, power-sharing and security issues). Even though little is said about implementation in the DPA compared to the CPA, the three protocols do include some indication on who should do what, when and how. The committees, principles, protocols and process already used for the CPA were borrowed by the AU without reference to the lessons learnt by the IGAD mediators, the specific context of the Darfur conflict, or the expectations of the parties and the international community. The CPA was addressing a conflict that had been fought for over

23 years between the GoS and an increasingly politically aware SPLM/A; the DPA was addressing a conflict that had become violent in 2002-03 and was being fought between the GoS and much younger armed groups. Neither the actors nor the terrain were the same. And while there is in Darfur, as all over Sudan, a highly complex ethnic mosaic of tribes competing for access to land and water, Darfur lacks the religious divisions and the substantial oil and mineral wealth of the south.

In the sections below, I review the provisions of the DPA and how they have or have not satisfied the demands of the negotiating parties.

The provisions of the DPA

Wealth sharing

Given the lack of oil or mineral assets within Darfur, the major wealth-sharing provisions are:

- A Darfur Reconstruction and Development Fund (DRDF), to which the GNU will contribute US\$300 million for 2006 and US\$200 million for each of 2007 and 2008.
- A Joint Assessment Mission supported by multilateral organizations, similar to the one for southern Sudan, which will determine reconstruction and development needs and, if required, adjust the sums allocated to the DRDF.
- A Fiscal and Financial Allocation Monitoring Commission (FFAMC), which will manage financial transfers from Khartoum to Darfur's three constituent states (Northern, Western and Southern Darfur). It reports to the national legislature but its definitive form is not yet known. Meanwhile, the agreement establishes a panel of experts to establish a formula for allocation of funds from the National Revenue Account to Darfur.

The agreement also provides for a Compensation Commission, with membership nominated by the parties, to define mechanisms for reviewing and enforcing the Commissions' decisions. The GNU has agreed to provide a first down-payment of US\$30 million. Finally, a commission will have to be established to work with the UN in assisting refugees and displaced persons to return to their homes.

Most of the rebels wanted a greater financial commitment to compensate victims, and clearer engagement by Khartoum to transfer wealth to Darfur. Abdelwahid subsequently stated that he would need much more detail about the DRDF and the FFAMC before signing. This shows that the final deal was thrashed out by the mediation team and its partners, rather than won by hard negotiation.

Power sharing

The power-sharing provisions of the DPA have to be broken down into different levels. Nationally, the rebels get the fourth highest position within the GNU, the Senior Assistant to the President, who is also the chairperson of a new Transitional Darfur Regional Authority (TDRA). As this position was only available to the parties who signed the DPA, Minni Minnawi was appointed in August 2006. In addition, the GNU has allocated twelve seats in the National Assembly to the other signatories.

Within the state governments, the rebels obtained one of the three governors, the deputy governor of the two other states and in each state two of the eight state ministers. The GNU controls 50 per cent of the state legislature, the other signatories 30 per cent, and 20 per cent is to be shared between independent candidates and other political parties. Locally, the SLM/A and JEM (if signatory to the DPA) can nominate a commissioner in six localities, and in another locality they can designate six executive directors. Elections at every level of government will take place no later than July 2009. The TDRA, eight of whose ten members are nominated by the rebels, will run until July 2010, by which time a referendum shall be held to decide whether to establish a single Darfur regional government instead of the existing three states.

The states maintain routine responsibilities on education and health while the TDRA is responsible for the implementation of the DPA. If the TDRA's work is blocked, the matter should be referred to the Presidency, where the Senior Assistant to the President is consulted on all matters relating to Darfur.

The non-signatories of the DPA strongly opposed preserving the status quo of three Darfur states, wanting a single Darfur region immediately. The political weight of a region would be calculated by population and geographical area (Darfur covers 20 per cent of the area of Sudan), whereas under the current system states votes are calculated by population and number of states (Darfur has just 3 of Sudan's 25 states). They also claim the right to a new Vice-President, ranking number three in the national hierarchy. Finally, they demand more representation in the federal and state structures.

Security

The security-related provisions in the DPA call for a comprehensive ceasefire, where all armed groups are to disengage and withdraw to their respective areas of control. In parallel, demilitarized zones are to be created along humanitarian supply routes and around camps for Internally Displaced Persons (IDPs).

Disarming the *janjaweed* remains the responsibility of the GNU with verification by the African Union Mission in Sudan and the Ceasefire Commission. Surprisingly, the rebels are not required to disarm until the Sudanese Armed Forces have withdrawn to their garrisons and the *janjaweed* are under control. The GoS is to punish ceasefire violations by their militias. A deadlock mechanism refers matters to the presidency if required.

Another clause was added in the final version in order to acquire, it was hoped, the signature of all parties. It was agreed that 4000 former combatants would be integrated into the army and 1000 into other security institutions (eg police force and border control), with 3000 combatants joining programmes of assistance and education. SLM/A and JEM would be represented in leadership positions of the SAF, and the GNU would review the security institutions, including the paramilitary forces, to ensure professionalism and the rule of law.

Although these substantial concessions were obtained within the security-related provisions on the last days of bargaining in Abuja, JEM and some parts of SLM/A continued to insist on more detail on implementation. They also demanded a greater role in security institutions in Darfur and nationally, and participation in supervising the disarmament of the *janjaweed* and other militias. Abdelwahid wanted greater involvement in providing security to displaced civilians as they return home.

Conclusions

The current regional piecemeal approach to Sudanese peace agreements suits the government's divide and rule policy. While the CPA is being implemented with some difficulties, only Minnawi and the GNU have signed the DPA and its implementation appears increasingly remote. An agreement on eastern Sudan has recently been negotiated in Asmara between the GoS and the Eastern Front. One model of agreement, the CPA, continues to be replicated, despite the limits on further political remodelling imposed by the CPA itself. Yet it is highly questionable whether this is the appropriate answer for all conflicts within Sudan. Peace agreements usually reflect the nature and characteristics of each conflict: no one pattern suits all.

Failings of the DPA

Laurie Nathan

The *Darfur Peace Agreement* (DPA) of 5 May 2006 has not led to peace and stability and in certain respects has heightened conflict in Darfur. This is primarily because it was not signed by all the armed groups in the region and because the signatories have not honoured their commitment to refrain from violence.

Moreover, the DPA is not a negotiated settlement. The Sudanese parties that participated in the peace talks facilitated by the African Union (AU) in Abuja did not engage in serious negotiations. They made no effort to accommodate each other's positions and forge common ground. There was no bargaining, let alone collaborative problem-solving. For months on end the parties simply reiterated their demands, rejected their opponents' positions, traded accusations and attempted to gain a military advantage in the field.

Under pressure from the international community, which wanted a quick accord, the mediators presented the parties with the draft DPA five days before the 30 April deadline set by the AU Peace and Security Council. In these circumstances the parties were never likely to have a sense of ownership of the agreement. The Government of Sudan (GoS) and Minni Minnawi's faction of the Sudanese Liberation Movement (SLM) signed the document but the deal was rejected by the Justice and Equality Movement and by Abdelwahid en-Nour, the leader of the other SLM faction.

Intransigence

There were four reasons for the lack of serious negotiations in Abuja. First, successful negotiations to end a civil war require at least some trust and a willingness to co-operate with one's enemy. The parties did not achieve this and continued to view each other with acute suspicion and loathing. The GoS believed that the rebels were not representative of the people of Darfur, posed little military threat and were too divided to achieve a unified negotiating posture. They therefore saw no need to take the rebels seriously. The rebels, on the other hand, viewed the government as a perfidious, evil regime that had repeatedly broken its promises. It had enormous wealth and power and could therefore make substantial concessions, whereas the rebels had nothing to give up.

Second, divisions among the insurgents inhibited progress and precluded flexibility. The rebels were unable to speak with one voice and at times even refused to meet in the same room. Third, the balance of power reinforced intransigence. The armed groups – militarily weak, unconfident intellectually and frightened of being outmanoeuvred in negotiations – faced a strong and sophisticated adversary. Intransigence is typically the refuge of weak parties in negotiations. Perversely, as in this case, it is also sometimes a negotiating option chosen by strong parties that do not feel threatened and see no need to make concessions. Fourth, most of the parties in Abuja appeared to view the battlefield as the strategic arena of conflict; the negotiations were simply a tactical arena. The net result was that the Darfur conflict did not appear to be ripe for resolution.

Short cuts and cul-de-sacs

The international community, frustrated with the lack of progress, deeply worried about the humanitarian catastrophe in Darfur and bereft of viable strategies for ending the conflict, pursued a weak form of deadline diplomacy. As they hopped from one missed deadline to the next, the AU, UN, EU and donor governments complained that the negotiations were moving too slowly and warned that funding for the mediation might dry up in the absence of a quick accord.

This deadline diplomacy was intended to create pressure on the belligerent parties but the deadlines came and went without any negative repercussions and they were utterly unrealistic. By comparison, in the early 1990s earnest negotiations aimed at reaching a settlement in the context of civil war took over two years in the case of Mozambique and over four years in South Africa.

Unlike the parties, the AU mediators were obliged to heed the deadlines set by their political masters and donors. This inhibited the development of a meaningful mediation strategy. With the talks always due to end in a few weeks, there was no point in preparing a 6-month plan of action. The external pressure thus stifled a programmatic effort to build momentum over time, leading to an *ad hoc* approach and a haste incompatible with effective peacemaking.

The only sustainable solution to a civil war is a settlement shaped and embraced by the protagonists. The mediator's job is to help them overcome their enmity and mistrust, build their confidence in negotiations and facilitate dialogue, bargaining and cooperative problem-solving. This requires protracted efforts and immense patience: there are no quick fixes.

Laurie Nathan was a member of the African Union mediation team that produced the Darfur Peace Agreement.

The DPA and its national context

Alex de Waal

The May 2006 *Darfur Peace Agreement* (DPA) was negotiated as part of a step-by-step approach to solving Sudan's problems. In 2004, fearing the north-south peace would be held hostage to an intractable conflict in Darfur, the international community made the talks between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) the priority. After July 2005, political attention switched to ending the Darfur war. However, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) complained that many of their demands were ruled inconsistent with the *Comprehensive Peace Agreement* (CPA). For example, JEM had wanted five regions in Sudan, with a Vice President from each one, while the SLM had wanted a clear separation of religion and politics in northern Sudan, an issue that the GoS, SPLM and international partners insisted had been settled.

Many claimed that, especially in the DPA's power-sharing chapter, the AU mediators' 'compromise' proposals were too close to the GoS position. Victims of the conflict in Darfur demanded much stronger guarantees for their rights, political participation and protection, in the face of a government responsible for their suffering. This view is not only legitimate but consistent with the Constitutive Act of the African Union, which is strong on human rights and humanitarian intervention. However, the AU remains an association of states dedicated to state-based stability, constitutional rule and democracy, and the AU's chief mediator therefore aimed to preserve the CPA and Interim National Constitution (INC) as the foundations for Sudan's sovereignty and democratization.

The CPA was a framework for negotiating the DPA. The GoS negotiators insisted that its core principles and the delicate and hard-won north-south division of power should not be significantly altered. The AU was sympathetic to these arguments, reminding the movements that any DPA power-sharing formula would last for just three years. "Better to ensure effective representation in electoral institutions" they argued, "than to push for a few extra seats today." But where trust is low, people demand assurances today.

The SPLM genuinely sees the CPA as the best chance for unity and democracy, but unfortunately some of the

Darfurian movements' leaders perceived this as indifference to the rights of Darfurians. Opportunities for building a coalition in support of unity and democracy have thus been squandered.

The Abuja Declaration of Principles specified that anything agreed in the DPA should become part of the INC, giving the DPA full legal standing alongside the CPA. For example, the Constitution must be adjusted to provide for a Senior Assistant to the President with far-reaching powers. This was not *carte blanche* for the DPA to override any aspect of the INC, but major changes to Darfur State Constitutions, the creation of the Transitional Darfur Regional Authority (TDRA) and the organization of the 2010 referendum on the status of Darfur are all important amendments.

At a national level, the DPA requires much more modest changes to the INC and the national balance of power. For example, an increase in the number of National Assembly seats, to make room for the Darfur movements, was rejected; it would have reduced the south's share, pushed the National Congress Party quota below 50 per cent and led to the relative over-representation of Darfur. Because the GoS and the movements could not agree a formula for the National Assembly, the mediators proposed allotting 12 seats to the movements until the 2009 elections, wishing to minimize changes to the percentages agreed in the CPA. On the principle that there should be no losers in a peace agreement, the mediators did not want any MPs to lose their posts and wished to leave room for the Eastern Front.

The movements were ultimately disappointed by the DPA's power-sharing formula, but the allocation of posts is just an interim measure until the elections and the DPA does offer the movements the majority of positions in the TDRA. If the DPA can be revived and provide stability to Darfur – especially through the faithful implementation of the security arrangements and the wealth-sharing provisions – then efforts can switch back to the national agenda of implementing the CPA and transforming Sudan into a functioning democracy. The rising tide of democracy can enable Darfurians, along with all other Sudanese, to achieve their democratic right of fair participation in all aspects of national life.

Rather than treating the nation's problems one by one, Sudan's political leaders need to focus on reconstituting Sudan as a united and democratic nation. The DPA could allow the Darfur movements to become part of this common national process – albeit with smaller representation for now than they had wanted. The same is true of the *Eastern Sudan Peace Agreement*, which like the DPA is a buttress to that common national process; CPA and the INC are the central pillars.

Alex de Waal is a director of Justice Africa in London and served as an advisor to the African Union mediation team in Abuja.

A summary of the DPA and ESPA

Basic principles

Both agreements state the superiority of modern constitutional law over traditional customary law, endorse affirmative action, and reiterate the importance of sovereignty, diversity, human rights, devolution, transparency, electoral process, the rule of law and equality before the law.

Darfur Peace Agreement

5 May 2006

Permanent status of Darfur

A referendum on whether to retain Darfur's three states or create a Darfur region is to be held within 12 months of the general elections (by July 2010). The Transitional Darfur Regional Authority (TDRA) is responsible for coordinating the implementation and follow-up of the DPA and facilitating better cooperation between the three state governments.

Participation in government

Pending elections, the SLM/A and JEM are to nominate people to the following posts, making a special effort to nominate women:

- 1 Special Assistant to the President (also chair of the TDRA), and 1 presidential advisor
- 1 cabinet minister and 2 state ministers (in addition to 3 cabinet minister and 3 state minister posts which will continue to be filled by Darfurians)
- 12 seats in the National Assembly and chairmanship of one of the National Assembly's parliamentary committees
- 1 ministerial position in the Khartoum State government
- The governor of one of Darfur's states and deputy governor of each of the other two, plus 2 ministers and 1 advisor in each of the states and a senior member of each state ministry
- 21 of the 73 seats in each state assembly, including the deputy speaker of each
- 6 local commissioners and 6 executive directors in Darfur

Membership of the Council of States is to be non-partisan and to follow consultation with Darfurians. 50 per cent of places in Darfurian universities and 15 per cent of places in Khartoum's universities are reserved for Darfurians. Historical land rights (*hawakeer*) are recognized, subject to rulings by state-level Land Commissions.

Eastern Sudan Peace Agreement

19 October 2006

Permanent status of Eastern Sudan

A Coordinating Council is established, comprising 3 state governors, 3 state assembly speakers and 3 Eastern Front (EF) nominees who together nominate the remaining 6 council members.

The ESPA is to be implemented by a Joint Implementation Committee (with 50:50 government/EF representation) with disputes mediated by Eritrea.

Participation in government

Pending elections, the EF is to nominate people to the following posts, making a special effort to nominate women:

- 1 Assistant to the President (also vice-chair of the Joint Implementation Committee) and 1 presidential advisor
- 1 state minister (in addition to 2 cabinet minister and 1 state minister posts which continue to be filled by eastern Sudanese)
- 8 seats in the National Assembly
- 1 advisory position in the Khartoum State government
- The deputy governor in each of Kassala and al-Qadarif states, plus 1 minister and 1 advisor in each of the three eastern states
- 10 seats in each of the three state legislatures (in each of which at least one committee will be chaired by the EF)
- 3 administrators in each of the three states and an average of 5 members in each local government assembly
- 3 nominees to 11-member Eastern Sudan Reconstruction and Development Fund (ESRDF) board

The government is to consult citizens before developing land and to compensate them if they are adversely affected. Eastern Sudanese are to benefit from the development of Port Sudan and the nation's coastal area and fish and marine resources.



Development priorities

A Darfur Reconstruction and Development Fund (DRDF) is established, with seed funding of US\$300m in 2006 and a further US\$200m per annum in 2007 and 2008.

A Joint Assessment Mission (JAM) is to determine priorities.

Protection and compensation

A Darfur Rehabilitation and Resettlement Commission (DRRC) is established to coordinate humanitarian provision and access and the safe and voluntary return of IDPs and refugees. A Property Claims Committees will resolve disputes. A Compensation Commission is established with an initial budget of US\$30m.

A comprehensive ceasefire comes into force within 72 hours of signing; free movement of people, goods and services; the *janjaweed* is to disarm within 150 days.

A Joint Humanitarian Facilitation and Monitoring Unit (including representatives of AMIS, the UN, the international community and the parties) is to monitor and report.

4000 former combatants from the movements are to be incorporated into the SAF; education and training are to be provided for a further 3000.

Dialogue and consultation

Darfur-Darfur Dialogue and Consultation (DDDC) is to serve as a mechanism for mobilizing support for, and implementing, the DPA. 60 per cent of delegates will be tribal and community representatives, the remaining 40 per cent from political parties, civil society, religious organizations and the diaspora; observers are to be sent by international community and others.

Development priorities

An Eastern Sudan Reconstruction and Development Plan is to determine service, infrastructural and other priorities.

The ESRDF is to be operational within 90 days of the ESPA (ie mid-January 2007), with US\$100m in 2007 and US\$125m per annum 2008-11.

Security arrangements

A comprehensive and permanent ceasefire comes into force within 72 hours of the signing the ESPA; all militias or other armed groups in Eastern Sudan to be absorbed into the Sudanese Armed Forces (SAF).

Monitoring is conducted by the High Joint Military Committee, chaired by Eritrean government. Willing and qualified EF combatants are to be incorporated into the SAF for a minimum of 2 years. A Joint Committee for Integration (5 government and 5 EF representatives, chaired by the SAF) are to identify those who are 'willing and qualified' and ensure adequate training for those who are integrated into SAF and proper support for those who return to civilian life. Prisoners associated with the conflict will be released within a week of the ESPA's signature.

Dialogue

A National Conference on Sudan's administration is to be convened by the end of 2007; the government is to implement recommendations.

An ESPA Consultative Conference is envisaged; a joint preparatory committee is to be established within a week of the signature.

Land and peace processes in Sudan

Omer Egemi



A returned Sudanese woman works the land in Paluer, western Upper Nile, April 2004.

Source: Reuters/Radu Sigheti

Dr Omer Egemi works for the United Nations Development Programme in Khartoum and has published widely on resource-based conflict.

The last two decades have seen an unprecedented preoccupation with the issue of land tenure in sub-Saharan Africa, which is widely recognized as one of the structural factors contributing to poverty and violence. As elsewhere, land in Sudan is not just a means of survival or material gain but has profound cultural, social and political dimensions. Its political implications are acute enough to that the peace processes in Sudan have not dared address the question of land in any depth, deferring much of the work to the post-agreement phase. One of the principal root causes of conflict has therefore been sacrificed to political expediency, remaining unresolved in order not to jeopardize the immediate cessation of hostilities.

Land in the CPA

Since the colonial period, successive laws and decrees have undermined the land rights of rural communities, small farmers and pastoralists. The most notable was the 1970 Unregistered Land Act (*see article by Mona Ayoub*), in which unregistered land was to go to the state and could not be acquired through long-standing use, which encouraged the patronage of land by the government as a means to secure political power.

It is encouraging that the *Comprehensive Peace Agreement* (CPA) of January 2005 and Interim National Constitution (INC) provide an impetus for a more socially-informed land tenure policy and appropriate changes to legislation. Specifically, the CPA calls for the incorporation of customary laws and the establishment of four Land Commissions (a national commission, one for southern Sudan and for each of Southern Kordofan and Blue Nile states) to arbitrate claims, offer compensation and recommend land reform policies.

However, the CPA, despite insisting that it is not intended to address "ownership of land and subterranean natural resources" in any part of Sudan, seems implicitly to recognize existing land tenure procedures as a *de facto* situation, and neither signatory to the agreement (the ruling National Congress Party and the Sudan People's Liberation Movement/Army) seems keen to establish the Land Commissions, probably to protect their own interests in land, especially with regard to oil.

Beyond the questions of political will and land ownership, there are numerous other problems with the provisions:

- The commissions are mandated to make recommendations; these are not binding on either party or on government policy
- The CPA does not provide for the representation of pastoralists and farmers, the majority of direct land users, in the commissions

- It is unclear how claims to rights are to be submitted, resubmitted, legitimated or contested, whether such claims are to be made on an individual or collective basis, and, if collectively, who will represent communities and with what basis of legality or legitimacy
- Neither the CPA nor the INC clarifies explicitly whether the National Land Commission will be centralized or decentralized
- While the CPA recognizes customary rights, the relationship between the Native Administration system (an important institution that used to regulate land and manage conflicts over it) and other government structures is unclear
- Existing customary institutions and structures are repeatedly accused of weakness and of undemocratic and discriminatory structures (eg their exclusion of women)
- Each state has the right to develop, conserve and manage its natural resources but does not have the institutional arrangements for inclusive, just and equitable use and management of land and natural resources
- In Abyei, despite a local development mechanism for dealing with land (the Abyei Resettlement, Construction and Development Fund) and recognition in the CPA of the historical rights of Misseriyya cattle herders to their traditional grazing resources, neither the *Protocol on the Resolution of Conflict in Abyei* nor the main administrative body, the local Executive Council, addresses the issue of land
- There is extremely limited public awareness about the CPA in general and the Land Commissions in particular.

