

CPA - New Sudan, Old Sudan or Two Sudans?¹

- A review of the implementation of the Comprehensive Peace Agreement

Author: Johan Brosché

Uppsala Conflict Data Program

Department of Peace and Conflict Research

Uppsala University

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Executive Summary

On 9 January 2005 the Sudan People's Liberation Movement (SPLM) and the Government of Sudan (GoS) signed a peace agreement called the Comprehensive Peace Agreement (CPA), which ended the conflict in southern Sudan that had been going on since 1983 and had resulted in at least 54 000 battle-related deaths. In total it is estimated that two million people have died during the war as a result of violence, famine and disease.² The CPA was the final outcome of the so-called Machakos peace process which began in July 2002. Overall the implementation of this agreement is lacking in momentum. Some encouraging signs can be seen: a ceasefire that has held with just one major exception; the return of hundreds of thousands of refugees and Internally Displaced Person's (IDP's) to the South; an extensive redeployment of troops, the creation of a Government of National Unity (GoNU) and the instalment of the head of SPLM as First Vice President (FVP). However, other parts of the agreement have not been implemented: there is still no consensus on the contentious region of Abyei; several stipulated commissions have not yet been launched, and other commissions are not working properly. Another negative aspect is that despite wide redeployment of troops the first major deadline in the CPA was missed when the Sudan Armed Forces (SAF) had not left the South by 9 July 2007 as stipulated in the agreement. The overall impression of the implementation process is negative and the foremost reason for this is the GoS's lack of will and SPLM's lack of capacity to properly implement the CPA.

² Uppsala Conflict Data Program (2007-08-23) *Uppsala Conflict Database* : www.pcr.uu.se/database Uppsala University

Acronyms

ABC - Abyei Boundaries Commission

CPA- Comprehensive Peace Agreement

DDR - Disarmament, Demobilization and Reintegration

DPA – Darfur Peace Agreement

EF – Eastern Front

ESPA – Eastern Sudan Peace Agreement

FVP – First Vice President

GoNU – Government of National Unity

GoS – Government of Sudan

GoSS - Government of Southern Sudan

IDP - Internally Displaced Person

JIU – Joint Integrated Unit (s)

³LRA – Lord’s Resistance Army

NCP - National Congress Party

OAG – Other Armed Group (s)

SAF - Sudan Armed Forces

SLM – Sudan Liberation Movement

SPLA - Sudan People’s Liberation Army

SPLM- Sudan People’s Liberation Movement

SSDF – Southern Sudan Defence Force

SRSG – Special Representative of the Secretary-General

UNMIS - United Nations Mission in Sudan

UCDP – Uppsala Conflict Data Program

I. Summary of the CPA

This review will start with a short summary of the agreement followed by a few contextual factors influencing the implementation process, and then follows an examination of the implementation procedure. The two final sections of this paper consist of recommendations and a forecast for the future of the CPA.

The CPA is composed of six partial agreements that have been signed by the parties. CPA is indeed a comprehensive agreement and some important stipulations in the CPA are: The South is given the opportunity to become independent through a referendum in 2011; until the referendum the South will have autonomy; the leader of the SPLM shall be FVP of Sudan, 28 percent of the seats in the GoNU should be given to the SPLM; revenues from the oil in the South are to be shared 50-50 between the North and the South; Sharia law is to be