Problems in the DPA

Like the CPA, the *Darfur Peace Agreement (DPA)* of May 2006 establishes a Land Commission, which also faces enormous challenges. Firstly, while the DPA recognizes the rights associated with *hawakeer* (the lands of a particular clan or tribal group), it does not address the conflicts that arise between those with a *hakura* and those without (the colonial authorities did not allocate *hawakeer* to the small camel-herding tribes of Northern Darfur, for example). An overall land settlement in Darfur will need to balance the rights of those without *hawakeer*, taking into account the impact of the current conflict, which has torn the social fabric and broken the historical relationships through which rights of access to land and resources were maintained and secured.

Secondly, there has been a conspicuous shift in social structures in Darfur. Indigenous tribal leaders have struggled to maintain their legitimacy and power in the face of an emerging structure dominated by younger political radicals who contest the leadership of tribal

chiefs and accuse them of politicizing the conflict and manipulating their own people. This raises deep concerns about the appropriate institutional arrangements for managing resources and local-level conflict, and the DPA does little to reconcile the competing claims of the indigenous and emergent structures.

Thirdly, the Darfur Pastoral Routes Demarcation Committee, established by presidential Decree in late 2005 (before the signing of the DPA), has completed its assigned tasks, but the committee's recommendations are highly contested. The farmers, many of whom are now in IDP camps, have expressed publicly that they do not recognize the committee or its outcomes on the grounds that they were not consulted nor were their views represented. They see it instead as a conspiracy by the centre to allocate their lands to 'Arab' pastoralists. Fourthly, the atrocities committed by the *janjaweed*, perceived collectively as camel-herders, have created a universally negative perception of pastoralists, although the camel-herders themselves appear ready to derail any land settlement that does not take into account their historical rights of access to land and natural resources.

Conclusion

The increase in population, large-scale population movements and climate change have combined to heighten demand and competition for land and other natural resources across Sudan. Traditional approaches to land tenure and natural resource governance have broken down, but instead of taking the opportunity to address past injustices and provide a secure tenure situation for rural communities, the CPA and DPA have failed to resolve the competition that is at the heart of current conflicts.

If there is to be any chance of sustainable peace, there must be a substantial change in the legal, judicial and political frameworks governing land administration. The roles of the state, the native administration system and newly-emerging political forces must be clarified so that comprehensive and integrated systems and structures can be rendered more democratic and inclusive, and a resource management system introduced that suits the complex realities of the Sudanese environment. Unfortunately, the CPA and DPA do not sufficiently reform the relationship between the state and society, without which there will not be significant improvement in access to land and public resources.

Guests at the table?

The role of women in peace processes

Anne Itto

Dr Anne Itto was a member of the SPLM's delegation to the Naivasha talks. She has taught at the University of Juba and is currently Minister of State at the Ministry of Agriculture and Forestry in the Government of National Unity.

At the Machakos and Naivasha negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) it was assumed that resolving the Sudanese conflict meant sharing power and resources between political forces along regional or geographical divides. This approach neglected other constituencies and the fact that a just and sustainable peace, based on good governance, equity, justice and democracy, requires an environment where every citizen has the opportunity to contribute to decision-making and development. In particular, Sudanese women play a very central role in their society, in physical and psychological welfare as well as conflict prevention and peacebuilding. It is therefore important that women are not just seen as passive victims, or as representatives of political parties, or as having no political affiliation or perspective, but that they are encouraged to participate fully and see their perspectives taken seriously and incorporated into solutions to political conflicts.

The complex roles of women

Women were never simply guests at the negotiating table. The roles they play as combatants, supporters of fighting forces and peacemakers qualify them to sit at the negotiating table and to assume an active role in implementation. Thousands of women had joined the southern liberation struggle in response to a political situation that affected whole communities, leaving the comfort and security of their homes not just to accompany their husbands but to fight for freedom, democracy, equity, justice, rights and dignity. Their roles in the conflict ranged from combatants to providers of support to fighters, including feeding and caring for sick and wounded soldiers. Although in any armed conflict women are victims of violence, bombing, landmines, hunger and diseases, it is not correct to portray them simply as innocent victims. In Khartoum, women contributed gold in support of the *jihad* and encouraged their sons to join up, while in the south, the



Nuba Mountains and southern Blue Nile women contributed food and encouraged their sons to join the SPLA to fight marginalization and oppression by the government in Khartoum.

On the other hand, Sudanese women have worked very hard to keep families and communities together during conflicts through singing peace songs, persuading their husbands, sons and brothers to stop fighting, risking dangerous peace missions across enemy territories, or marrying across enemy lines to unite or reconcile warring communities. There were times when women stopped conflict from escalating by defying or opposing decisions by male members of the

community to go to war. In one case women from a community in southern Sudan were reported to have threatened not to comply with their conjugal obligations until their husbands stopped killing each other, while in some areas of the south women threatened to expose their nakedness (a curse in most Sudanese customary beliefs) to protest ethnic conflict.

Women have also taken a leading role in creating links and forums for resolving inter-ethnic conflict, leading to many grassroots peace accords. Examples include the people-to-people processes, such as the Wunlit Covenant between the Nuer and the Dinka and the Lilir Covenant between Nuer groups. It has been reported

that when it was decided by Dinka elders that a peace delegation was to be sent to Nuer land, no one wanted to go; it was the brave wife of a Dinka chief who demanded that her husband lead his people to Nuer land, even though she was aware of the high risk involved. Another example where women stood together in solidarity against their husband's political position was the period following the split in the SPLM/A. Women from both sides of the split continued to visit one another, maintain communication and provide a forum to discuss issues that affected their communities, something no man was capable of.

In order to effectively address social, economic and general problems of war facing women, many women organized themselves into groups, networks and NGOs on both sides of the political divide. These activist networks (including the Sudanese Women's Voice for Peace, New Sudan Women's Federation, and New Sudan Women's Association) went all over the world advocating peace and drawing attention to what was then referred to as 'the forgotten war.' In Washington DC, the UN Headquarters in New York, the Hague and Beijing, women lobbied the international community to pressure Sudan's warring parties to end the war.

It is clear that the absence of women at the negotiating table in Naivasha or Abuja was not due to lack of experience and capacity, but to the perceptions of their role.

A gender-blind agreement

Despite the active role women played at various levels to bring peace to the Sudan their role has tended to be underestimated or ignored during negotiations. This may have originated from the misconception that women are passive victims of war, forgetting the very important role they have played in negotiating, keeping and building peace in their communities.

The most disappointing aspect of the 2005 *Comprehensive Peace Agreement* (CPA) and 2006 *Darfur Peace Agreement* (DPA) was that negotiations for an equitable share of power and resources were premised around political forces and regional interests. Neither mediators nor drafters gave much thought to other constituencies or dimensions, such as gender, along which power and wealth could be shared.

Yet conflict in Sudan is not just a matter of political rivalry but is triggered by many forms of marginalization. The late Dr John Garang, the SPLM/A leader and briefly the First Vice-President of Sudan and President of Government of Southern Sudan, publicly recognized women as the 'marginalized of the

marginalized.' Long before the negotiations, he used affirmative action (quotas and training) aimed at creating a critical mass of women capable of influencing policies and decisions.

The SPLM/A leadership nominated a handful of women leaders as members of the delegation to Machakos and subsequent rounds of negotiations. However, this did not necessarily enable their strong participation: the women were often co-opted to these delegations at short notice with very little opportunity to consult with each other and develop a women's peace agenda; they were expected to contribute to the overall party position which was gender-blind to begin with; and they were always a minority, ill-prepared for debates with seasoned politicians who ridiculed or intimidated anyone who dared to spend much time on gender issues.

For example, during the negotiations SPLM/A women proposed a minimum quota of 25 per cent for the representation of women in the civil service, legislative and executive at all levels of government, as provided for by the SPLM/A constitution. One senior male member of the SPLM/A delegation laughed and asked me where the women would be found to fill these positions. The 25 per cent quota was eventually accepted in the larger group, where there were at least three women, but then the all-male SPLM/A drafting committee reduced this figure to 5 per cent. The SPLM/A Chairman raised this to 10 per cent as a compromise. Later on we learned that it had been dropped altogether when government negotiators refused a quota for women in power sharing on the grounds that they had not been fighting women.

There are articles in the final agreement that recognize customs, traditions and religion as sources of moral strength for the Sudanese people; personal and family matters including marriage, divorce, inheritance and succession fall under the competency of customary law. Yet some customs and traditions have contributed to the marginalization of women.

Even when women were consulted about gender issues or directly included in the peace negotiations, it was only a gesture to showcase democracy and inclusiveness: their perspectives and their experiences in peacebuilding and negotiation were not recognized or fully utilized.

Learning from experience

The SPLM/A women's realization that the CPA did not require any party to achieve gender-related targets prompted them to share their experiences with Darfurian women during the Abuja negotiations. We told them how we had been shocked that the CPA – apart from making provision for a bill of rights – left women to the mercy of governments and political parties. The Darfurian women took these experiences seriously and with support from UNIFEM and other organizations (who realized they had not done enough to support the SPLM/A women), quickly started to lay down the strategy for influencing the peace process and the final document. They lobbied to be involved and the result is over 70 sections in the agreement referring to women, including the recognition of gender-based violence and the recommendation that women be involved in drafting legislation.

However, like the CPA, the DPA now relies largely on men for its implementation, and the likelihood that the DPA will be fully implemented appears very slim. Given the insensitivity of many Sudanese – particularly men – towards gender issues, it will be hard work for Darfurian women to get the government in Darfur to commit to such important initiatives as gender-sensitive police training. A lack of commitment to implementing the provisions of an agreement can render even a good agreement useless, so the full participation of women in the implementation of CPA, DPA and the recent *Eastern Sudan Peace Agreement* is essential. This can be achieved through the effective dissemination of the agreements and the Interim National Constitution and through building women's capacity to organize themselves to negotiate, lobby and advocate for their rights and interests.

Even though many individual Sudanese men resist gender mainstreaming, in the south the official government position is favourable to women's equality and empowerment. Consequently, the south's Interim Constitution has a 25 per cent quota for women's representation in the legislative and executive, making it unconstitutional for any government institution not to have women in decision-making positions. The President of the Government of Southern Sudan (GoSS) has appointed women as chairpersons for the Human Rights Commission and the Anti-Corruption Commission, and he reportedly officially refuses to view any list of appointees for State and GoSS positions that does not include women. Currently two cabinet ministers, four Chairpersons of Parliamentary Committees and two presidential advisors are women.

On the other hand, at the Government of National Unity level, the National Congress Party, including its women leaders, opposed both a quota for women in the government and the UN Convention on the Elimination of All Forms of Discrimination against Women. Instead they preferred 'women's empowerment,' a vague term which does not effectively tackle the issues of rights and freedoms.

Conclusion: maximizing the benefits

The CPA ended a long and devastating war and was a source of pride for both the region and Africa as a whole because it demonstrated Africa's ability to resolve its conflicts, notwithstanding the importance of the support from the international community. However, with due respect to the achievements of all parties to the agreement, mediators and the international community, the role permitted to women during negotiations was based on a perception of them as passive victims of war, not active players in politics and society. This is clearly reflected in the CPA's lack of clear gender targets or timelines for the parties to meet, limiting the effective utilization of women's experiences, expertise and perspectives in decision-making in the post conflict period. Democracy is about freedom and rights of participation in decision-making, but the democracy bequeathed by the CPA and DPA will be lopsided, lacking a level playing field for women.

However, the CPA did create a new democratic political space and committed the government to good governance and the rule of law, justice, equity and respect for human rights. Sudanese women need to rise to the challenge of building a solid foundation for democracy by doing everything possible to increase their political participation and create an equal and level playing field for all citizens. The greatest hope now for women across Sudan is that they will be able to expand on the Bill of Rights in the Interim National Constitution as well as effect change through the mid-term elections and effective mobilization. The peace agreements and their shortcomings are important areas for their campaign, making women realize the need to increase their representation in legislative assemblies at state and national levels, to gain more influence to address poverty and to change how laws and budgets are drafted and implemented.

The role of track two initiatives in Sudanese peace processes

Peter Dixon and Mark Simmons

The contribution of non-governmental diplomacy to the success or otherwise of Sudan's peace processes over the past decades is difficult to determine. Being by nature unofficial and discreet, such 'track two' processes are often not well documented. This is certainly true in Sudan, but other factors also contribute to the difficulty of assessment in the Sudanese context. The complexities of the civil wars since independence have been made more acute by the powerful role of the military in Sudanese government and in the governance of opposition-held areas. Military negotiators, focusing on military issues such as territory, force levels and ceasefires, do not necessarily see a need for informal outside assistance or support. Moreover, power has been in the hands of a relatively small number of individuals and the war has often been fought through the use as proxies of militias that have frequently changed allegiance. The atmosphere of uncertainty and mistrust that this has engendered has encouraged secrecy in formal negotiations. Moreover, the few existing records of informal initiatives have not always been prepared with objectivity.

Defining track two

To assess track two diplomacy's role and achievements, we must make some attempt to define it and distinguish it from the range of civil society and human rights activities associated with the conflicts. Track two can broadly be understood to mean unofficial, non-governmental interventions to prevent or resolve violent conflict. Such efforts can attempt to mediate conflict directly in the absence of official mediation, prepare the way for such official efforts or work alongside formal talks to improve the climate and contribute to a successful outcome to negotiations. The focus is on unofficial work in support of official diplomatic negotiations that address civil war, as distinct from other activities that may contribute to a peaceful society such as the people-to-people peacebuilding processes described elsewhere in this volume. Our notion of track two includes what some



refer to as ‘track one-and-a-half’ initiatives, which might be more linked to official processes than other initiatives in the track two spectrum, but generally involve many of the same people. Drawing the line around what constitutes ‘the second track’ is inevitably a subjective judgment.

Perhaps ironically, both the contribution and the limitations of track two derive from its position of weakness. At best, a track two intervener has the independence and lack of agenda that will allow it to establish trust with governments and armed opposition groups alike. Being itself a non-state actor, it can encourage parity at the table between the armed groups and the powerful state they oppose. It can also develop a more inclusive approach to the conflict, involving more representatives of the wider society and encouraging a more thorough treatment of underlying conflict factors than might be allowed by the formal negotiators’ focus on reaching ‘a deal.’ Tackling the underlying factors is likely to lead to a more sustainable peace agreement. On the other hand, it has neither the power to impose an agreement and guarantee its implementation nor, in most cases, the resources to contribute a peace dividend on a sufficient scale. One key to the effectiveness of track two is the degree of cooperation with formal mediators and negotiators, who may not always welcome the assistance. It will be seen below that this factor is one of the main gaps in the Sudanese processes.

The development of track two in Sudan

Probably the earliest significant non-official international intervention in the north-south civil war was that of the Carter Center, founded by former US President Jimmy Carter. The Center has been involved in health and agricultural development work in Sudan since 1986 and has consequently built up contacts and relationships. Partly to make the health interventions possible, President Carter became involved in mediation between the Sudanese government and the Sudan People’s Liberation Movement/Army (SPLM/A) in Kenya in November-December 1989. The intervention failed to secure an agreement, occurring as it did at a time of turbulence in the military balance between the government and SPLM/A, fluidity in negotiation fora and political turbulence in Khartoum following the Islamist coup.

However, President Carter’s involvement continued during the 1990s as attempts by the Intergovernmental Authority on Development (IGAD) to mediate in the Sudanese civil war emerged. This enabled him to broker the six-month ‘Guinea worm ceasefire’ in 1995 – then the longest ceasefire in the history of the conflict – allowing health work by the Carter Center and others to go ahead in Sudan. However, it is unclear whether this specialized mediation for humanitarian purposes had a positive or negative effect on the official negotiations. It was criticized by some at the time for allowing Khartoum to use its unofficial contacts with the Carter Centre to avoid serious

engagement with the official regional mediation, illustrating the risk of unintended consequences and the sensitivity of high-level track two involvement.

The Carter Center continued its occasional contact with actors in the region. President Carter secured agreement in 1999 between the governments of Uganda and Sudan that they would not support each other's rebels, and in 2002 he met Sudanese President Omer al-Bashir and SPLM/A Chairman John Garang. This kind of high-level mediation by a person of international prestige can raise expectations which are difficult to fulfil, but can also increase an intervener's capacity for influence.

A very different style of track two diplomacy has been practised by Concordis International. Under its former name of Relationships Foundation International, this small UK-based NGO started a Sudan programme in 1999 in partnership with the South African-based African Renaissance Institute. The aim was not directly to broker agreements or publicly to undertake advocacy, but rather to use low-profile inclusive consultations both to build relationships between key players and to provide a space for them to develop constructive solutions to long-term conflict causes. The existence of this model of long-term engagement in South Africa and Rwanda between 1986 and 1999 had become known to a number of Sudanese individuals, who asked the organization to instigate a similar process in Sudan. Over the years, an inclusive group of Sudanese – including senior members of political parties, government ministers, religious leaders, members of official negotiating teams, militia leaders and prominent academics – has been built up who feel ownership of the process and are confident in meeting in their personal capacities to talk together in depth on conflict issues in a non-threatening environment.

The dialogue has also brought those at the negotiating table into informal contact with the broader society and each other. One senior track one negotiator's comment on the process was, "When you have lived with your political opponent for several days and eaten meals with him, it is difficult when you sit across the negotiating table to treat him as the devil incarnate." A total of thirteen consultations have to date been facilitated at an all-Sudan level, typically covering one or two themes requested by the participants, including such disparate subjects as water resources, education, land and religion. Concrete outcomes from this kind of activity, which has the dual aims of seeking constructive consensus on peaceful options and building relationships, are difficult to define (and it is, by extension, difficult to fund).

The relationship between track two initiatives and the IGAD negotiations was not close. Although personal

relationships were a factor, the main reason was probably the determination of both the Government of Sudan (GoS) and the SPLM/A to exclude others from the negotiations. As the SPLM/A was in touch with other opposition parties through the National Democratic Alliance (NDA), it was probably the government that was most resistant to a more inclusive approach. There was no shortage of constituencies within Sudan and in the diaspora with aspirations to have their voice heard. This was possible in an informal way through the work by Concordis and its predecessors and through public advocacy by civil society groups, supported by organizations like Justice Africa. After a protocol had been agreed, efforts were made to disseminate its content, but the door was closed to any more formal involvement of the wider society in the negotiations. The style of bargaining in the negotiations did not lend itself to a multilateral approach, so it is admittedly difficult to see how a broader approach might have worked, but such bilateral negotiations potentially pay for their exclusiveness in a settlement that does not have wide endorsement on the ground.

Experience in Darfur and the east

Several unofficial or semi-official attempts, alongside the official mediation, were made to reinvigorate the faltering Darfur peace talks in 2004 and 2005.

The Centre for Humanitarian Dialogue (CHD) is based in Geneva and enjoys a close relationship with the UN. It developed contacts with the armed opposition groups in an attempt at direct mediation to broker a ceasefire to secure humanitarian access for relief organizations. Talks scheduled for February 2004 failed to materialize amidst somewhat acrimonious press releases making claims and counter-claims about whether the GoS had agreed to attend or had even been invited. Once positions have been staked out publicly, it is difficult for either side to show weakness by backing down. Moreover, a track two organization is always in danger of being perceived or accused of being in the pocket of the other side and public knowledge of contact with one side can strengthen this suspicion. At the time, a confusing situation prevailed as many international agencies sought ways of bringing the GoS, the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) together, after the fragile ceasefire mediated by the Chadian government in September 2003 broke down in December.

However, in April 2004 the CHD was closely involved in assisting the Government of Chad with its mediation of the first formal talks in N'Djamena, which culminated in a ceasefire agreement, and in the ensuing discussions on technical arrangements. It also subsequently facilitated various meetings for relief NGOs and donor

representatives with the opposition groups and the GoS in Geneva and provided technical assistance to the early rounds of negotiations mediated by the African Union (AU) in Abuja.

In May 2005, the Roman Catholic peace community of Sant'Egidio, which has had extensive involvement in peace talks in Africa (especially Mozambique), brought representatives of the SLM/A and JEM together after the Abuja talks appeared to be stalled while the parties waited to assess the effectiveness of the SPLM/A's participation in the new Government of National Unity. At a meeting in Rome, the movements met representatives of the AU and agreed to "resume as soon as possible the Abuja negotiations under the auspices of the African Union without preconditions."

Various international experts were involved in providing support to the AU at Abuja, whether as individual consultants or as representatives of NGOs like Justice Africa or Concordis International. As the talks dragged on, the dividing lines between track one and track two became more blurred than had been the case in the IGAD-mediated talks between the GoS and the SPLM/A. IGAD, under Lazaro Sumbeiywo, was perhaps in a better position to build a permanent secretariat than the AU, which had to seek assistance for a sporadic process on a more *ad hoc* basis. In addition, IGAD was working with more unified and disciplined negotiating teams.

Meanwhile, Concordis facilitated three research-based track two consultations for Darfurians between September 2004 and August 2005 covering some of the longer-term issues such as land use and tenure, and made the agreed conclusions available to the parties and mediators at Abuja. Arguably, such inputs could have been more effectively exploited to broaden the negotiations from their focus on power-sharing, wealth-sharing and security arrangements. The impression was given that these three subject areas, 'borrowed' from the structure of the north-south process, had already brought the talks close to the limits of complexity that they could handle.

A small but inclusive consultation for eastern Sudanese on access to resources in the region in February 2005 led to a continuing pre-negotiation effort on the east by Concordis International over the following months. Originally envisaged as an informal dialogue between the GoS and the Eastern Front (EF) following the NDA's June 2005 *Cairo Agreement*, the attempts stumbled over the EF's reluctance to engage in such low-profile meetings. The prospect of UN-mediated negotiations, suggested to the EF in mid-2005, confirmed their unwillingness to go down the informal route. It is important to recognize the crucial importance of

international publicity and profile for armed opposition groups. They are often keenly aware of their military weakness relative to governments and see international support and status as a powerful weapon to be exploited through the use of press statements. Unfortunately this can lead to hardening positions from which neither side can retreat, making it more difficult to accommodate compromise.

As an alternative means of moving the process forward after the UN mediation option dissipated, Concordis ran a series of workshops for the EF in November 2005 in Asmara, designed to help the EF unify and negotiate constructively and confidently, and continued to encourage them to negotiate with the GoS. Several different possibilities for mediation were considered over the following months and rejected by one side or the other, but the training provided by Concordis was a significant factor in the decision of the EF to enter the negotiations that opened in April 2006 under Eritrean mediation. These proceeded with limited external assistance and concluded in October 2006 with an agreement modelled on the CPA and DPA.

Conclusion

It is difficult to draw a clear picture of non-governmental involvement in Sudanese peacemaking, or even to determine what has been going on at any particular time. This is perhaps inevitable given the frequent need for discretion, as demonstrated by the early attempts to broker a Darfur ceasefire when media attention and press statements proved counter-productive.

What does seem clear, however, is that coordination between track two initiatives and the formal talks has generally been less than complete, especially during the IGAD and eastern negotiations. Reluctance to coordinate is understandable from the point of view of the official mediators, who may feel they have more than enough complication at the table without adding extra actors. Moreover, individual personal connections and animosities can play a role, as can resistance by one or both negotiating teams to any dilution of their profile or political influence. This may be a genuine fear, but it is essential for negotiators to stay in contact with their constituencies and to take account of the aspirations and fears represented there. As well as bolstering flagging track one processes, track two can play a crucial role in maintaining the links between negotiating parties and their constituencies, in ensuring that the broader picture is kept in view and in providing a non-threatening space for 'safe' consideration of constructive options. Any agreement that does not take into account the needs and concerns of the broader society or the root causes of the conflict is unlikely to be sustainable in the long term.

The delicate practice of supporting grassroots peacebuilding in southern Sudan

Paul Murphy

Paul Murphy has worked in Sudan from 1989 and more recently for the agency Pact (2002-05) where he headed the Sudan Peace Fund and other peacebuilding programmes under Pact's coordination.

The January 2005 *Comprehensive Peace Agreement* (CPA) marks a significant step in a lengthy struggle among Sudan's culturally diverse inhabitants in resolving how the country should be governed. The scepticism many share about its outcome is understandable: the causes of Sudan's conflicts run deep and any enduring resolution will entail difficult and lengthy processes of compromise and reconciliation. Attitudes and behaviours have to change for peace to really take root, demanding a more comprehensive transformation process beyond the limits of the bilateral political peace brokered under the CPA.

To safeguard against a return to conflict in the near future and improve the foundations for southern Sudan's new governance systems, the legacies of decades of conflict must be addressed. Sustained and sensitive support for bottom-up reconciliation initiatives in pursuit of stability and justice should be central to Sudan's recovery process. Thus far, grassroots peacebuilding initiatives have had a significant though largely overlooked impact upon the transition to peace. Reflecting on how these sensitive peacebuilding processes can be supported, this review focuses on the assistance provided by Pact and a number of collaborating peacebuilding organizations to primarily southern Sudanese grassroots initiatives.

The manipulation of inter-communal conflict

The long history of inter-communal conflict in southern Sudan has bequeathed a rich peacebuilding heritage for regulating feuds through customary guidelines and institutions. However, clan rivalry became dangerously assimilated into the north-south war that emerged at independence and reignited in the early 1980s. With a decline in local governance systems, easy access to light weapons, and the use of militias by successive governments as proxy forces against the Sudan People's Liberation Movement/Army (SPLM/A), codes of warfare were undermined and the authority of elders and chiefs to lead peace initiatives diminished. Cattle raids became acts of military assault and women, children and other vulnerable groups were blatantly targeted. The situation became tragically worse after the SPLM/A split in 1991, aggravating existing political divisions and deepening ethnic factional fighting. This was particularly the case between the Dinka and Nuer ethnic groups and within Nuer sections and clans.

Localized peacebuilding initiatives continued through the war years, but tended to be fragmented and vulnerable to political affiliations related to the wider war. Agreements rarely lasted. This tended to reinforce external perceptions that with peace, local conflicts would subside – a view overlooking the effect of the tactics of war on the civilian population and how local disputes were manipulated and entangled within the



broader war. Violent atrocities against civilians and the destabilization of livelihood systems wreaked havoc and incited revenge, and local societies became vulnerable to the schemes of armed groups and political interests.

Wunlit: the re-emergence of effective grassroots peace activities

The New Sudan Council of Churches (NSCC) and its member churches had been attempting to reconcile southern factions since the early 1990s. The efforts had mostly failed and the NSCC's relationship with political movements became strained over time. However, after a 1997 rapprochement in Yei, it confirmed a mandate from the SPLM/A to pursue reconciliation and unity among southern politico-military groups. Inspired by the desire of divided Dinka and Nuer chiefs to meet and broker a peace, the NSCC turned to a more grassroots approach. After an initial dialogue in Lokichoggio, Kenya, it brought together community leaders from the two groups to reconcile their differences in a small border village called Wunlit in 1999. Grievances identified by the parties were aired and an agreement signed. As a meeting between the civil leadership of warring sections, rather than the military leaders of political factions, its success popularized the NSCC's blend of customary dispute resolution methods and modern approaches dubbed 'people-to-people' peace processes.

The Wunlit Covenant represented a remarkable achievement for grassroots conflict resolution and a glimmer of optimism in a bleak political landscape. The hope was that this agreement would inspire other community-based initiatives. The Intergovernmental Authority on Development (IGAD) peace process may have been making little progress, but people at the grassroots considered unity among southerners to be an integral part of the quest for peace. Southern unity implied greater accountability from their political leaders and the NSCC highlighted the role community leaders could play in making political unions more successful.

The first test after Wunlit was when NSCC convened peace conferences in Upper Nile (Watt, November 1999 and Liliir, May 2000). The east bank, made up of many ethnic groups and political factions and the site of some of Sudan's most bitter conflicts, was a far more volatile and inaccessible ground than the area covered by the Wunlit Covenant, and agreements tended to falter.

An even greater challenge was mounted in 2001 when NSCC convened a 'strategic linkages' meeting in Kisumu, Kenya, with community leaders and members from the diaspora to bring grassroots perspectives to bear at the political level and persuade divided leaders to reconcile and unite. Its potential for success was limited after the SPLM/A shunned the meeting and obstructed participation, reflecting tensions over the control and direction of the local peacebuilding agenda.

Clearly, harnessing a revival of grassroots peacemaking and transforming 'Wunlit' into a force for change was not going to be easy, especially once imbued with wider political ambitions for change such as the call for unity and improved accountability among leaders. In effect, the status quo was being challenged. Elements within the SPLM/A became reticent towards the NSCC or sought to absorb the grassroots peace agenda. Peace fora frequently served as advantageous environments for political manoeuvring. A further challenge was related to the limited capacity to service scattered and fragile peace initiatives and organize them into a more cohesive 'peace movement.' With customary institutions faltering, few civil society institutions beyond the NSCC had sufficient credibility for this role.

Scaling up and deepening grassroots peacebuilding activities therefore presented many challenges, not least the potential for generating new sources of conflict. The process would require skilful stewardship by credible intermediary organizations with a keen insight into the political environment and detailed knowledge of the structures and processes of the south's many inter-communal conflicts.

The Sudan Peace Fund: designing support for grassroots peacebuilding

Over the first three years of the people-to-people process, the NSCC fostered the spirit of Wunlit and raised the profile of grassroots perspectives. As a vehicle for political consensus, the process was reaching new constituencies, but remained tenuous as an organized movement. By 2002 the two main southern factions had merged and the improving prospects for peace were starting to bring a new urgency to the future role of grassroots peacebuilding. It was unclear how an emerging people-to-people movement might respond to the challenges ahead and how far the southern political elites could be influenced from the grassroots.

The timely creation of a three-year Sudan Peace Fund (SPF) by the United States Agency for International Development (USAID) in 2002 brought about new developments within the people-to-people process. The US government had already established a mode of working in the south outside the strict humanitarian rubric of the time, and the SPF took this further by supporting people-to-people peacebuilding. The NSCC joined a consortium of agencies funded by the SPF and coordinated by Pact, also comprising the African Union Inter-African Bureau for Animal Resources, Christian Aid and Pact Kenya. The SPF operated by providing grants to Sudanese organizations within an increasingly defined strategy and framework for conflict reduction and the promotion of stability. It added a broad range of complementary peacebuilding activities to the work championed by NSCC.

The program pursued a number of design features that later proved critical. Firstly, the programme structured its design on a rapid but participatory conflict mapping conducted in late 2002, involving analysis of the dominant disputes, their underlying structural and proximate causes, and linkages between conflicts. The majority were deemed to be ethnically-based with two thirds perceived as politicized (fuelled by external factors). In many instances, a weak, negligent, biased or 'missing' civil administration either perpetuated or intensified conflict. It was apparent that sustained conflict reduction would require institutionalized peacebuilding processes through, for example, peace committees and councils, and eventually new law and order institutions under a peace-time southern government. The mapping forewarned that a political settlement would not immediately do away with local conflicts, and could even intensify them for some time. Secondly, the complexity and multiple causes of conflict required a strategic and systematic approach. Discrete peacebuilding interventions could risk either precipitating another conflict or being undermined by adjacent insecurity. In response, the programme

grouped configurations of conflict and the strategies required to address them into geographical or thematic 'clusters.' The program engaged with eight major cluster areas in the south and three additional focus areas (Blue Nile, Southern Kordofan and the Bahr al-Ghazal border with South Darfur).

Thirdly, as the demand for peacebuilding support was likely to far exceed what the SPF could provide, a 'platform approach' was adopted, whereby the program was promoted as a wider platform to attract and fund the appropriate mix of interventions, facilitating the inclusion of other actors and technical expertise.

Fourthly, given the sensitivity of the issues faced and the propensity for political interests to try to commandeer local peace initiatives, maintaining a credible 'third party' positioning was exceptionally challenging. A set of principles to guide decision making and safeguard the legitimacy of people-led processes was adopted in order to keep grassroots analyses and preferences as central as possible.

All these facets were tied together under an emerging framework that, over time, moved towards identifying and including actors and institutions that stood the best chance of facilitating and sustaining people-led peace initiatives. It embodied the belief that effective conflict reduction and peacebuilding is subject not only to horizontal arbitration between divided communities, but also vertical relationships of accountability between the communities and their governing authorities. By establishing greater clarity around the roles of governmental and non-governmental actors, underscoring the need for democratic accountability and promoting greater complementarity between stakeholders around common goals, the prospect for enduring stability and peace is more likely to be attained.

The SPF's contribution

The period 2002-05 witnessed tumultuous change. As the IGAD-sponsored process progressed, the programme faced an overwhelming demand for different forms of dialogue at the local level, including opportunities for divided communities to 'clear the air' before a new dispensation arrived and to address grievances before old scores got otherwise 'settled.' With so much of the leadership participating in the final phases of the peace process in Kenya, local tensions deepened as a result of the increasing governance vacuum and intense rivalry over positions and appointments prior to the formation of a new government in the south.

During this period, the SPF was prepared to adapt the people-to-people approach to newly arising challenges.

The promotion of stability and the anticipation of an agreement called for 'cross-line' dialogue (between communities separated by the civil war) as well as 'cross-border' dialogue (as a number of Sudan's international borders had been overrun with conflict and criminality). More 'rapid response' interventions (supporting communities to respond to unexpected flash points) were made than envisaged. Equally important was the dialogue demanded between civilians, the military and the civil authorities.

Flexibility was vital, and the SPF was able to annex a number of complementary recovery and transition programmes or governance-building initiatives. Their activities included disseminating news of peace-related developments (including translating resources into local languages), establishing peace committees, supporting the media or providing water services.

Assessing the SPF's specific impact is complex, yet evaluations of the support programme by USAID, the UK Department for International Development and an independent team commissioned by Pact endorsed the view that levels of conflict were reducing significantly and that informants believed that the situation would have been much worse without the programme's activities. Trends reported include less violent cattle raids or revenge killings, more cattle returns and compensations offered, and improved trading relations. Communities affected by or addressing conflict showed greater awareness of the causes of conflict and their potential roles as peace actors, developing confidence in their ability to influence events and the ability to exact greater responsiveness from their authorities to manage conflict and maintain peace. Overall, local peace initiatives and pro-peace constituencies expanded and became more institutionalized, though all observers emphasized how fragile the environment remained.

Grassroots peacebuilding has had a catalytic effect on governance by promoting improved interaction and collaboration between civil society and the governing authorities (be they the SPLM/A or other politico-military groups). Once genuine peace actors organize institutionally – whether in the form of peace councils, committees or customary institutions – then political exploitation tends to reduce, accountability increases, community cohesion improves and there is greater consensus over societal norms.

Capturing the impact grassroots initiatives have or have had on wider political processes such as the IGAD peace negotiations is much more complicated and deserves more specialized research. Where possible, 'vertical' linkages were fostered between local initiatives and higher level processes by raising awareness of developments in the peace process, promoting peace

initiatives as public platforms to express opinions and demands, and generally planning and adapting the people-to-people methodology in a way that was sensitive to political developments taking place at the IGAD level. Above all, the programme's experience of the past few years has underscored the view that without stability at the local level, any peace achieved at the political level remains extremely unsafe.

Looking ahead

With southern Sudan engrossed in sweeping changes, it may be premature to determine the extent to which grassroots peacebuilding has lived up to the expectations of 1999, but the provisional evidence suggests that the foundations for a sustainable peace have greatly improved. The programme advocated for a holistic understanding of the wider peace process, linking the attainment of stability locally to the wider political search for peace. This vision should advance more effectively once integrated into the emerging governance system centred on the Government of Southern Sudan (GoSS), but will take time to take root.

It was hoped that a distinct 'peace movement' would emerge, in which grassroots initiatives would join up institutionally, be represented transparently and produce the critical mass necessary for wider change. While falling short of this goal, developments are moving appreciably in that direction. Nevertheless, progress at the strategic level – where local initiatives are collectively steered and their potential harnessed – has not kept pace with developments locally. A critical challenge remains the slow growth of a broad-based leadership to drive the process forward, a project complicated further by the uncertain future of NSCC.

During the next few years, sensitive, informed and appropriate external support for grassroots peacebuilding should continue based on the rich experiences of the past six years. But this recommendation is not an enticement for multiple actors to hastily jump on a peacebuilding ticket. The next phase of support for community peacebuilding initiatives must intensify the organization and institutionalization of the process and engage the GoSS and grassroots representatives in dialogue over the collaborative roles and responsibilities of government, customary institutions, civil society, churches and external actors in a people-led peacebuilding framework and around a common vision for security and peace.

Untapped potential

Civil society and the search for peace

Hassan Abdel Ati

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Until the 1980s, Sudan had a relatively strong and well-developed civil society based primarily in the north of the country. However, politically-engaged civil society organizations (CSOs) like trade unions have increasingly been restricted by the state or supplanted by new welfare-based or issue-based organizations encouraged by the regime or by international development and relief agencies. These new organizations do not have the political role or power once held by trade unions and their capacity for influencing Sudan's peace process has been relatively weak. Sudan's civil society sector now faces significant challenges in fulfilling a peacebuilding role in the wake of the *Comprehensive Peace Agreement* (CPA).

The origins of modern civil society are in the semi-formal trade unions and religious groups of the early 20th century, and the societies and educational organizations that resisted British colonial rule in the north (which was administered separately from the south). An example is the White Flag Society: brutally suppressed in 1924, it was a seed for the modern politically-oriented CSOs that culminated in the formation of the Graduates' Congress in the late 1930s. The Graduates' Congress led the resistance to colonial rule until independence and prompted the emergence of modern political parties.

From the 1940s, trade unions were particularly influential in the anti-colonial struggle, and after independence led the toppling of the military dictatorships of Ibrahim Aboud in 1964 (when workers' and farmers' unions were the main force of change) and Jaafar Nimeiri in 1985 (when the uprising was led by professional, urban-based white collar unions since the workers' and farmers' unions had been weakened by the Nimeiri regime). In both cases, university students, notably the Khartoum University Student Union, were critical to spearheading and coordinating the revolt.



The decline of an independent civil society

After 1985, the political parties that had benefited from the trade unions' revolutionary spirit turned their back on the unions, thereby exposing democratic rule to further military coups. A new generation of civil society organizations started to emerge in response to drought, famine, the large-scale displacement and destitution caused by the renewal of the war in the south, as well as the large numbers of international NGOs (INGOs) and relief agencies that arrived. This contributed to the marked increase in modern intermediary NGOs (intermediaries between donors and target groups) which directed their efforts to serving the victims of famine and war. Government inability to address the situation contributed to a short period (1985-89) of cooperation, encouragement and some state support of national voluntary organizations and the creation of a favourable environment for INGOs operating in the country. Most of these national organizations, however, were Khartoum-based, largely non-political, service-oriented and dependent on external funding from INGOs and UN agencies, a characteristic that has remained constant ever since.

Since the 1980s there has been a proliferation of NGOs in the south, which did not have the same strong civil

society tradition as the north. Most of those that existed in SPLM/A-held areas were Nairobi-based, engaged in service delivery, and affiliated to the SPLM/A (with a few notable exceptions such as the Southern Sudan Law Society). The development of CSOs in southern Sudan was a response to the presence of aid agencies, driven by the requirement of INGOs to work with local CSOs.

Following the 1989 coup, the new regime dissolved all political parties and trade unions and NGOs were required to re-register on new conditions that prohibited political engagement. The coordinating agency for voluntary work, later named the Humanitarian Affairs Council (HAC), was transformed into a security organ, imposing heavy restrictions on NGOs. The government prohibited NGO engagement in political issues like human and civil rights and governance, restricting their activities to service delivery. Yet the National Islamic Front (NIF), which was behind the new regime, had been one of the first political parties to invest in and work through civil society for its own ends. It had started by winning control of student unions in schools and universities and gradually infiltrated certain trade unions and created a base in the army. In power, it replaced freely-formed unions with organs associated with the one-party system, and interfered directly in selecting the leadership of independent organizations ranging from

sporting clubs to the Sudanese Red Crescent Committee. Its strategy was to pre-empt the functions of existing independent organizations, supplanting them with its own bodies. Several 'Islamic' organizations were formed, supported by the state and primarily funded from the Gulf. Sudan's support to Saddam Hussein in the Gulf war halted most of the funding from the Gulf states and only the strongest and heavily state-supported survived, such as the Zubeir Charity Foundation and el-Shaheed. But given the utility of CSOs as a vehicle for receiving donor money, the number of registered organizations shot up again as Sudan's international isolation began to recede after 2002, most of them nonetheless still linked to the state and the ruling party.

In the 1990s, as well as trying to restrict an independent civil society sector, the government succeeded in transferring its social and economic responsibility for groups such as displaced persons, children and the urban poor to national and international NGOs. Amidst Sudan's isolation, the consequences of natural disaster, growing violent conflict and the short-term negative impact of economic liberalization policies, NGOs were left to address the gap left by the 10-year ban on political parties and the weakness of state governments. Meanwhile their agenda was being reshaped by increased interaction with international organizations, precipitating new visions and methods of civic action, and the spread of new development concepts like grassroots empowerment, participation and peacebuilding.

Civil society and the pursuit of peace

In the absence of legitimate trade unions and political parties, CSOs have long been active in trying to promote a peaceful settlement to the conflict in southern Sudan.

Little space was given to CSOs in formal peace initiatives, though it should be remembered that the first significant high-level talks involving the SPLM/A, the Koka Dam talks in 1986, were rooted in an initiative by University of Khartoum staff associations and trade union associations, who started the initial talks in Ambao. In more recent years CSOs have found ways to contribute to the broader peacemaking process through public lectures, workshops, newspaper articles and training sessions on peace. Fuelled by the prevalent war fatigue, the initiatives included, among others, Sudan First Forum, Nadwat al-Ameed (Ahfad), Women's Peace Network Initiative, the Group of 10, the el-Sheikh el-Gaali Initiative, and the Sudanese Initiative to Resolve Sudan's Governance Crisis. The latter, a proposal for a comprehensive settlement to Sudanese conflicts made

by a number of civil society groups in 2000, was based on the conviction that cultural diversity can form a strong basis for national unity and tackling root causes like unbalanced development, the absence of political participation and representation, and inequalities in the distribution of wealth. Peace organizations like the Sudanese Women's Peace Network and the National Civic Forum were among the first to establish direct contact with CSOs in the SPLM/A-held areas and in the diaspora. Many received external support, for example through Justice Africa's Civic Project, the Dutch government, the Heinrich Böll Foundation, the Friedrich Ebert Foundation or the United Nations Development Programme.

Civil society influence on the Naivasha process that led to the CPA was ultimately very limited. Like the northern opposition political parties, civil society was marginalized, perceived by the government as backing SPLM/A positions on the main stumbling blocks in the negotiations: religion and the state, wealth redistribution, democratic transformation and accountability. Moreover, the other Intergovernmental Authority on Development (IGAD) countries shared similar views to Sudan on the roles and rights of civil society, whose engagement in briefings and informal sessions was only made possible after the wider international community became involved. Various civil society meetings and fora created for civil society actors, such as the series of meetings convened by Justice Africa in Kampala from 1999, were to a significant extent a response to the exclusion of civil society groups from the peace talks.

Peacebuilding challenges

Following the CPA and subsequent peace agreements, civil society's immediate challenges lie in peacebuilding and democratic transformation. Meeting immediate needs must be balanced with engaging in structural change and long-term programming. CSOs can bridge the gap between what the Sudanese people want, and what the negotiating parties and the international community perceived they wanted.

Many Sudanese have yet to see a peace dividend. CSOs can contribute in many ways by:

- encouraging dialogue and promoting peaceful coexistence and cooperation between ethnic and religious groups;
- promoting civic education, democratic values and a culture of peace and human rights at the community level;
- assisting community planning and drawing attention to local, national and international problems;

- promoting regional and local development and more equal distribution of wealth and opportunities between regions and social groups;
- promoting transparency and accountability, and monitoring the use of rehabilitation and reconstruction resources;
- providing education on the environment, resource use and management, and promoting economic alternatives to reduce the pressure on resources and the likelihood of conflict;
- reducing pressure on resources through direct service provision (water, medical and veterinary) to returnees and war-affected communities.

CSOs represent the main national forces working with communities to counter the impacts of war, mismanagement of resources and poor policies. Their resources for peacebuilding include external links and extensive experience in negotiation over the last two decades, which have enabled them to survive in a hostile environment. Yet CSOs in Sudan are faced with challenges relating to government restrictions, internal failings and external conditionalities.

The government continues to try to curtail the independence of CSOs. It uses its own parallel organizations to undermine existing CSOs, especially those working on rights issues, swamping meetings held in the presence of international or UN representatives. New legal restrictions on CSOs include the Organization of Humanitarian and Voluntary Work Act (2006), which requires Ministry of Humanitarian Affairs approval of all CSO proposals before they are submitted to donors. The Ministry can also ban any person from voluntary work.

Economic deterioration, debt, political instability and ongoing conflict contribute to diverting CSOs' efforts towards addressing symptoms rather than causes, at the expense of influencing policy and legislation. CSOs lack a long-term strategic vision for their programmes and the in-depth research needed to guide their plans and priorities. The work is reactive and vulnerable to external influence by the state or donors: the regime has sought to divert civil society attention from important issues such as human rights violations in southern Sudan and Darfur, while oil production and revenues form a 'no-go area' for CSO activity.

The dependence on foreign funding and a lack of specialization among CSOs has undermined the formation of effective networks, making them competitive rather than cooperative. Donor conditionality is sometimes imposed at the expense of local priorities. Stereotyped and mostly imported methods have been adopted; for example, credit and

women's empowerment programmes are common throughout Sudan but rarely adapted to its varying local contexts. As a result, large segments of civil society, such as Sufi sects and tribal associations, are not well integrated into the civil society sector, notwithstanding some emerging interchange between tribal-level organizations and NGOs in local peacebuilding initiatives.

If the peacebuilding potential of CSOs is to be realized, a more effective civil society sector needs to be created that holds sufficient power to provide checks and balances to the executive. The government should legislate to support CSOs – or at least create a more supportive environment for them. CSOs need to improve their coordination and cooperation, building new alliances free of political polarization and dependency. They will need to build their capacity to generate accurate information upon which proper long-term planning of interventions can be made. For this they must link better with research institutions and persuade donors to finance research and surveys.

Experience from other countries shows that, to immunize itself from the state's pre-emptive and restrictive measures, civil society needs self-discipline, ethical codes and an internal commitment to the values of democracy, transparency and accountability it preaches. This will help international donors identify genuine partners. Effective, non-dependent partnerships with international organizations, the private sector and the state should be based on mutual trust and shared experience, not just financial support.

Hopes for the future

The case of Sudanese refugees in Uganda

Tania Kaiser



Refugees at Kiryandongo.

Source: Tania Kaiser

Tania Kaiser is a lecturer in Refugee Studies at the School of Oriental and African Studies in London. Her research is currently focused on long-term Sudanese refugees living in Uganda.

The Kiryandongo refugee settlement in Uganda's Masindi District was established in 1991 for a group of Eastern Equatorial refugees who fled fighting between the Sudan People's Liberation Movement/Army (SPLM/A) and Sudanese government forces. Their exile had begun in Kitgum District but Lord's Resistance Army (LRA) attacks led to their transfer to Masindi by the Government of Uganda and the United Nations High Commission for Refugees (UNHCR). After an initially uneasy relationship between this refugee group and the SPLM/A, relations improved markedly during the decade culminating in the much celebrated visit of John Garang in the late 1990s. As has been the case for much of the Sudanese diaspora, links and networks between refugees and those remaining in Sudan have been maintained to a large extent. In some cases it has been possible for Sudanese in Uganda to re-cross the border from time to time and interest in news from Sudan is always extremely high in the settlements.

Sudan and displacement

The Kiryandongo refugee settlement is one of many. Conflict in Sudan has displaced enormous numbers of civilians with an estimated 4 million internally displaced since 1981. Several hundred thousand southern Sudanese people – the UNHCR estimates 350,000 – have been displaced to neighbouring countries including Uganda, Kenya, the Democratic Republic of Congo and Central African Republic. By the mid 1990s, Uganda was hosting around 250,000 refugees, of whom 170-180,000 remained in the country in early 2006. According to UNHCR, 27,000 of the Sudanese refugees in Uganda had registered to repatriate by May. Since it started voluntary repatriations in December 2005, some 4000 refugees had returned from neighbouring countries to southern Sudan. Despite widespread pleasure at the signing of the *Comprehensive Peace Agreement* (CPA), residents of Kiryandongo have been relatively slow to register for voluntary repatriation. They have cited the threat of ongoing LRA activity in Eastern Equatoria as a serious disincentive. The untimely death of John Garang also gave many pause for thought in this respect. Finally, in 2006, LRA activity to the west of the Nile in Sudan has led to the arrival of around 500 new refugees in Uganda. However, the Government of Southern Sudan's attempts to mediate an agreement between the LRA and the Government of Uganda give some cause for optimism.

Refugees and the CPA

In very few cases were representatives of Uganda's refugee population directly involved in the peace process leading to the CPA. Some individuals, connected to various civil society organizations including women's groups, were invited from the settlements to participate in the wider consultation

process around the talks. But for the vast majority of the refugees, information about the talks came only after the event and from the usual sources: the BBC, the Ugandan press, local networks, and accounts relayed from those who had been directly or tangentially involved. It seems that no systematic attempt was made by either the Government of Sudan (GoS) or the SPLM/A to disseminate information among the regional diaspora with the exception of key political figures. For residents of a relatively low profile settlement like Kiryandongo whose largely peasant residents are drawn from small ethnic groups and are relatively marginal in political terms, the dissemination of accurate and timely information appears not to have been a priority for any of the major actors.

Knowledge of the CPA and its provisions

For a minority of the settlement's residents, it has been possible to become somewhat informed about the contents of the CPA and its provisions. Many of the settlement's 'intellectuals', students, teachers, those in employment with NGOs or other organizations, those involved in political activity and some traders have found sources of information in the media or through personal networks and have contrived to keep abreast of developments. A few copies of the CPA's principal documents have found their way to the settlement from different sources. One university student, for example, obtained a copy of the CPA from a diplomat friend and was able to bring this to the settlement. Reading matter – especially when related to the conflict in Sudan – is eagerly shared by the literate and politically informed classes there. Amongst this group the CPA and its provisions have provoked cautious optimism.

Amongst the majority of the population, which is made up mainly of farmers, petty traders and day labourers, few are familiar with the detailed contents of the agreement. Almost all are aware, however, that agreement has been made to share power and wealth – including oil wealth – with the government, and that a referendum is to be held on self-determination for the south after a period of six years. The precise nature of these arrangements is not known by the majority, which largely assumes that the southern negotiators would not have accepted disadvantageous terms if this could be helped.

Perhaps more important than what is known in the settlement about the CPA in the abstract, is what is understood about how it differs from the 1972 *Addis Ababa Agreement*. Two features stand out in this respect: firstly, the promise of a referendum, which many Kiryandongo refugees hope and assume will result in the eventual secession of the south from the north. Secondly, most are aware that, unlike in 1972, the SPLA will be maintained in some form as a distinct entity rather than being subsumed entirely into the national army.

The extent to which attitudes among settlement refugees towards those to whom they still refer pejoratively as 'the Arabs' have changed since the signing of the CPA seems to be negligible. Refugees most desire of the peace agreement that the southerners this time avoid the kind of 'betrayal' at the hands of the northerners that they perceive themselves to have experienced during the implementation of the *Addis Ababa Agreement*. Both the referendum and the continued existence of the SPLA are seen as protection against this possibility.

Views on the CPA

For the 15,000 long-term refugees of the Kiryandongo refugee settlement, the signing of the CPA first and foremost means that they can start thinking about going home. This prospect is viewed with delight by the majority – but does not come without strings attached as far as they are concerned. In the first instance, having in many cases experienced exile and repatriation previously, these refugees want to be sure that long-term security in Sudan is assured. In addition, research among refugees in several settlements in northern Uganda including Kiryandongo has found that refugees want to see progress with infrastructural and developmental activities before they return home to areas that they know have been devastated by the war. Even in places that never benefited from these before, refugees talk of wanting to see in their home areas the roads, schools and hospitals to which they have become at least partly accustomed while in exile. Political and religious leaders in the settlements exhort refugees to think positively about going home and to take active control rather than waiting for anyone to come and develop their villages for them. While they are willing to do this, they point out that they will still need help, not least with problems like landmine clearance.

In addition, refugees from minority groups express their concerns that in the absence of powerful advocates to speak on their behalf, their areas may miss out or be slow to benefit from badly needed developmental inputs. They fear that the CPA will be implemented in such a way that more powerful groups benefit most and first in this respect.

Conclusion

For many of the refugees of the Kiryandongo settlement, the success of the CPA and its implementation may be judged retrospectively by its capacity to deliver security and development. While the mood is positive, massive needs will exist on repatriation, and support to refugees, returnees and other vulnerable groups should be provided fairly and transparently, without reference to the ethnic and political identities of recipients.

The limitations of bilateral governance

As-Sadiq al-Mahdi



As-Sadiq al-Mahdi in Khartoum, 2006.

Source: Reuters/Mohamed Nureldin Abdallah

As-Sadiq Al-Mahdi is Imam of the Islamic Ansar sect and has been Chairman of the Umma Party since 1964. He served as elected Prime Minister of Sudan 1966-67 and again 1986-89, when he was ousted in a bloodless military coup.

The benchmarks for good governance, as enshrined in international best practice as defined by organizations such as the United Nations Development Programme, are participation, accountability, transparency and the rule of law. Yet these do not characterize governance in Sudan.

Although commonly called the *Comprehensive Peace Agreement* (CPA), the limited bilateral agreement between the Government of Sudan and the Sudanese Peoples' Liberation Movement (SPLM) signed at Naivasha in January 2005 is far from comprehensive, and indeed blocks the way towards dealing with other political and armed conflicts in the country. The CPA, which should more accurately be known as the Naivasha Peace Agreement, claims "the successful implementation of the agreement shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive." It is full of articles that could lead to good governance, such as the endorsement of international charters and conventions for human rights and the stipulation that the political process should be inclusive. However, the agreement proceeds to undermine these principles by guaranteeing control of the north to the National Congress Party (NCP) in the form of 52 per cent of National Assembly seats prior to elections, and guaranteeing control of the south to the SPLM with 70 per cent of seats in the Southern Sudan Assembly pending elections. There is no stipulation that the NCP, a totalitarian party, and the SPLM, a shadow of its former incarnation the Sudanese Peoples' Liberation Army, be transformed into democratic organizations.

Consequently, the north has continued to suffer from totalitarian governance, the south from military governance. The agreement offers other political forces only token representation, compelling them to accept the privileges and political hegemony of the NCP-SPLM 'diarchy' or be disenfranchised. It calls for general elections in three years' time, but undermines their efficacy by putting the date in the hands of the diarchy and blocking the participation of all parties that do not submit to its privileges. Finally, it risks making the elections null and void by stating that if the south chooses unity, the provisions of the Naivasha agreement and its constitution would continue into the future.

Far from 'making unity attractive,' implementation of the agreement has widened the gulf of distrust between the two members of the diarchy, and between them and the other political forces in the country.

The problems are reflected by governance indicators. The Failed States Index produced by *Foreign Policy* magazine and the US-based Fund for Peace ranked Sudan as the world's third most vulnerable state in 2005

and its most vulnerable state in 2006, while a Corruption Perception Index compiled by Transparency International ranked Sudan as the country perceived to be the most corrupt in the Arab world and the joint tenth most corrupt country worldwide.

Many parts of Sudan continue to be affected by conflict. The *Darfur Peace Agreement* of May 2006 has not sufficed for the purposes of a ceasefire, let alone building peace in Darfur. The crises in Darfur, the east, the centre and the north of Sudan can only be resolved by a total break with the NCP policies which have exacerbated Sudan's old divides and created new and ever more intractable ones. They also compel a revision of the ceilings established by the Naivasha agreement. Opportunistic power bargaining between factionalized elites must be supplanted by the proper involvement of all the country's political forces in a process of peacebuilding and democratic construction. The 'retail trade' bargaining approach to power and wealth sharing chosen by the NCP negotiators and embodied in the agreement will neither build peace nor realize good governance.

I take no pleasure in concluding that the negative predictions I made in 2005 in a book on the Naivasha agreement and its transitional constitution have all been vindicated. Reflecting upon the whole inept exercise, the following lessons can be drawn:

- 1 Warlords who initiate and sustain armed conflicts are necessary for stopping them, but are not sufficient for peacebuilding. Other political forces must be recognized and included.
- 2 Power sharing must be based on the principles of legitimacy, namely national consensus or electoral resolution, not upon partisan, regional bargaining.
- 3 Wealth sharing must be based on the requirements of development, not upon opportunistic horse-trading.
- 4 A mechanism for accountability for past misdeeds like the Truth and Reconciliation Commission of South Africa is necessary to prevent grievances from festering unchecked.
- 5 Mediators mitigate the effectiveness of their own endeavours by focusing on actors with 'hard' military or governmental power, neglecting track two diplomacy and the efforts of civil society organizations.
- 6 Regional players, especially Sudan's neighbours, have got to be more involved in the peace process beyond the token regionalism of the now more-or-less defunct Intergovernmental Authority on

Development (IGAD) secretariat. Three of Sudan's neighbours, namely Chad, Eritrea and Uganda, have become entangled with Sudan in such a way that war and peace have become regional issues. It is imperative that Sudan takes advantage of its strategic position at the crossroads of North Africa, the Sahel, Central Africa and East Africa to push forward a regional peace plan for the Horn of Africa.

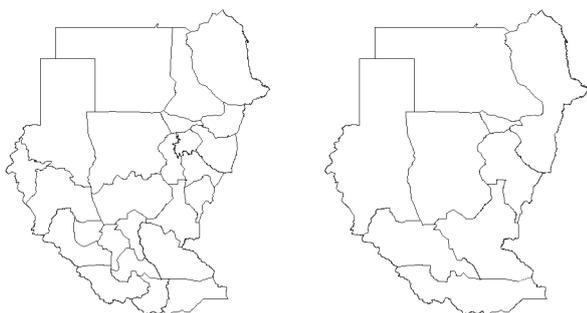
- 7 The peoples of Sudan need to hold a national constitutional conference (like, for example, the Convention for a Democratic South Africa of 1991-92) to draw a comprehensive and just peace agreement and to plan for a genuine democratic transition. Converting a bilateral agreement into a national one, the conference would: determine the ambiguous points in the Naivasha agreement requiring explanation; include significant peace issues neglected by the agreement; change the bilateral power relations that are infringing upon the rights of other groups; and approve the basic points leading to reconciliation such as self-determination, the interim period and equality in citizenship.

Until the fruits of these national endeavours materialize, a third party must help buttress national law and order in Sudan and contain the festering regional conflicts. An enhanced UN role in Sudan, under Chapter Seven of the UN Charter, is imperative if renewed civil war and regional armed conflicts are to be avoided.

The imperative of decentralization

Daniel Awet Akot

Figure 1: states and regions



Sudan's current 25 states (left) and its 9 regions to 1994 (right).

Daniel Awet Akot is Governor of Lakes State and was previously Minister of Interior for the Government of Southern Sudan.

One of the root causes of conflict in Sudan is a sense of marginalization from the corridors of power and a share in national wealth. For generations Sudan's rulers have come from the far north of the country. This imbalance was encouraged by colonial rule; at the time of independence only a handful of parliamentarians did not hail from the Nile valley north of Khartoum. As soon as power becomes inaccessible or people lose control of the administration of resources, grievances begin to emerge.

Holding these grievances in check requires an independent legislature, executive and judiciary at whatever level is most appropriate and practicable; in a country as large and diverse as Sudan the most appropriate or practicable level is unlikely to be the centre. If people are more closely involved with policy changes that affect their daily lives and most matter to them, such as education, healthcare and transparent revenue sharing leading to improved livelihoods, they will be more inclined to accept that some decisions need to be taken at the centre. In other words, effective decentralization strengthens the centre, and by encouraging participation, strengthens transparent and accountable governance. Decentralization guards against civil war by ensuring that everyone has access to power and acknowledging their right to decide for themselves how they wish to control their resources and manage their society.

Decentralization is therefore an important part of the peace process. The *Comprehensive Peace Agreement* (CPA) between the Sudan People's Liberation Movement/Army (SPLM/A) and the Government of Sudan – and the Interim National Constitution it initiated – have helped to address the regional inequalities in Sudan by bringing the decision-making process closer to the people, both by giving states more devolved power and by recognizing southern Sudan as a separate administrative entity enjoying substantial autonomy within Sudan. These achievements are testament to the positive working relationships between the two negotiating parties and to the early agreement on wealth sharing during the Naivasha process.

Self-determination, decentralization and the CPA

The principle of self-determination for southern Sudan was key to the peace process because it enshrined the idea that the southern Sudanese have a right to govern themselves and recognized that not all regions of Sudan share the same traditions or priorities. Southern Sudan obtained significant autonomy as a self-governing region, in recognition both of the principle

of self-determination which had been agreed some years earlier (and which is not argued for by the other parts of Sudan) and of southern Sudan's very different history and culture. The peoples of southern Sudan identify themselves as African first and foremost; their shared southern Sudanese identity is a product of a history of integration into and exclusion from a nation-state dominated by northerners and Islamists who considered them primitive unbelievers. They value their regional identity in order to preserve their distinct traditions, especially their secularist politics.

Moreover, decentralized government is ingrained in the political life of the communities of southern Sudan. Throughout their long history, many tribes (with some exceptions such as Zande, Shilluk and others) chose not to have hereditary kings but a system of leadership based on community-level decision-making. When the SPLM/A leaders came to negotiating the CPA it was clear that their communities would need to be given substantial autonomy in decision-making if peace were to have any chance of success: without it the southern Sudanese would be less willing to feel a part of Sudan and more likely therefore to pursue independence.

Notwithstanding the special autonomous status agreed for the south, the CPA's provisions for decentralization across the whole country highlight its significance as a national agreement with implications for all Sudanese. Decentralization was an important element of the SPLM/A's negotiating position during the talks. John Garang's vision was a secular, devolved 'New Sudan.' The interim period between the signature of the CPA and the referendum on southern independence was extended from six months to six years at Garang's insistence because he felt it was important to give the whole country time to establish a more decentralized system before judging whether or not southern and northern interests would best be served by independence.

The principles of decentralization are enshrined in the Interim National Constitution much more solidly than in the previous 1998 Constitution in four main ways. Firstly, the Interim Constitution introduces a Council of States as a second chamber of government in addition to the National Assembly. This ensures that the states have some say in the legislature rather than being simply subject to legislation by the National Assembly. Secondly, the system of decentralization is now the responsibility of the Government of National Unity (ie the Presidency and Council of Ministers, with the percentage allocations agreed by the CPA), broadening the previous system under which the President retained substantial control over state legislature and the appointment of state governments. Thirdly, there

is now a specific chapter on decentralization, which accords the states greater autonomy in decision-making and local government. Fourthly, many references to the Islamic nature of Sudan have now been replaced by statements which allow political leadership and governance to be exercised in accordance with either Islam or Christianity; officers of the state must take an oath in the name of God Almighty, and Islam is now only specifically referred to in the context of the dual banking system.

The Interim Constitution makes further provisions which underpin decentralization, including the introduction of English as a national language concurrently with Arabic, the emphasis on healthy and mutually supportive intra-governmental relationships, and the promise of revenue sharing which "reflect[s] a commitment to devolution of powers and decentralization of decision-making."

Unsatisfied demands

Despite these reforms, decentralization has not been accepted at the highest level nor implemented at the lowest level. Khartoum's record of being unwilling to take into account Sudan's diversity has led other regions, especially the three states of Darfur and the three states of eastern Sudan – but even the far north and Kordofan too – to seek more autonomy from the centre to run the states within them.

Sudan has been reorganized administratively on several occasions, but in 1994, Sudan's nine regions were reorganized into twenty-six smaller states (now twenty-five, see figure 1). In many parts of the country they are considered unsatisfactory: they do not have the political or economic weight of the old regions, but are too large to be viable as political or social communities. Many people in Darfur (which was an independent Sultanate until 1916 and a region until 1973) and eastern Sudan (which was a region until 1973) want *regional* recognition for specific historical and political reasons, and these have been addressed to different degrees and in different ways in the Abuja and Asmara peace talks (see summary on page 53).

Recognition of these claims will make the decentralization of the whole country – beyond a confederal arrangement with the south – inevitable. But it will also make conflict much less likely and could be a catalyst not for the break-up of the country, so feared in Khartoum, but to economic prosperity and sustainable peace. Decentralization will only be complete when subsidiarity has filtered down to every village.

Key texts and agreements

Texts and agreements from Sudan's peace processes. The full texts of many of these documents are available online at www.c-r.org/our-work/accord

Pre-1989

- **Addis Ababa Agreement** between the Government of Sudan and the SSLM /Anya Nya, Addis Ababa, 27 February 1972
- **Koka Dam Declaration** by the SPLM/A and NANS, Koka Dam, 24 March 1986
- **November Accords** between the SPLM/A and DUP, Addis Ababa, 16 November 1988

1989-2001

- **Frankfurt Declaration** by the Government of Sudan and the SPLM/A-Nasir, Frankfurt, January 1992
- **Agreement on Reconciliation of the divided SPLM/SPLA**, between the SPLM/A-Torit and SPLM/A-Nasir, Abuja, 19 June 1992
- **The Nairobi Communiqué** of the National Democratic Alliance, Nairobi, 17 April 1993
- **The Washington Declaration** by the SPLM/A and SPLM/A-United, Washington, DC, October 1993
- **Declaration of Principles** (IGADD), Nairobi, 20 July 1994 (signed by the Government of Sudan July 1997)
- **Chukudum Agreement** between the SPLM/A and Umma Party, Chukudum, Sudan, December 1994

- **Political Charter** between the Government of Sudan and the SPLA-United, 26 April 1995
- **Asmara Declaration** by the NDA (DUP, Umma, SCP, USAP (Surur), SPLM/A, Trades Union, Legitimate command, Beja Congress, SAF, Independents), Asmara, June 1995
- **Operation Lifeline Sudan Agreement on Groundrules** between the SPLM/A and UNICEF, July 1995; between the SSIM/S and UNICEF, August 1995; between the SPLM/A-United and UNICEF, May 1996

- **Political Charter** between the Government of Sudan, the SSIM/A and SPLM/A-Bahr el Ghazal Group, 10 April 1996
- **Declaration of Principles for the Resolution of the Nuba Mountains' Problem** between the Government of Sudan and the Nuba Mountains United SPLM/A, Nairobi, 31 July 1996
- **Sudan Peace Agreement (or Khartoum Peace Agreement)** between the Government of Sudan, the SSDF, the SPLM/A Bahr el-Ghazal; the SSIG; the EDF; the USAP and the Bor Group, Khartoum, 21 April 1997
- **Fashoda Peace Agreement** between the Government of Sudan and the SPLM/A-United, Fashoda, 20 September 1997
- **Wunlit Dinka-Nuer Covenant**, Wunlit, 10 March 1999
- **Waat Lou-Nuer Covenant**, Waat, 8 November 1999
- **Liliir Covenant** (Anyuak, Dinka, Jie, Kachipo, Murle Nuer) Liliir, May 2000
- **Memorandum of Understanding** between the SPLM and the Popular National Congress, Geneva, 19 February 2001
- **Kisumu Declaration**, Kisumu, June 2001

2002

- **Nairobi Declaration on Unity** by the SPLM/A and the SPDF, 6 January 2002
- **Nuba Mountains Ceasefire Agreement** between the Government of Sudan, the SPLM-Nuba, Burginstock, 19 January 2002
- **Machakos Protocol** between the Government of Sudan and the SPLM/A, Machakos, 20 July 2002
- **Memorandum of Understanding on the Cessation of Hostilities** between the Government of Sudan and the SPLM/A, Machakos, 15 October 2002

- **Agreement on the extension of the Memorandum of Understanding on the Cessation of Hostilities** between the Government of Sudan and the SPLM/A, Nairobi, 18 November 2002
- **Memorandum of Understanding on Aspects of Structures of Government** between the Government of Sudan and the SPLM/A, Nairobi, 18 November 2002
- **Kampala Declaration**, (civil society groups), Kampala, 24 November 2002
- **Towards a brighter future for the Nuba Mountains** (Resolutions of the All-Nuba Conference), Kauda, 5 December 2002

2003

- **Memorandum of Understanding regarding Points of Agreement on Power Sharing and Wealth Sharing** between the Government of the Sudan and the SPLM/A, Karen, 6 February 2003
- **Addendum to the Memorandum of Understanding on Cessation of Hostilities** between the Government of Sudan and the SPLM/A, Karen, 4 February 2003
- **Cairo Declaration** by the SPLM/A, the DUP and the Umma Party, Cairo, 24 May 2003
- **Ceasefire Agreement** between the Government of Sudan and the SLA, Abeche, 3 September 2003
- **Framework Agreement on Security Arrangements during the Interim Period** between the Government of the Sudan and the SPLM/A, Naivasha, 25 September 2003
- **Project of a Final Agreement on Appendices** between the Government of Sudan and the Sudan Liberation Army, Abeche, November 2003
- **Joint statement** by the Government of Sudan and SLA delegations, Abeche, 4 November 2003

- **Jeddah Agreement** between the Government of Sudan and the NDA, Jeddah, December 2003

2004

- **Agreement on wealth sharing during the pre-interim and interim period** between the Government of Sudan and the SPLM/A, Naivasha, 7 January 2004
- **A Charter for Peace agreed at the Nuer Fangak People's Peace Conference**, Fangak, 4 April 2004
- **N'Djamena Humanitarian Ceasefire Agreement on the Conflict in Darfur** between the Government of Sudan, the SLM/A and the JEM, N'Djamena, 8 April 2004
- **Agreement between the Government of Sudan, the SLA and the JEM**, N'Djamena, 25 April 2004

2004

- **Protocol between the Government of Sudan and the SPLM/A on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States**, Naivasha, 26 May 2004
- **Protocol between the Government of Sudan and the SPLM/A on the Resolution of the Abyei Conflict**, Naivasha, 26 May 2004
- **Protocol on Power Sharing** between the Government of the Sudan and the SPLM/A, Naivasha, 26 May 2004
- **Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in the Darfur**, proposal by the African Union, Addis Ababa, 28 May 2004
- **The Nairobi Declaration on the Final Phase of Peace in the Sudan** by the Government of Sudan and the SPLM/A, Nairobi, 5 June 2004

- **Joint Communiqué between the Government of Sudan and the United Nations on the Occasion of the visit of the Secretary General to Sudan**, Khartoum, 3 July 2004

- **Protocol on the enhancement of the security situation in Darfur in accordance with the N'Djamena Agreement**, between the Government of the Sudan, the SLM/A and the JEM, Abuja, 9 November 2004

- **Protocol on the improvement of the humanitarian situation in Darfur**, between the Government of the Sudan, the SLM/A and the JEM, Abuja, 9 November 2004

- **Declaration on the Conclusion of IGAD Negotiations on Peace in the Sudan** by the Government of Sudan and the SPLM/A, Gigiri, Nairobi, 19 November 2004

- **The Implementation Modalities of the Protocol on Power Sharing dated 26th May 2004**, between the Government of Sudan and SPLM/A, Naivasha, 31 December 2004

- **Agreement on implementation modalities of the protocols and agreements** between the Government of the Sudan and the SPLM/A, Naivasha, 31 December 2004

- **Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities during the Pre-Interim and Interim Periods** between the Government of the Sudan and the SPLM/A, Naivasha, 31 December 2004

2005

- **The Comprehensive Peace Agreement** between the Government of the Sudan and the SPLM/A, Naivasha, 9 January 2005
- **Draft Framework Protocol for the Resolution of Conflict in Darfur** between the Government of Sudan, the SLM/A and the JEM, Abuja, April 2005

- **Agreement between the Government of Sudan and NDA (Cairo Agreement)** Cairo, 18 June 2005

- **Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur** by the Government of Sudan, the SLM/A and the JEM, Abuja, 5 July 2005

2006

- **Darfur Peace Agreement** between the Government of Sudan and the SLM/A, Abuja, 5 May 2006

- **Declaration of Principles for the Resolution of the Conflict in Eastern Sudan** between the Government of Sudan and the Eastern Front, Asmara, 19 June 2006

- **Eastern Sudan Peace Agreement** between the Government of Sudan and the Eastern Front, Asmara, 14 October 2006

Declaration of Principles (IGADD/IGAD)

20 July 1994

We, Representatives of the Government of the Republic of the Sudan (hereinafter referred to as the GoS) the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army and the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army-United (hereinafter referred to as the SPLM/A and SPLM/A-United respectively):

Recalling the previous peace talks between the GoS on the one hand, the SPLM/A and SPLM/A-United on the other, namely Addis Ababa in August 1989, Nairobi in December 1989, Abuja in May/July 1992, Abuja in April/May 1993, Nairobi in May 1993, and Frankfurt in January 1992;

Cognizant of the importance of the unique opportunity afforded by the IGADD Peace Initiative to reach a negotiated peaceful solution to the conflict in the Sudan;

Concerned by the continued human suffering and misery in the war affected areas: Hereby agree in the following Declaration of Principles (DoP) that would constitute the basis for resolving the conflict in the Sudan:

1. Any comprehensive resolution of the Sudan conflict requires that all parties to the conflict fully accept and commit themselves to that position that

1.1 The history and nature of the Sudan conflict demonstrate that a military solution cannot bring lasting peace and stability the country

1.2 A peaceful and just political solution must be the common objective of the parties to the conflict

2. The right of self-determination of the people of south Sudan to determine their future status through a referendum must be affirmed.

3. Maintaining unity of the Sudan must be given priority by all parties provided that the following principles are established in the political, legal, economic and social framework of the country:

3.1 Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed.

3.2 Complete political and social equalities of all peoples in the Sudan must be guaranteed by law.

3.3 Extensive rights of self-determination on the basis of federation, autonomy, etc, to the various peoples of the Sudan must be affirmed.

3.4 A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all Sudanese citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.

3.5 Appropriate and fair sharing of wealth among the various people of the Sudan must be realized.

3.6 Human rights as internationally recognized shall form part of this arrangement and shall be embodied in constitution.

3.7 The Independence of the Judiciary shall be enshrined in the constitution and laws of the Sudan.

4. In the absence of agreement on the above principles referred to in 3.1 to 3.7, the respective people will have the option to determining their future including independence through a referendum.

5. An interim arrangement shall be agreed upon, the duration and the tasks of which should be negotiated by the parties.

6. The parties shall negotiate a ceasefire agreement to enter into force as part of the overall settlement of the conflict in the Sudan.

Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur

5 July 2005

Preamble

1. We, the Government of the Sudan (hereinafter the GoS), the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), henceforth referred to as the Parties, meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as parts of the efforts to find a lasting solution to the conflict in Darfur,

2. Reiterating our commitment to our previous agreements, namely the Humanitarian Ceasefire Agreement signed in N'djamena, Chad, on April 2004, the agreement on modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers signed in Addis Ababa, Ethiopia, on 28 May 2004, as well as the Protocols on the Improvement of the Humanitarian Situation in Darfur and the Enhancement on the Security Situation in Darfur, both signed in Abuja, Nigeria, on 9 November 2004,

3. Reaffirming our commitment to the full implementation of relevant UN Security Council resolutions and African Union decisions stressing the need to reach a political solution in order to bring the conflict in Darfur to an end;

4. Convinced that the core of the current conflict in Darfur is political and socio-economic which can only be resolved through peaceful means and within the framework of a comprehensive settlement that addresses its various causes and aspects;

5. Stressing our commitment to respect international humanitarian law and promote and protect human rights, including the rights of women and children, as part of the efforts to address the prevailing situation in Darfur;

6. Recognizing that faith, traditional values and customs as well as family as the natural and basic nucleus of society, play a positive role;

7. Reaffirming our commitment to the unity, sovereignty, territorial integrity and independence of the Sudan;

8. Recognizing that the signing of the Comprehensive Peace agreement (CPA) between GoS and the Sudan People's Liberation Movement/Army, on January 9, 2005, constitutes a significant step forward towards finding a just, peaceful and lasting solution to the conflict in the Sudan.

Agree that the following principles shall guide our future deliberations and constitute the basis for a just, comprehensive and durable settlement of the conflict in Darfur:

1. Respect for the diversity of the people of the Sudan is of paramount importance, as are the full recognition and accommodation of the multi-ethnic, multi-religious, as well as the development of multi-cultural character of the society. The territorial integrity and unity of the Sudan historically agreed by the free will of its people will be enhanced by the recognition and accommodation of such diversity.

2. Democracy, political pluralism, freedom a vibrant and dynamic civil society, the rule of law, the independence of the judiciary, the freedom of the media, accountability and transparency, with justice and equality for all, regardless of ethnicity, religion and gender, are a basis for the effective participation of all Sudanese citizens in the management of their own affairs and decision making processes at all levels of governance.

3. Citizenship is the basis for civil and political rights and duties, including the freedom of expression and association for all Sudanese. No Sudanese shall be discriminated against on the basis of religion, belief, ethnicity, gender or for any other reason. This shall be incorporated into the National Constitution.

4. A federal system of government, with an effective devolution of powers and a clear distribution of responsibilities between the national and other levels of governance, is considered essential for ensuring effective local participation and fair administration of Sudan in general and Darfur in particular. In this context, issues relating to the Native Administration should be addressed.

5. Effective representation in all government institutions at the national level, including the Legislative, Judicial and Executive branches, as well as economic and cultural institutions shall be ensured for effective participation by the citizens of the Sudan, including those from Darfur.

6. National wealth shall be distributed equitably. This is essential to ensure the effectiveness of the devolution of power in Darfur, within the framework of a federal system of government, and to ensure that due consideration is given to the socio-economic needs of Darfur.

7. Power sharing and wealth sharing shall be addressed in accordance with a fair criteria to be agreed by the Parties.

8. Humanitarian assistance will be provided as the basis of humanitarian principles including those enshrined in International Humanitarian Law, UN norms and standards.

9. Refugees and internally displaced persons (IDPs) have an inalienable right to return to their places of origin in accordance with International Law and UN norms and standards. To this end, the Parties to the conflict and the international community shall take concrete measures to create a conducive environment to provide the necessary assistance to IDPs and Refugees.

10. Rehabilitation and reconstruction of Darfur is a priority; to that end, steps shall be taken to compensate the people of Darfur and address grievances for lives lost, assets destroyed or stolen, and suffering caused.

11. The promotion of reconciliation, the restoration of the traditional and time honoured peaceful coexistence among the communities of Darfur, based on the principle of mutual respect, and the commitment to prevent future divisions are essential to restore and sustain lasting peace and stability in Darfur.

12. Aiming at sustainable development, environmental degradation, water resources and land use shall be addressed. Tribal land ownership rights (*hawakeer*) and other historical rights shall be affirmed within their historical borders. Traditional mechanisms in Darfur will be considered consistent with the provisions of the National Constitution.

13. Broad security arrangements to consolidate the restoration of peace shall be addressed in the context of a Comprehensive Agreement.

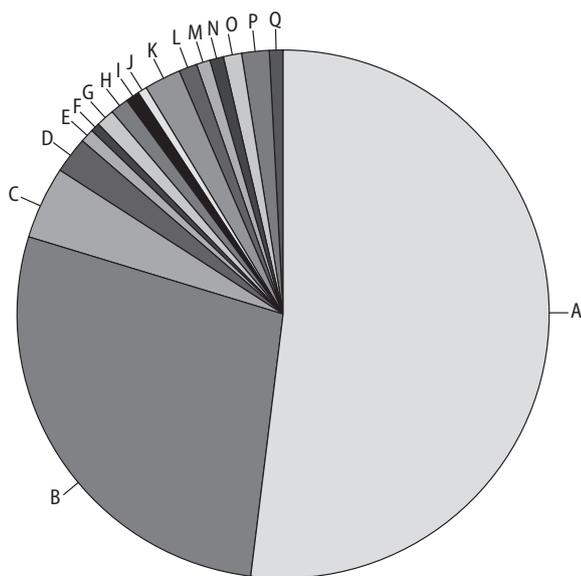
14. Agreements reached by the Parties shall be presented to the people of Darfur to secure their support through Darfur-Darfur dialogue and consultation.

15. The guarantee of the AU and assistance of the international community shall be sought to ensure the implementation of Agreements reached for the resolution of the conflict in Darfur.

16. All Agreements reached by the Parties shall be incorporated into the National Constitution.

17. The Parties commit themselves to undertake negotiations to end the conflict in Darfur in good faith.

Profiles



Seats in the National Assembly, 2006-07 Parliamentary Session

A. National Congress Party	234	J. Federal Umma Party	3
B. SPLM	126	K. Union of African Parties	10
C. National Democratic Union	20	L. Democratic Salvation Front	5
D. Democratic Unionist Party	10	M. Democratic Forum	4
E. Muslim Brotherhood	3	N. United Democratic Front	3
F. Ansar as-Sunna	3	O. Union of Sudanese African Parties	5
G. Parties Consortium	5	P. National personalities	8
H. Umma Party (General Leadership)	5	Q. Others	3
I. Umma Party (Reform & Renewal)	3		450

Government

Since its independence from Egypt and the UK in 1956, Sudan has been ruled by a succession of military rulers interrupted by short-lived attempts at parliamentary pluralism.

Khartoum has been insulated from the country's armed conflicts by Sudan's vast size, but it has been the location of Sudan's three military coups (1958, 1969 and 1989). Regional wars have absorbed much of the country's budget and served to deepen further the marginalization of the regions, and many of those displaced by the wars migrate to Khartoum, where a large population of internally displaced persons amassed.

In the 1989 military coup, the elected government of as-Sadiq al-Mahdi was overthrown by the National Salvation government led by General Omer al-Bashir, who ruled as chair of the Revolutionary Command Council until assuming the Presidency in 1993. Underpinning the new regime politically was the National Islamic Front (NIF), which formed the basis of the National Congress Party (NCP) from 1996. With President al-Bashir as its head, the

Omer Hassan al-Bashir

Born in the Nile Valley 100km northeast of Khartoum, Omer Hassan al-Bashir paid his way through secondary school by working as a mechanic before joining the army. He was appointed commander of the 8th Brigade in southern Sudan in 1988 and the following year he led a group of middle-ranking military officers in a bloodless coup against as-Sadiq al-Mahdi. The move was ostensibly in protest at economic stagnation, but widely perceived to pre-empt the repeal of the September laws and an agreement with the SPLM/A. He made himself chair of the Revolutionary Command Council of National Salvation and banned political opposition. He assumed the title of President in 1993 and won elections for further terms in 1996 and 2000. Although his Islamization policies and the ongoing civil war alienated his government from many in the international community throughout the 1990s, the discovery and subsequent exportation of oil in 1999 have opened up the economy to outside forces. He reintroduced multi-party politics in 1999, but the international and domestic rapprochement fuelled by increased openness and the January 2005 CPA have been hampered by the ongoing conflict in Darfur.



NCP has consolidated its power. Although political parties were legalized in 1999 after a 10-year ban, the opposition largely boycotted the general election in 2000 that saw President al-Bashir re-elected with 86.5 per cent of the vote. The government has continued to be characterized by power concentrated in the Presidency.

Tentative reforms in 1991 included a new constitution based on a federal structure of nine states. This was updated when Sudan was further sub-divided into 26 states in 1994, reinforced in the new 1998 constitution, although local government remained strongly controlled from the centre.

Under the power-sharing arrangements agreed with the SPLM/A in the *Comprehensive Peace Agreement* (CPA) which came into effect in July 2005, the NCP retains a majority stake in the new Government of National Unity, occupying 234 of the 450 seats in the National Assembly. However, the quorum in the National Assembly is only one third (a half in exceptional cases) and there are no provisions under the CPA for this quorum to represent the Assembly's political spectrum. Under the CPA, a new Government of Southern Sudan (GoSS) was established, with 70 per cent SPLM representation.

The CPA made provision for elections to be held by mid-2009 and for a referendum in southern Sudan two years later on whether to secede or remain part of a unified Sudan.

Southern parties and armed groups

Anyanya

The southern armed movement that fought the civil war until the *Addis Ababa Agreement* of 1972, through which its leader General Joseph Lagu became Vice-President of Sudan. Elements of Anyanya remained opposed to the agreement, forming the Ethiopian-based Anyanya-2 from the mid-1970s which initially opposed the new SPLM/A.

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

The Sudan People's Liberation Army (SPLA) and its political wing the Sudan People's Liberation Movement (SPLM), were founded in 1983 by John Garang from elements of the Anyanya that had been integrated into the Sudanese army. The SPLM/A received substantial backing from Ethiopia until the fall of Mengistu in 1991, and then backing from Ethiopia, Eritrea and Uganda until they became embroiled in their own conflicts from 1998.

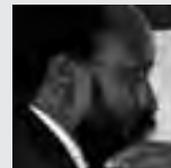
John Garang de Mabior

A Dinka-Bor from Upper Nile who joined the Anyanya, John Garang was integrated into the Sudanese Army in following the 1972 peace agreement. As a lieutenant colonel in the army in 1983, partly motivated by the imposition in northern Sudan of *shari'a* law, he encouraged the mutiny of ex-Anyanya troops in the southern town of Bor that he had been sent to quell. He became Commander-in-Chief of the SPLA and Chairman of the political wing, the SPLM. Unlike many of his fellow southerners, he consistently espoused the ideal of a democratic, secular 'New Sudan' and was a proponent of Sudanese unity under these terms. Garang led talks with Sudanese Vice-President Ali Osman Taha in Kenya from 2003 to the signing of the CPA in January 2005. He was inaugurated as First Vice-President the following July, but was killed less than a month later in a helicopter crash.



Salva Kiir Mayardit

Dinka-Rek leader Salva Kiir joined John Garang's insurgency as a major in 1983 and was appointed deputy Chief of Staff of the newly-formed SPLA. Despite rivalry with John Garang and disagreements about the benefits of Sudanese unity, Salva remained his deputy and following the death of Garang was appointed First Vice-President of Sudan and President of the Government of Southern Sudan in August 2005.



The SPLM/A suffered from splits and divisions in the early 1990s that for several years posed a serious challenge to Garang's group (known for a while as SPLM/A-Torit or SPLM/A-Mainstream). It remained a predominantly military organization, largely abandoning the civil sphere to donors and NGOs, and continued to fight the civil war while engaging in peace processes in Abuja 1992-93 and those under IGADD/IGAD auspices from 1994 onwards. It refused to consider signing internally-negotiated agreements with Government of Sudan (GoS) in the mid-1990s, unlike many other southern factions and splinter groups, most of which had been part of SPLM/A and have since rejoined it.

The SPLM/A finally ceased hostilities with the government in the two years of negotiations that led to the 2005 *Comprehensive Peace Agreement* (CPA).

Under the terms of this agreement, the SPLM/A now controls the Government of Southern Sudan (GoSS) and has a 28 per cent stake in the Government of National Unity, but its promise to be a national party

seems weak. It lacks the capacity to manage the considerable task of building southern Sudan while taking part actively in national government, and has not taken the role in the peace talks for Darfur and the east that would have demonstrated its national commitment and taken advantage of its alliances with the SLM/A, JEM and Eastern Front.

Union of Sudan African Parties (USAP)

Formed in 1986 to represent the six parties from southern Sudan and the Nuba Mountains that together had won 37 seats in the Constituent Assembly, the USAP was a founding member of the NDA. It has since split into two parties as the result of a leadership clash.

Other groups

SPLM/A-Nasir was the Nuer-dominated southern splinter group formed by the split of Riek Machar, Lam Akol and Gordon Kong from the SPLM in 1991. Renamed the **SPLM/A-United** in 1993, it split again into the **Southern Sudan Independence Movement/Army** (SSIM/A) headed by Riek Machar and the SPLM/A United headed by Lam Akol. Although Lam Akol was a member of the NCP from the signature of the *Khartoum Peace Agreement* in 1997 until his resignation in 2002 when he formed the Justice Party, SPLM/A-United still has some following among his native Shilluk. Akol rejoined the SPLM/A and in 2005 became Foreign Minister for the Government of National Unity.

Riek Machar went on to form the **Southern Sudan Defence Forces (SSDF)** in 1997 and then the **Sudan People's Democratic Forces (SPDF)** in 2000. The SPDF was formed in conjunction with the **Union of Democratic Sudanese Forces (USDF)**, led by Taban Deng Gai, who had been expelled from the governorship of Unity State by Paulino Matip's militia. The SPDF merged with SPLM/A in January 2002. The SSDF continues to operate in Upper Nile with the support of those in the SPDF, SSDF and SSIM who did not support Machar, but a major SSDF faction led by Matip reunited with the SPLM/A in January 2006 as part of the South-South dialogue process. Machar returned to the SPLM/A in 2002 and became Vice-President of the Government of Southern Sudan after Garang's death in July 2005.

The **Southern Sudan Unity Movement/Army (SSUM/A)** was a pro-government militia headed by Matip, which fought against SSDF for control of oil-rich Unity State. Former SSUM/A commander Peter Gadet now runs a militia based in Unity State.

Many southern groups formed 'humanitarian wings': the SPLM/A's is the Southern Sudan Relief and Rehabilitation Agency (SRRRA), headed by Elijah Malok Aleng; the SPLM/A-Nasir's was the Relief Association of

Ali Osman Mohamed al-Taha

A former judge, Ali Osman al-Taha attended secondary school with President al-Bashir and was a prominent opposition politician during the 1986-1989 administration of Imam as-Sadiq al-Mahdi. Widely believed to have been a key planner of the 1989 coup, Ali Osman served as foreign minister between 1995 and 1998, when he was appointed Vice-President. Despite his role in the attempted Islamization of southern Sudan and his initial opposition to the Machakos Protocol, his growing personal rapport with SPLM/A leader John Garang was seen as instrumental in securing the 2005 *Comprehensive Peace Agreement*, under the terms of which he has served as Second Vice-President since July 2005.



Southern Sudan (RASS) and the SPLM/A United's under Lam Akol was the Fashoda Relief and Rehabilitation Association (FRRA).

Northern parties and armed groups

National Congress Party (NCP)

The ruling NCP, led by President Omer al-Bashir, was formed in 1996 by elements of the National Islamic Front in an attempt to distance the ruling regime from its Islamist heritage as it pursued a political settlement to the north-south war. Following the CPA, the NCP continues to be the largest parliamentary party, which nonetheless saw its seats in the National Assembly reduced from 355 of 360 to 254 of 450. In 2005 the NCP merged with former president Jaafar Nimeiri's party, the Alliance of Working Peoples' Forces, which had won 9.6 per cent of the vote in the 2000 elections.

The **National Islamic Front (NIF)**, originally the **Islamic Charter Front**, grew out of student support in the 1960s for the **Muslim Brotherhood** (an extension of the Islamist movement that originated in Egypt) and developed as a rival source of opposition to the left-wing movements common at the time. It was led by Hassan al-Turabi, a leading academic and architect of the 1989 coup that overthrew the elected government of Turabi's brother-in-law as-Sadiq al-Mahdi. Following a power struggle between al-Bashir and al-Turabi in the late 1990s the NIF split into al-Bashir's ruling NCP and al-Turabi's opposition **Popular National Congress (PNC)**, but the NIF acronym is still used to describe people associated with the current regime.

Umma Party

One of the two 'sectarian parties' that dominated Sudanese politics before 1989, the Umma Party is a secular Islamic centrist political wing of the Mahdist movement headed by former Prime Minister and spiritual leader of the Ansar sect, Imam as-Sadiq al-Mahdi. It won the majority of seats in Darfur in the 1986 election organized by Abdelrahman Siwar al-Dhab. An NDA member until 2000, it has since split into five factions, four of which (those not led by Imam as-Sadiq) have since joined the government and include: the Umma Party (Reform and Renewal), led by Imam as-Sadiq's first cousin Mubarak al-Fadil; the Umma Party (General Leadership) led by another first cousin Dr as-Sadiq al-Hadi; and the Federal Umma Party led by Ahmed Babiker Nahar.

Democratic Unionist Party (DUP)

The DUP is the political wing of the Khatmiyya sect, led by hereditary spiritual leader Mulana Mohamed Osman al-Mirghani, and has through its Islamic heritage maintained links with the Saudi and Egyptian governments. Although a rival of the Umma Party since its opposition to the Mahdist movement in the 1880s, the DUP participated in a coalition government under as-Sadiq al-Mahdi between 1986 and 1989. As Chairman of the NDA, al-Mirghani spearheaded the talks with the government that led to the June 2005 *Cairo Agreement*, which provided for the DUP's participation in the Government of National Unity.

The **National Revolutionary Movement (NRM)** is a small armed force linked to the DUP and mainly operational in the Khatmiyya strongholds of eastern Sudan.

National Democratic Alliance (NDA)

The NDA was founded in October 1989 to unite the opposition against the then NIF government of General al-Bashir, and has encompassed, at various times, the SPLM/A, DUP, Umma Party and many others. It is now a loose federation headed by a Leadership Council chaired by DUP leader Mohamed Osman al-Mirghani and including representatives of all the opposition parties with the exception of the SLM/A and the Umma Party, which suspended its NDA membership in 2000. It is largely inactive, its demise precipitated by the DUP's return to Khartoum-based politics following the June 2005 *Cairo Agreement*, the SPLM/A's inclusion in the Government of National Unity in July 2005, the Eastern Front's insistence on pursuing its own agreement with the GoS, and the foundation in June 2006 of the National Redemption Front (see below).

The **Sudan Alliance Forces (SAF)** was the military wing of the NDA headed by historian-turned-politician Taisier Ali that merged with the SPLM/A in 2002.

Other parties

The **Sudanese Communist Party (SCP)**, an NDA member, was founded in 1944, enjoying a strong support base among student and trade unions until it was purged by President Nimeiri in 1971 following its implication in an abortive coup. Revived in 1986 after Nimeiri was overthrown, it won a few seats in parliamentary elections that year and remains a small but effective voice for a unionist and anti-government opposition.

The **Sudan Socialist Union (SSU)** was the ruling party of President Nimeiri's one-party state between 1971 and 1985. The SSU struggled to balance its left-wing political credentials with its desire for American support during the Cold War and did not survive Nimeiri's overthrow in 1985.

Eastern parties

Formed in the 1960s to voice the Beja people's grievances over the marginalization of eastern Sudan, the **Beja Congress** launched an armed struggle in 1994 in frustration at lack of progress, gaining effective control over an area of eastern Sudan centred around Hamesh Koreb. The Beja Congress joined the NDA in 1995 but rivalry with the DUP and disappointment with the scope of the 2005 *Cairo Agreement* between the government and the NDA led it to merge with the Free Lions to form the Eastern Front and seek a separate negotiating track with the Government of National Unity. The Beja's five major tribes together number some 2.2 million and were immortalized by Rudyard Kipling as the "fuzzy wuzzy."

The **Free Lions** is the political/military wing of the Rashaida tribe, an Arab nomadic tribe that emigrated to eastern Sudan from the Arabian peninsula in the 19th century. It is headed by Commander Salim Mabrouk Mubarak.

The **Eastern Front**, formed in 2005 by the Beja Congress, the Rashaida Free Lions and others resident in eastern Sudan such as the Shukriyya and the Nubians, negotiated a peace agreement with the government in 2006 under Eritrean mediation. It is nominally headed by a triumvirate of Musa Mohamed, Amna Derar and Salim Mabrouk Mubarak.

Darfur parties

The **Sudan Liberation Movement/Army (SLM/A)**, originally called the Darfur Liberation Front, was the force behind the February 2003 Darfur-based rebellion against the government. The SLM/A has been dogged since its inception by the internal power struggle between two of the dominant tribes in Darfur, the Fur and the Zaghawa, and between the personalities of its Fur chairman Abdelwahid Mohamed en-Nour and its

Zaghawa secretary-general Minni Arkou Minnawi. The Minnawi faction was the only non-government group to sign the May 2005 *Darfur Peace Agreement*, under the terms of which Minnawi was appointed Special Assistant to the President. Abdelwahid, thought the most likely to sign, did not. He has since been ousted as chairman by a group of commanders known as **G-19**, loyal to Ahmed Abdelshafie Bassey, although he retains significant popularity with Darfur's majority Fur population. The SLM/A has splintered further since the signing of the DPA and some commanders have allied with the newly-formed National Redemption Front (see below). The SLM/A's union with JEM as the **Alliance of Revolutionary Forces of West Sudan** was very short-lived, and in-fighting in this loose coalition continues to stall the peace process and contribute to an escalation of violence.

The **Justice and Equality Movement (JEM)**, chaired by Khalil Ibrahim and with its roots in the Muslim Brotherhood, joined forces with the SLM/A in early 2003 to fight an anti-government insurgency in Darfur but has ambitions to gain national as well as regional power. It is widely believed to be supported by Hassan al-Turabi's PNC.

The **National Redemption Front (NRF)** was formed in Asmara, Eritrea, in June 2006 by the leaders of the Federal Democratic Alliance, the JEM and one faction of the SLM/A to pursue a military strategy against the government in Darfur in reaction to the perceived failure of the May 2006 *Darfur Peace Agreement*.

International actors

Regional states

Sudan's relationship with its former colonial ruler **Egypt** is dominated economically by the shared waters of the Nile and culturally by Egypt's perceived derogatory view of Sudanese 'Arabs' as their poor cousins; one Sudanese journalist has described the relationship as 'decades of chauvinism followed by decades of neglect.' In 1995 the Sudanese government was implicated in an attempt to assassinate Egyptian President Hosni Mubarak, and tensions remain over the disputed area of Halaib and the NCP's erstwhile links with the Egyptian opposition Muslim Brotherhood. Nonetheless Egypt's mediation attempts have by and large been welcomed by Sudan, notably the Egyptian-Libyan Initiative that for a while rivalled the IGAD peace process, and the negotiations between the government and the DUP-led NDA that culminated in the *Cairo Agreement* in June 2005.

Sudan's relationship with **Eritrea** has also improved markedly since the mid-1990s when the Khartoum government was suspected of supporting the Eritrean Islamic Jihad insurgency. Eritrea responded by hosting a conference of Sudanese opposition leaders in June 1995, since when it has provided a base for the Sudanese opposition NDA. After a break of eleven years, diplomatic relations were restored in December 2005, assisted in part by the presence of the SPLM in the new Government of National Unity. A number of high-level delegations between the two countries followed during 2006, with the Eritreans courting Sudan as a counterweight to Ethiopia and a source of oil, and the Sudanese welcoming Eritrean efforts to mediate the conflicts in Darfur and the East. This latter mediation led to the signing of an agreement in the Eritrean capital Asmara in October 2006. In November 2006 the border was reopened, allowing for the formalization of trade links, especially between members of the Beni 'Amir tribe which straddles the border, but it is not yet clear whether many of the refugees who have settled in the meantime on either side of the border will return to their original homes.

Ethiopia and Sudan were frequently at odds during the Cold War when Ethiopia supported the SPLM/A, undoing much of the friendship cultivated by Emperor Haile Selassie, who was instrumental in securing peace between northern and southern Sudan in 1972. Relations have since been normalized, and thus far the relationship has withstood occasional border clashes, Sudan's improving relations with Eritrea and Sudanese attempts to mediate the Somali crisis.

Sudan and **Uganda** also once supported each others' armed opponents, but have become much more friendly since the end of the civil war brought an end to Khartoum's support of the Lord's Resistance Army (LRA). The Government of Southern Sudan's 2006 initiative to mediate between the LRA and the Government of Uganda has been welcomed in Khartoum and Kampala.

Kenya has dominated the IGAD processes for Sudan and Somalia, and has hosted significant numbers of refugees from civil wars in both these countries. Nevertheless – and despite a disputed border with Sudan – it has retained good relations with its northern neighbour.

Chad and Libya have had a role in the Darfur crisis. Chad's President Idriss Déby, although helped to power by the Sudanese government, is related to some of the armed actors in Darfur (notably Minnawi's SLM/A faction) and suspects Khartoum of supporting attempts by Chadian 'rebels' to overthrow him. Likewise Khartoum accuses Chad of sponsoring Darfurian insurgents, although diplomatic relations between the

two countries were restored in August 2006 after a brief hiatus. Away from the political sphere many Darfurians blame increased competition for resources in Darfur on an influx of Chadian camel herders. Libyan attempts to mediate have been met with caution by Khartoum, not least because of a history of tension over differing practices of socialism and Islam and owing to Libyan support of the Justice and Equality Movement, but official relations remain cordial.

Other states

During the Cold War, Sudan was seen as an ally by the **United States of America**. Relations declined rapidly in the 1990s, especially when President Clinton's administration responded aggressively to Khartoum's hosting of Osama bin Laden. Garang's calls for a secular democracy increasingly resonated with Washington. With President Bush's administration's policy of engagement, the US became a force behind the rejuvenated peace process, notably after John Danforth was appointed as a Special Envoy for Peace in Sudan in 2001. He concluded the war unwinnable and recommended confidence-building measures by the two main protagonists known as the 'Danforth tests': a ceasefire in the Nuba Mountains; agreement on zones and times of tranquillity in which humanitarian interventions can be carried out; an independently verified end to attacks on civilians; and an independent commission on slavery and abduction.

While the White House and State Department have sought engagement with Khartoum in exchange for cooperation in the 'war on terror,' a number of anti-slavery or Christian lobby groups in the US continued to call for pressure on Khartoum. In 2002, Congress passed legislation approving aid for southern Sudan and requiring the administration to impose sanctions on the GoS if it failed to negotiate in good faith in the peace process. A watered down version of the Sudan Peace Act eventually came into law.

Despite the US-Sudan rapprochement has been soured with the NCP's disappointment by a perceived American failure to credit it with signing the CPA or cooperating in the 'war on terror,' as well as its criticism of the NCP's policies in Darfur and support of UNSCR 1706. The **United Kingdom**, despite having co-authored that resolution, has a degree of respect in its former colonies in the Arab world, and many Sudanese have familial and historical ties to the UK. It remains to be seen whether this relationship will weather the Darfur war, but for the time being Sudan remains the third largest recipient of bilateral British aid. The UK and the US were, together with **Norway** and **Italy**, known as the Friends of IGAD, and were committed supporters of the negotiations that led to the CPA.

China has become increasingly influential, becoming the largest investor in Sudan (with at least a 40 per cent stake in its oil industry) and the destination for over a third of its oil exports. It is also the largest supplier of armaments to the Government Sudan. Moreover, it has extended Sudan diplomatic protection, making concerted efforts to prevent UN action on Darfur until early 2005. China also opposed UN sanctions on Sudanese officials for their role in Darfur, and in late 2006 refused to support the proposed UN Security Council resolution on deploying UN troops to Darfur.

Multilateral actors

Sudan's size and location place it in a number of regions, and Sudan is simultaneously a member of the United Nations, the African, Caribbean and Pacific Group of States (ACP), the African Union (AU), the African Development Bank (AfDB), the Islamic Development Bank (IDB), the League of Arab States, the Organization of the Islamic Conference (OIC) the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD) and the Intergovernmental Authority on Development (IGAD).

Intergovernmental Authority on Development (IGAD)

IGAD was formed in 1986 by the governments of Sudan, Eritrea, Djibouti, Somalia, Ethiopia, Kenya and Uganda as the Intergovernmental Authority on Drought and Development (IGADD), with a narrow mandate to improve regional co-operation on combating drought and desertification. At the instigation of Kenyan President Daniel arap Moi, IGADD facilitated negotiations between the GoS and the SPLM/A in 1994. Although these floundered over Khartoum's refusal to accept the Declaration of Principles, they encouraged IGADD to adopt a revised strategy, including extending its mandate to include broader matters of political and economic cooperation. In 1996 the organization was re-launched under its current name, with conflict prevention, management and resolution as one of its three pillars. In 1997 the GoS was persuaded to sign the Declaration of Principles and resume negotiations. A permanent secretariat for the Sudan Peace Process was established and President Moi's Special Envoy to Sudan, General Lazaro Sumbeiywo, was appointed mediator in 2001. Surviving the electoral demise of Moi, Sumbeiywo successfully harnessed revived international interest and pressure in support of the peace process that led to the CPA in January 2005.

League of Arab States

Similarly to other pan-governmental organizations, the League of Arab States tends to resist interfering in the domestic affairs of its member states. However, it is generally supportive of the Sudanese government and backed its refusal of a UN peacekeeping force in Darfur, pledging US\$150 million towards the AU mission in Darfur. Arab League member states have been slow to provide humanitarian aid for Darfur, concerned about being drawn into a political or cultural argument over the 'Arabness' of Sudan.

African Union (AU)

The AU, formerly the Organization for African Unity, has increasingly played a role in Sudan. The AU comprises all African countries except Morocco. Although, like the Arab League, it has shown reluctance to overcommenting on member states' domestic arrangements, its leadership has at times been critical of the Sudanese government and, to a lesser extent, the other armed groups in Darfur. At its summit in Khartoum in January 2006 the AU voted to pass over Sudan's bid for chairmanship of the AU to the Republic of Congo, in deference to international governmental and non-governmental pressure over Darfur.

The AU has taken a lead in attempts to bring an end to the war in Darfur both through its mediation of peace talks in Abuja that led to the *Darfur Peace Agreement* (DPA) of May 2005 and through its ceasefire-monitoring mission. The AU mission to monitor ceasefire violations in Darfur has suffered from the outset from a lack of funding and personnel, a weak mandate and the failure of all sides to adhere to the ceasefire. Although the AU retains the political support of the government and armed factions, throughout much of 2006 it sought mechanisms to transfer the mandate to UN control, culminating in a compromise agreement reached with the GoS in November 2006 on introducing a hybrid AU-UN force.

United Nations (UN)

The UN Security Council established the UN Mission in Sudan (UNMIS) with its adoption of Security Council Resolution 1590 on 24 March 2005. UNMIS was initially established for a period of six months, tasked with supporting the implementation of the CPA. It was also tasked with facilitating the voluntary return of refugees and displaced persons, providing de-mining assistance and contributing towards international efforts to protect and promote human rights. The mandate authorizes UNMIS to have up to 10,000 military personnel and an appropriate civilian component, including up to 715 civilian police personnel.

UN Security Council Resolutions on Sudan

- 1556 (2004) calling on the GoS to disarm the janjaweed militia and urging the government and "dissident groups" to resume talks for a political settlement
- 1564 (2004) deploring ceasefire violations in Darfur and urging support for the AU mission
- 1574 (2004) endorsing the parties' commitment to securing a peace agreement between northern and southern Sudan by 31 December 2004 and underlining the need for an inclusive approach to reconciliation and peacebuilding
- 1590 (2005) establishing the UN Mission in Sudan (UNMIS), deploying a 10,000-strong peacekeeping force in southern Sudan in support of the CPA
- 1591 (2005) deploring the situation in Darfur and calling for measures to be taken against individuals who "impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate [resolution 1556] or are responsible for offensive military overflights"
- 1593 (2005) referring the Darfur crisis to the ICC
- 1663 (2006) requesting support for the AU mission and a plan to transfer to a UN operation in Darfur
- 1679 (2006) calling on all parties to sign the DPA, endorsing the AU's Peace and Security Council's decision in favour of a transition to a UN operation, and considering measures for those who violate or block implementation of the DPA
- 1706 (2006) inviting the consent of the Government of National Unity to increase UNMIS capacity by 17,300 military personnel and 3,300 civilian police personnel and to expand the UNMIS mandate to Darfur to monitor and verify implementation of the DPA and the N'Djamena Ceasefire Agreement

The GoS has repeatedly refused to accept an extension of the UNMIS mandate to include Darfur, although it agreed in principle on 16 November 2006 to accept a "predominantly African" hybrid peacekeeping force with AU forces under UN command and control.

Glossary

- African/Arab** A dichotomy between 'Arab' and 'African' identities has recently taken on increasing political relevance and subjective reality, despite being historically and ethnographically spurious in the Sudanese context. The term 'Arab' in Sudan has multiple meanings based loosely on ethnicity, language, perceptions of 'race,' way of life or profession (as Arabs were historically cattle traders the term suggests 'pastoralist,' especially in Darfur usage). 'Black Africans' are sometimes referred to pejoratively as *zurqa*, from *azraq*, meaning blue, despite indistinguishable skin colour. Ideological construction of polarized identities has been especially marked in Darfur: an Arab-African dimension was superimposed onto the nomad/sedentary dichotomy that was sharpened by drought, famine and conflict in the 1980s and has been further reinforced by Darfur's continued militarization and the international press coverage of the conflict. Strains of Arab supremicisim and the political use of 'Arab' to imply global victimhood have been additional factors in the politicization of Arab identity. The creation of 'Africanism' owes much to the SPLM/A, whose chairman John Garang began to speak of an 'African majority' in Sudan to counter the government's attempts to forge an Islamic state.
- Ansar** Literally 'protectors' or 'followers,' the Ansar are members of a Sudanese Muslim sect loyal to the Mahdist movement of the 1880s, whose current spiritual leader is the Mahdi's great-grandson, Imam as-Sadiq al-Mahdi, also chairman of the Umma Party. Not to be confused with Ansar as-Sunna, 'Followers of the Way,' a Sufi movement with three seats in the National Assembly.
- Baqqara** Literally 'those of the cow.' Describes 'Arabized' African cattle herders, such as the Misseriyya of Southern Kordofan and the Rizeiqat of Southern Darfur.
- dar** 'Country,' traditionally denotes only sultanates such as Dar Massaleit and Dar Fur, though more recently used to describe any tribal homeland.
- janjaweed** Literally 'ghostly riders,' from *jīn* (spirit) and *jawad* (horse), the *janjaweed* are a Darfur-based militia with an Arabist agenda. Since 2003 they have been among the principal actors in the increasingly bloody Darfur conflict.
- jihād** Literally 'struggle,' it includes both the inward spiritual struggle against human desires and the outward struggle against injustice, oppression and the rejection of the truth by non-believers, which leads to 'holy war' only when sanctioned by the legitimate political authority.
- Khatmiyya** A Sudanese Sufi Muslim sect led by Democratic Unionist Party (DUP) Chairman Mulana Mohamed Osman al-Mirghani, a descendant of the Prophet Mohamed. The Khatmiyya are traditional rivals of the Ansar, though both groups have seen their membership decline in recent years, in part as a result of splits in their political wings.
- murahaleen** Literally 'people on the move,' from *maraheel*, the migratory pathways whose obstruction was a cause of the current conflict in Darfur. Originally used to describe Baqqara travelling on horseback to escort herds of cattle, but from 1985 usually refers to a largely Baqqara militia which fought the SPLA in Bahr al-Ghazal.
- pastoralists** People whose main source of livelihood is livestock, with which they move seasonally in search of fresh pasture and water.
- shari'a** Islamic law, which sets out the five pillars of Islam (ritual purification, prayer, fasting, charity and pilgrimage) and the regulation of human interaction. Often refers in Sudan to the restrictive legal code introduced in 1983 by Hassan al-Turabi during the Nimeiri regime. This became an obstacle to peace, with northerners claiming their right to be ruled by *shari'a* and southerners calling for a secular 'New Sudan.'
- three areas** Three areas (the Nuba Mountains, southern Blue Nile and Abyei) north of the 1956 north-south border but claimed by some as part of the south. The government and SPLM/A dealt them with in negotiations (2003-04) that were initially distinct from the IGAD-mediated talks.
- tribe** Academically controversial but widely used, the term 'tribe' refers to political or administrative ethnically-based units of peoples. It does not have a precise definition; tribal membership is fluid, and 'tribes' can refer to groups numbering a few hundred or millions. The term has been exploited by some to reinforce political allegiances, while others have denounced 'tribalism' as a means to limit cross-tribal political affiliation.

Chronology

Formation of a Sudanese state

Ottoman-Egyptian conquests bring together various small states or kingdoms under the *Turkiyya* government in 1821. Although Egypt claims all of present-day Sudan during most of the nineteenth century, it has little effective control over southern portions, while itself falling under British control.

From 1881-85 Muhammad Ahmad ibn 'Abdallah, the Mahdi, leads a revolt against Anglo-Egyptian rule. Mahdist forces capture Khartoum from the British in 1885. The Mahdi dies soon afterwards, succeeded by the Khalifa Abdullahi. Britain and Egypt overthrow the Mahdist state in 1898, sign the *Condominium Agreement* in 1899 and force the French to withdraw from areas they had occupied. Darfur, which had not been recovered by the condominium, is incorporated into Sudan in 1916.

Towards independence

Indirect colonial rule through sheikhs and tribal chiefs is institutionalized with the creation of Native Administration system. Christian missionaries and anthropologists arrive in southern Sudan.

As nationalist politics develop in the north in the 1940s, the British commit to independence. A separate southern development policy, which effectively sealed off the south from the north, is abandoned. Southern chiefs and northern nationalists agree to pursue a united Sudan in 1947.

In 1953 the *Anglo-Egyptian Agreement* establishes a three-year transition to Sudanese self-rule.

Independence and war

In 1955 a mutiny of southern soldiers refusing transfer from Torit to the north marks the beginning of the first civil war.

Sudan becomes independent in 1956. Ismail al-Azhari becomes Prime Minister of a coalition government formed by the Unionist and Umma parties. General Ibrahim Abboud leads a military coup in November 1958, dissolving political parties and instituting a state of emergency.

The leaders of the Anya Nya movement assume control of the southern secessionist cause in the early 1960s.

A general strike and popular uprising in October 1964 overthrow the military regime. A transitional civilian government rules until as-Sadiq al-Mahdi of the Umma Party becomes prime minister in 1966.

In 1969 socialist-leaning officers led by Colonel Jaafar Mohamed Nimeiri take power in a military coup. A further coup attempt in 1971 fails and leftists are purged from the army and government, leading to a rift with the Socialist bloc and warmer relations with the USA. A referendum confirms Nimeiri as president.

From peace to renewed war

Nimeiri and Anya Nya leader Joseph Lagu sign the *Addis Ababa Agreement* in March 1972 ending the civil war. The agreement is facilitated by the All African Conference of Churches and World Council of Churches. A Southern Region is established with an interim government led by Abel Alier.

Nimeiri's Sudanese Socialist Union (SSU) is established as the only legal party in Sudan in 1972, and the following year Sudan adopts a constitution as a one-party state under the SSU with a presidential political system.

Discontent increases in the south as plans for building the Jonglei Canal to improve the supply of water to Egypt provoke violent demonstrations in Juba in 1974. Mutinies of ex-Anya Nya troops in 1975 lead to the formation of the Ethiopian-based Anya Nya-2.

A major coup attempt fails in 1976 but in the following years Nimeiri embarks on 'national reconciliation' with the opposition parties that had supported it. The Umma Party, Democratic Unionist Party (DUP) and Islamic Charter Front (ICF or Muslim Brotherhood) re-emerge in electoral politics. The ICF's Hassan al-Turabi becomes Attorney General.

Anya Nya-2 based in Ethiopia begins hit-and-run attacks in Upper Nile in 1980. The National Assembly attempts to redraw the boundaries of the Southern Region, transferring newly discovered oilfields around Bentiu to the north.

Stringent economic measures recommended by the International Monetary Fund lead to riots in Khartoum in November 1981. Nimeiri dismisses the cabinet and the SSU executive after they urge him to resign. In 1982 the *Integration Charter* between Egypt and Sudan allowing Egyptian citizens to purchase land in Sudan is met with widespread opposition. In 1983 Nimeiri is elected unopposed to a third term as president. Abrogating the 1972 agreement, he dissolves the Southern regional government, divides the south into three regions and introduces *shari'a* law across Sudan.

Amidst increasing unrest in ex-Anya Nya army battalions and defections to Anya Nya-2, army Colonel John Garang is sent to quell a mutiny in Bor. Instead he encourages southern resistance and forms the Sudan People's Liberation Movement (SPLM) and the Sudan People's Liberation Army (SPLA), based in Ethiopia.

1984

Small-scale military engagements occur throughout many parts of Upper Nile and Bahr al-Ghazal. Tension increases in the Nuba Mountains.

Drought and severe famine occur in the west and east. A state of emergency is declared. International assistance and aid organizations pour into Sudan.

Conflict between the SPLA and Anya Nya-2 in Upper Nile grows and Anya Nya-2 joins the government.

1985

Nimeiri executes Mahmud Mohamed Taha, leader of the Republican Brothers, a small but influential moderate religious movement. He also arrests al-Turabi and more than a hundred Muslim Brothers. After a popular uprising in April, Nimeiri is overthrown by a military coup by his army chief of staff, Abdelrahman Siwar al-Dhab. A Transitional Military Council (TMC) pledges to return the country to civilian rule after one year.

The SPLA makes its first incursions into southern Blue Nile and the Nuba Mountains and the TMC begins arming Baqqara. The destruction of a Baqqara village in the eastern Nuba Mountains leads to the TMC increasing support to the Baqqara *murahaleen*, transferring local Nuba officials and imprisoning Nuba leaders.

The SPLM/A purges suspected Anya Nya-2 sympathizers (mainly Nuer) within its ranks.

The Chevron Corporation suspends oil operations in Bentiu.

1986

The SPLM/A meets civilian elements of the TMC and the National Alliance for Salvation at Koka Dam, Ethiopia. The *Koka Dam Declaration* announces a formula for peace and a constitutional conference. Parliamentary government is restored.

Following elections, as-Sadiq al-Mahdi becomes prime minister of a coalition Umma/DUP government and meets Garang in Addis Ababa in July. He breaks off contact after the SPLA shoots down a civilian airliner. The UN Secretary General forbids UN agencies from having any dealings with the SPLA.

1987

Rizeiqat tribesmen massacre several hundred displaced Dinka-Ngok in Ed Da'e'in in Southern Darfur in March. The army massacres civilians in Wau in August.

A joint declaration on the south is issued by the SPLM, Anya Nya-2 and southern political parties following the Quest for Peace meetings facilitated by the Sudan Council of Churches.

Conflict between the Fur and Zaghawa in Darfur escalates.

1988

There are an estimated 250,000 hunger-related deaths in 1988, many of them in Bahr al-Ghazal, caused by the conflict parties' 'scorched earth' and relief denial policies and compounded by drought and floods.

In January the government and 17 political parties sign a Transitional Charter that stresses Sudan's commitment to multiparty democracy and holding a national constitutional convention.

As-Sadiq al-Mahdi forms a government of national unity with a cabinet including the Umma, DUP, National Islamic Front (NIF) and the South Sudan Unity Parties alliance.

The DUP and SPLM/A meet twice and sign the *November Accords* agreeing to a ceasefire and the freezing of *shari'a* law, but the Council of Ministers refuses to endorse the accord and the DUP resigns from government.

Over 50,000 Nuba farmers are displaced in the Nuba Mountains. The Misseriyya *Murahaleen* are reorganized into the Popular Defence Force (PDF), a paramilitary force without parliamentary oversight.

1989

The SPLA enjoys a number of military successes in the early part of the year.

Hassan al-Turabi of the NIF is appointed Deputy Prime Minister in February, but the NIF resigns from government when as-Sadiq begins peace talks with the SPLM/A (along the lines of the SPLM/A-DUP accord) in March. In response to the war-induced famine, the UN negotiates an agreement with the government and the SPLM/A to provide relief assistance to war-affected populations within Operation Lifeline Sudan (OLS).

In May the government and SPLM agree on a ceasefire, lifting *shari'a* and the state of emergency and abrogating military pacts with Egypt and Libya.

As-Sadiq al-Mahdi's government is overthrown in a coup led by Brigadier Omer al-Bashir in June. The new government dissolves parliament, political parties and trade unions.

The new government holds various meetings with the SPLM but rejects previous agreements, including the Koka Dam provisions and DUP-SPLM peace initiative, and refuses to suspend Islamic laws or convene a national constitutional convention.

In October, the National Democratic Alliance (NDA) is formed from northern and southern Sudanese opposition forces.

With the ceasefire broken, the war escalates in the south.

Former US President Jimmy Carter helps convene peace talks in Nairobi between the government and SPLM/A in December, but no agreement is reached.

1990

The SPLM/A and NDA agree to unite their efforts against the regime.

A coup attempt fails in April and in September an alleged coup plot leads to the arrests of army officers, mostly from the west and south. Arrests in major towns in the north follow peaceful demonstrations by students and trade unionists.

1991

The government declares Sudan a federal country with nine regions.

Following the fall of President Mengistu Haile Mariam in Ethiopia, about 300,000 southern Sudanese are forced

to return to Sudan. The Sudanese air force bombs gatherings of refugees.

An unsuccessful coup against Garang by SPLA commanders Riek Machar, Lam Akol and Gordon Kong leads to the formation of a breakaway 'Nasir' faction in August. Fighting between SPLM/A-Nasir and Garang's SPLM/A-Torit ensues. Talks in Nairobi in December do not heal the rift.

1992

January

In Frankfurt, government negotiator Ali el-Haj and Lam Akol of SPLM/A-Nasir make a joint statement on 'special political and constitutional status' for the south.

At a meeting of regional governors in Southern Kordofan, a *jihad* is declared against SPLM/A-supporting Nuba. War in the Nuba Mountains intensifies.

February-March

A government offensive against SPLM/A-Torit begins and retakes several towns over the following months. Reconciliation talks between SPLM/A factions in Nairobi again fail.

May-June

Talks are held in Abuja, Nigeria between the SPLM/A factions and the government, mediated by Nigerian President Ibrahim Babangida. The two SPLM/A factions merge their delegations but the government rejects their joint programme of self-determination for the south, Abyei, the Nuba Mountains and southern Blue Nile.

September

A third SPLA faction, the Unity group headed by William Nyuon Bany is formed when Garang's Torit group splits.

December

UN-supervised meetings in Nairobi bring the government and the three SPLA factions to agreement on relief supplies to civilians in the south.

Following massacres of Toposa and Nuba people, the UN General Assembly condemns the al-Bashir regime for gross violations of human rights. Fighting in the Ayod-Waat-Kongor triangle creates famine.

1993

March

Several southerners previously detained by Garang join SPLM/A-Nasir to form SPLM/A-United, which engages in fighting with Garang's faction over the ensuing months.

April-June

At the second round of Abuja talks, an SPLM/A proposal of two confederal states is rejected by the government, which conducts separate talks with SPLM/A United in Nairobi.

A truce is negotiated by US Ambassador Petterson in the 'hunger triangle' area (along the Nuer-Dinka territorial divide in Upper Nile) to little effect.

September

The heads of the Ethiopian, Eritrean, Ugandan and Kenyan governments launch the Intergovernmental Authority on Drought and Development (IGADD) initiative to resolve the civil war in Sudan, establishing the IGADD Standing Committee on Peace in Sudan. Al-Bashir accepts the regional initiative and President Moi of Kenya holds talks individually with Garang and Riek Machar.

October

The economic crisis and rises in fuel prices provoke three days of rioting in Omdurman, Wad Medani and al-Obeid.

The US Congress hosts a meeting between Garang and Machar, agreeing reconciliation between their two SPLM/A factions. Garang signs the joint declaration, but Machar disputes Garang's signing on behalf of 'the SPLM/A' rather than 'SPLM/A Mainstream'.

1994

January

IGAD Standing Committee Ministers hold talks in Nairobi with SPLM/A factions, who agree to negotiate with the government on the basis of self-determination for the south, the Nuba Mountains and 'other marginalized areas' through a referendum.

February

Sudan's nine regions are divided into twenty-six states.

March

At the first round of IGADD peace talks in Nairobi, President al-Bashir refuses to meet John Garang or to include constitutional principles or self-determination on the agenda.

May

At the second round of IGADD peace talks in Nairobi, a draft Declaration of Principles (DoP) covering self-determination and a secular democratic state is issued to all parties.

July

SPLA-United fights the SPLA in Bahr al-Ghazal.

At the third round of IGADD peace talks, the government rejects the principle of a secular state and objects to the wording of the self-determination clause of the DoP; the SPLA delegations accept the DoP.

September

The Lou Jikany peace conference, held at Akobo and sponsored by the Presbyterian Church of Sudan, agrees to resolve the inter Nuer dispute. No lasting resolution is reached but it is a forerunner of later peace initiatives.

At the sixth round of IGADD talks in Nairobi, the government refuses to concede the south's right of self-determination or discuss a secular state; the session is terminated. The IGADD summit later that month reaffirms support for the DoP and forms the Friends of

IGADD (IGAD Partners Forum from 1997), but talks remain suspended for the next three years.

SPLM/A United renames itself the South Sudan Independence Movement/Army (SSIM/A).

October

Lam Akol, dismissed from SPLM/A-United in February, announces his assumption of the chairmanship of a group under the SPLM/A United name. The SSIA attacks Akot in Bahr al-Ghazal.

November

Heavy fighting takes place between the SPLA and former SPLA commander Kerubino Kuanyin Bol's government-backed forces (including Baqqara *murahaleen*) in northern Bahr al-Ghazal.

December

The *Chukudum Agreement* between the Umma Party and the SPLA accepts the south's right of self-determination.

1995

April

A combined SSIA/SPLA force besieges government troops in Lafon, but Machar resists moves towards merging the factions.

Uganda breaks off diplomatic relations with Sudan following a Lord's Resistance Army (LRA) massacre of civilians near Gulu in northern Uganda.

June

The NDA's *Asmara Declaration* agrees to establish an interim government upon the overthrow of the NIF and affirms the south's right to self-determination, Abyei's right to choose whether to join the south, and referenda for the Nuba Mountains and southern Blue Nile on their political future. The Sudan Alliance Forces (SAF) and Beja Congress join the NDA.

July-August

The SPLM/A and SSIM/A each sign the OLS Agreement on Ground Rules with UNICEF concerning the provision of humanitarian assistance and the protection of civilians and aid workers.

William Nyuon Bany and other SSIM/A leaders 'dismiss' Machar, leading to a split; Machar's faction retains the group's name.

September

The government is implicated in a plot to assassinate Egyptian president Hosni Mubarak.

1996

April

Riek Machar and Kerubino Kuanyin Bol sign a *Political Charter* with President al-Bashir in Khartoum. It includes provision for southern self-determination within a united country.

May

UNESCO's Culture of Peace programme brings together SPLM/A and government participants in the Netherlands for a symposium following similar events in Khartoum and Barcelona the previous year.

1997**March**

The SPLA takes several towns in Central Equatoria. The NDA captures the Red Sea garrison of Karora.

April

Riek Machar and leaders of five other factions sign the *Khartoum Peace Agreement* with the government.

July

The new joint Military Command of the NDA is established with John Garang as chairman and Lt Gen Abdelrahman Sayed (former deputy chief of staff for operations of Sudanese army) as deputy chairman.

Under pressure from neighbouring countries at the Extraordinary IGAD Summit, the government accepts the IGAD DoP as a basis for negotiation, not a set of binding principles.

August

Riek Machar is appointed president of the Southern States Coordination Council, to administer the south for a 4 year transition period under the terms of the April 1996 *Political Charter*.

September

The government accepts a truce unilaterally declared by Lam Akol's SPLA United, which the *Fashoda Accord* incorporates into the *Khartoum Peace Agreement*.

October

IGAD peace talks sponsored by the Partners Forum resume in Nairobi but fail due to disagreement on self-determination and the separation of state and religion.

December

Deteriorating security in Darfur leads to a state of emergency.

1998**January**

The SPLA captures army headquarters and other locations in Wau, assisted by the defection of Kerubino from the government side.

February

The government attacks positions around Kassala and Qallabat in eastern Sudan, shells villages inside Eritrea and closes the Eritrean border.

March

Paulino Matip leaves the SSIM, but his forces, called South Sudan Unity Movement/Army (SSUM/A) continue to support the *Khartoum Peace Agreement*.

The World Food Programme states that 350,000 people in Bahr al-Ghazal are in need of food aid as a result of fighting and government flight bans. The second major

famine in Bahr al-Ghazal in 10 years galvanizes an international humanitarian response and diplomatic initiatives to seek an end to the war.

May

At talks in Nairobi, the government and SPLM agree on southern Sudan's right of self-determination, but not the definition of southern Sudan or the question of state and religion.

The Ethiopian-Eritrean war reignites, eventually leading both sides to seek improved relations with Sudan by reducing support to Sudanese opposition groups.

June

The New Sudan Council of Churches (NSCC) organizes a peace gathering of Dinka and Nuer chiefs and church leaders in Lokichoggio, northern Kenya, to test possibilities for a broader peace conference.

August

The US launches a cruise missile against al Shifa pharmaceutical plant in Khartoum in retaliation for bombings of US embassies in East Africa, wrongly claiming it was producing chemical weapons and had links to al Qaeda.

At IGAD talks in Addis Ababa, the parties dispute whether to accept the 1956 boundary of southern Sudan or whether southern Blue Nile and Southern Kordofan should be included in the south.

1999**January-February**

Al-Bashir dissolves state parliaments to prepare for new elections; but the National Congress, successor to the NIF, is the only registered party until Riek Machar's United Democratic Salvation Front agrees to register as a political party under the legislation which binds all registered political associations to the unity of the Sudan as a federal state and to acceptance of *shari'a* law.

Fighting between Baqqara, Zaghawa and Massaleit in Darfur destroys many villages.

March

The Dinka of Bahr al-Ghazal and Nuer of western Upper Nile sign a peace agreement at a people's peace conference at Wunlit organized by the NSCC.

An IGAD Secretariat on Peace is established with a view to carrying out continuous and sustained mediation.

May

Government moves to station troops in the oil-rich Nuer area south of Bentiu spark SSDF attacks.

June

SSDF troops in Akobo defect to the SPLA.

July-October

An Egyptian-Libyan peace initiative on the basis of the unity of Sudan is endorsed by the NDA. In October the SPLM/A opposes amalgamating the Egyptian-Libyan and IGAD mediation initiatives.

November

The government and Umma Party sign an agreement in Djibouti, promising democracy and a southern referendum on autonomy after a 4-year transitional period. It is rejected by the SPLA and NDA.

The *Waat Covenant* is signed under the auspices of the NSCC to end conflict amongst the Lou Nuer.

December

President al-Bashir decrees a three month state of emergency and dissolves parliament, preventing a scheduled debate on constitutional amendments limiting his power.

The Carter Center mediates the *Nairobi Agreement* between the government and Uganda to stop supporting each other's rebels.

2000

January-February

A new government is announced, with the NCP still in full control.

A new Nuer faction, the South Sudan Liberation Movement (SSLM), under Wal Duany is launched in Upper Nile. Riek Machar resigns from government and reforms a military force called the Sudan People's Democratic Front (SPDF).

IGAD-sponsored talks make no progress on key issues.

May

The NSCC facilitates the East Bank People-to-People Peace and Reconciliation Conference in Liliir, Upper Nile, between groups of Dinka, Nuer, Anuak, Murle, Jie and Kichepo.

The anonymously published *Black Book* begins to circulate in Khartoum, documenting discrimination, marginalization and atrocities in western Sudan.

September

Al-Turabi's Popular National Congress (PNC) organizes anti-government demonstrations in many northern regional towns.

An NDA conference endorses a proposal for reconciliation talks with Khartoum but does not abandon its commitment to overthrow the regime. The Umma Party, which had suspended its membership of the NDA in March, withdraws completely.

October

At IGAD talks at Lake Bogoria, Kenya, the government, SPLM/A and mediators state their positions on all elements of the DoP in writing for the first time.

November

Following the withdrawal of Eritrean support for NDA forces in eastern Sudan, the government heavily defeats NDA forces outside Hamesh Koreb.

December

President al-Bashir is elected to a further presidential term in an election boycotted by major opposition parties.

2001

January

The government destroys several villages in northern Bahr al-Ghazal, encouraging Baqqara to settle in depopulated territory. The SPLA loses ground in the Nuba Mountains.

February

The SPLM/A and PNC sign a memorandum of understanding in Geneva, agreeing to work jointly for a democratic system, a just peace and a federal government. Two days later al-Turabi is placed under house arrest in Khartoum.

May

The SPLA begins an offensive in Western Bahr al-Ghazal.

June-July

At the Summit of the IGAD Committee on Sudan, Nairobi, the Heads of State from Kenya, Uganda, Ethiopia, and Eritrea meet Garang and al-Bashir separately. They agree to appoint fully mandated negotiation teams to the Secretariat to facilitate the negotiation process without interruption.

A new 9 point Egyptian-Libyan Initiative (ELI) calls for an immediate ceasefire, the preservation of Sudanese unity and decentralization, but avoids mentioning of the issues of self-determination or religion and the state. The government accepts the ELI and SPLM/A accepts with conditions.

September

The US appoints Senator John Danforth as its special envoy for Sudan.

Following the 11 September attacks in the USA, the Sudanese government begins cooperating in tracking down al Qaeda members. The US shelve its proposed Sudan Peace Act but continues unilateral sanctions. Meanwhile the UN Security Council lifts diplomatic sanctions against Sudan imposed in 1996.

October

President Moi of Kenya appoints Lt Gen Lazaro Sumbeiywo as IGAD mediator. Senator Danforth begins his mission to Sudan.

2002

January

The *Nairobi Declaration* reunites Riek Machar's SPDF with the SPLM/A.

The government and SPLM/A sign a ceasefire agreement jointly mediated by Switzerland and the USA, providing for a six-month renewable ceasefire in the Nuba Mountains, to be monitored by the Joint

Monitoring Mission and Joint Military Commission, comprising 50 unarmed foreign personnel.

The 9th IGAD Summit notes that the IGAD Partners Forum initiative requires revitalization and new defined roles to ensure commitment. Sumbeiywo later invites the US, UK, Norway and Italy to be observers.

Misseriyya and Dinka-Ngok leaders sign the *Abyei Declaration* to end their conflict after negotiations assisted by the United Nations Development Programme (UNDP), the European Union and the Dutch Embassy in Khartoum.

February

A helicopter gunship attacks a UN feeding centre at Bieh and the US suspends participation in the peace process.

March

Uganda and Sudan sign an agreement allowing the Ugandan army to enter Sudan in pursuit of the LRA.

The government and SPLM/A sign a US brokered limited agreement on the protection of civilians. A Civilian Protection Monitoring Team is created.

April

The Sudanese army begins a major offensive in Bahr al-Ghazal and Upper Nile.

US Special Envoy John Danforth reports to President George Bush, recommending continued US engagement in the peace process, proposing oil revenue sharing arrangements between the north and south and guarantees for religious freedom, but rejecting southern independence and a secular state.

May-June

IGAD peace talks in Nairobi in May end acrimoniously but the parties adopt the Modalities of the Task Force. Talks resume in June in Machakos.

July

The Umma Party splits over the leadership's willingness to join the government.

The *Machakos Protocol* on the framework for future talks is signed on 20 July by the government and SPLM. It allows for a referendum in southern Sudan on secession after a six-and-a-half-year transition period, while the north is allowed to keep *shari'a* law.

The government and SSLM sign a separate peace charter on 21 July.

A government offensive against SPLM/A held territory in western Upper Nile begins on 26 July.

Al-Bashir and Garang meet in Kampala on 27 July and pledge continued support for the peace process.

August

The NSCC facilitates a local peace agreement between the SPLM/A and Didinga.

September

The SPLA retakes Torit. The government suspends its participation in the second round of Machakos peace talks in protest and complains about the SPLM/A demand that Khartoum be *shari'a*-free.

October

The government and SPLM/A agree to resume talks and sign a cessation of hostilities on 15 October.

President Bush signs into US law the Sudan Peace Act, providing humanitarian assistance to SPLM areas and monitoring progress towards peace.

November

The cessation of hostilities agreement is extended and a memorandum of understanding signed on *Aspects of Structures of Government*.

2003

January

The IGAD talks resume in Karen, Nairobi, after delay caused by disagreement over whether the three disputed border territories of southern Blue Nile, Abyei and the Nuba Mountains may be discussed.

The UN negotiates separate bilateral agreements with the SPLM/A and the Sudanese government to allow delivery of humanitarian aid into southern Blue Nile.

February-March

The government and SPLM/A sign an addendum to the cessation of hostilities and a memorandum of understanding elaborating points of agreement on both political and economic issues.

A new insurgent group calling itself the Front for the Liberation of Darfur is launched but quickly adopts a new name: the Sudan Liberation Movement/Army (SLM/A). The Justice and Equality Movement (JEM) also announces its existence.

Sumbeiywo leads Kenyan (rather than IGAD) mediated negotiations on the 'three areas' in parallel to IGAD talks.

April

Garang and al-Bashir meet in Nairobi at the initiative of President Kibaki of Kenya. Security arrangements are principal topic of the fourth session of the Political Committee Task Force. No agreement is reached.

The SLA attacks al-Fasher airport, killing over a hundred troops and seizing military hardware.

May

IGAD talks continue in Machakos. A partnership agreement is signed by the government and SPLM/A on meeting the humanitarian, security and development needs of southern Sudan during the first six months of the interim period.

The SPLM/A, DUP and Umma Party sign the *Cairo Declaration*, outlining a common position on a national capital not subject to *shari'a* law.

June

The situation in Darfur deteriorates as the *janjaweed*-led counter-offensive against Darfur insurgents advances with the burning of villages. Many refugees flee to Chad.

Sumbeiywo visits Khartoum and southern Sudan to discuss outstanding issues with the government.

The USAID-funded Sudan Peace Fund sponsors an All Upper Nile Peace Conference, attended by the SPLM/A but not the leaders of other Upper Nile political and armed factions.

July

At IGAD talks in Nakuru, Kenya, the government rejects a draft framework for resolution of outstanding issues (the 'Nakuru document') and the talks end early. The SPLM/A accepts it as a framework for further discussion.

September

Following the first direct negotiations between Garang and Taha at Naivasha, the government and SPLM/A sign a *Framework Agreement on Security Arrangements during the Interim Period*.

Chad brokers a ceasefire between the government and SLM/A paving the way for further talks on Darfur.

October

Lam Akol merges the SPLM/A-United with the SPLM/A.

December

Government and SPLM/A negotiators agree in principle on the sharing of oil revenues. A high-profile SPLM/A delegation visits Khartoum.

The government and the NDA sign the *Jeddah Agreement*, indicating the NDA/DUP would negotiate itself into a future government of national unity.

Peace talks between the government and SLM/A in Chad break down and security in Darfur deteriorates.

2004

January-February

The government and SPLM/A sign an *Agreement on Wealth-Sharing during the Pre-Interim and Interim Period* in January and resume talks in February.

The NDA accepts the SLM/A as a new member. The government suspends contact with the NDA.

March-April

Peace talks between the government and the SLM/A and JEM start in the Chadian capital N'Djamena. In April they agree a renewable 45-day ceasefire, the establishment of a Joint Ceasefire Commission and a commitment to further peace talks.

IGAD talks deal with security issues.

May

The government and SPLM/A agree a power-sharing protocol and protocols on the three areas, bringing the bilateral political negotiations to a close. The parties

formally commit themselves (in the *Nairobi Declaration of 5 June*) to further joint work on a permanent ceasefire, implementation and technical details.

The *Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers*, signed in Addis Ababa, acknowledges the African Union (AU) as the lead international body in the Darfur peace process.

June

The US Congress describes the Darfur crisis as 'genocide.' A donor meeting in Geneva, Switzerland appeals for at least US\$236 million to help Darfur.

July-August

The AU convenes first round of the Inter-Sudanese Peace Talks between the government and Darfur insurgents in Addis Ababa.

UN Security Council Resolution 1556 calls on the government to make progress on commitments to disarm the *janjaweed* militias and restore security in Darfur. The UN's Jan Pronk and Foreign Minister Mustafa Osman Ismail sign a 30-day plan committing Khartoum to take 'detailed steps' to disarm the *janjaweed*, but it does not prove effective. The first contingent of the African Union Mission in Sudan (AMIS) peacekeeping force arrives in Darfur to protect the AU observer mission in the town of al-Fasher.

September

The second round of talks on Darfur opens in Abuja. The parties agree to structure their discussions around humanitarian issues, security issues, political questions, and economic and social affairs.

The UN Security Council sets up an Independent Commission of Inquiry into Darfur and adopts a resolution threatening sanctions unless there are tangible efforts to protect civilians in Darfur.

The government accuses al-Turabi's PNC of plotting to overthrow President al-Bashir and increases security around Khartoum.

October

Talks on a final peace settlement between the government and SPLM/A resume in Nairobi.

November

The AU convenes the third round of talks on Darfur. The parties sign security and humanitarian protocols and the government agrees to end military flights over Darfur.

The UN Security Council meets in Nairobi to emphasize concern over the region. The government and SPLM/A commit themselves to signing a final agreement by 31 December.

December

The AU holds the fourth round of Darfur talks in Abuja but no political progress is made.

Taha and Garang resume high-level talks, signing three agreements on implementation modalities on 31 December.

2005

January

The government and SPLM/A sign the *Comprehensive Peace Agreement* on 9 January in Nairobi.

Sudanese security forces kill over 20 people and wound hundreds more while crushing a Beja demonstration in Port Sudan.

A UN-appointed commission of inquiry finds that mass killings in Darfur did not amount to genocide.

March-April

The Joint Assessment Mission (JAM) report, prepared by the government, the SPLM/A, the World Bank and UNDP estimates the cost of initial post-war recovery and development for Sudan at US\$7.9 billion.

UN Security Council Resolution 1593 establishes the UN Mission in Sudan (UNMIS) with 10,000 troops and up to 715 civilian police to be sent to southern Sudan and the disputed areas. Resolution 1593 authorizes sanctions on ceasefire violators in Darfur and allows suspected perpetrators of abuses to be tried at the ICC.

The Beja Congress destroys three government military camps at the Red Sea town of Tokar.

The fifth round of talks on Darfur begins.

June

The government and NDA sign the *Cairo Agreement*, clearing the way for the DUP to participate in power-sharing.

July

The government, SLM/A and JEM sign a Declaration of Principles for the resolution of the conflict in Darfur.

Garang is sworn in as Sudan's First Vice-President on 9 July. Ali Osman Taha becomes Second Vice-President. Three weeks later Garang dies in a helicopter crash on his way back to southern Sudan from Uganda. At least 130 people are killed in three days of violence that follow.

August-September

New SPLM leader Salva Kiir Mayardit is sworn in as First Vice-President. Al-Bashir swears in the cabinet of the new Government of National Unity (GNU). The Interim Legislative Council of Southern Sudan is officially inaugurated in Juba.

An escalation of violence forces the UN to suspend work in many areas of Darfur.

October

Salva Kiir announces the formation of a cabinet for the autonomous Government of Southern Sudan.

November

Minni Arkou Minnawi is elected president of the SLM/A; the incumbent president Abdelwahid

Mohamed en-Nour's refusal to recognize the outcome leads to a split. They eventually agree to present a joint position at the seventh round of talks in Abuja.

December

Salva Kiir signs a new constitution for Southern Sudan.

2006

January

The Darfur talks temporarily halt in fear that the AU Summit in Khartoum would give Sudan the AU chair for 2006. The AU instead agrees to give Sudan the chair in 2007.

May

After several deadline extensions, the government and Minnawi's SLM/A faction sign the *Darfur Peace Agreement* on 5 May, but the JEM and Abdelwahid's SLM faction refuse to sign. A 31 May deadline for further signatories passes.

The government and Eastern Front and GNU sign a procedural agreement in Asmara under Eritrean mediation.

June

The government and the Eastern Front sign a ceasefire and agree on a framework for substantive peace talks to end the conflict in eastern Sudan.

August-September

Minnawi is sworn in as Assistant to the President of the Republic.

As violence in Darfur increases, the government rejects a UN resolution calling for a UN peacekeeping force in Darfur, saying it would compromise Sudanese sovereignty. The AU peacekeeping mission's mandate is extended to the end of the year as the government continues to resist a handover.

October

The government and Eastern Front sign the *Eastern Sudan Peace Agreement* in Asmara. It provides for power sharing and resource sharing between the GNU and the three eastern states of Kassala, Red Sea and al-Qadarif.

The government expels the head of the UN Mission in Sudan, Jan Pronk, for remarks in his personal web log about the activities of the Sudanese Armed Forces in Darfur.

November

The government agrees in principle to a hybrid AU-UN peacekeeping operation in Darfur. It later insists that the UN troops are limited to advisory, technical, logistical or financial support. The AU's mandate is renewed for a further six months.

UNMIS states that there has been a major ceasefire violation in southern Sudan as a "large number" of people are killed in fighting involving the SPLA and the Sudanese Armed Forces around Malakal, Upper Nile.

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- Forced Migration Review ('Prospects for peace in Sudan' November 2005): www.fmreview.org/sudan.htm
- International Crisis Group (reports and briefings): www.crisisgroup.org
- IRIN news: www.irinnews.org
- Justice Africa (Prospects for Peace briefings): www.justiceafrica.org/blog/category/sudan/sudanbrief
- Khartoum Monitor: www.khartoummonitor.net
- Sudan Open Archive: www.sudanarchive.net
- Sudanese Online: www.sudaneseonline.com
- Sudan Tribune: www.sudantribune.com
- UN Sudan Information Gateway: www.unsudanig.org

Other organizations and projects

- Concordis International: www.concordis-international.org
- Gurtong peace project: www.gurtong.org
- Insight on Conflict: www.insightonconflict.org
- Rift Valley Institute: www.riftvalley.net

The Accord series

Accord: an international review of peace initiatives is published by Conciliation Resources (CR). It provides detailed narrative and analysis on specific war and peace processes in an accessible format. The series is intended to provide a practical resource for reflection for all those engaged in peacemaking activities.



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**The limits of leadership:
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Since the 1994 ceasefire, the conflict between Azerbaijan and Armenia over Nagorny Karabakh has remained deadlocked. This issue explores the dynamics of polarization, the obstacles to a sustainable agreement and the challenge of overcoming resistance to compromise.

Future issues

Accord issue 19 will address how external interventions influence the behaviour and choices of parties to a conflict. Specifically, it will focus on the use of sanctions, conditionalities and incentives, exploring how these international interventions could achieve a more positive influence on conflict parties' engagement in a peace process.

conciliation resources

Conciliation Resources (CR) supports people working to prevent violence, promote justice and transform conflict into opportunities for development.

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- Influence governments and other decision makers to employ conflict transformation policies that promote alternatives to violence
- Improve peacemaking practice and policies by promoting learning from peace processes around the world
- Challenge stereotypes and increase public awareness of human rights, conflict and peace issues in divided societies.

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- Civic groups in Guinea, Sierra Leone and Liberia
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Concordis International is a British non-profit organization that seeks to achieve long-term transformation of relationships across conflict boundaries, build on shared purpose and explore new possibilities for peace. Concordis works primarily through a series of informal, low-profile consultations for key individuals, held in a neutral venue out of the public and media eye. The consultations are founded on in-depth research into the structural causes of conflict and the economic and social issues underlying the conflict. The work is underpinned by values – such as justice and equity – that are shared by those of many faiths and traditions.

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Peace by piece: addressing Sudan's conflicts

The signing of the Comprehensive Peace Agreement (CPA) on 9 January 2005 was hailed by some as the dawn of a new era for Sudan. However, Sudan has a number of interlocking conflicts that cannot be fully addressed by a bilateral agreement. The CPA is just one part – if a very significant one – of a piecemeal approach to resolving Sudan's conflicts that has produced separate agreements for Darfur and eastern Sudan. It is unclear if these can fit together as the jigsaw pieces of a comprehensive peace – or what pieces are still missing.

Peace by piece: addressing Sudan's conflicts is a study of a work in progress. It looks back at the process that led to the CPA, identifying what difficult issues were tackled and how, and what decisions were deferred. It asks which constituencies, interests and issues were excluded from the process, and suggests that future initiatives must be more inclusive and better coordinated if they are to help build a lasting peace.

Produced in partnership with Concordis International and featuring contributors from different sides of Sudan's conflicts, this issue of *Accord* presents perspectives on the process that led to the CPA, examines the difficulties in reaching an agreement on Darfur and includes accounts of other peacemaking initiatives. It also contains detailed information on peace agreements, profiles of key actors and a chronology.

Conciliation Resources and the Accord series

Conciliation Resources (CR) is an international non-governmental organization that supports people working to prevent violence, promote justice and transform armed conflict. CR's *Accord* projects aim to inform and strengthen peace processes, providing a unique resource on conflict and peacemaking. Working collaboratively with locally based organizations, we document peace processes, increase understanding and promote learning from past and comparable peacemaking experiences.

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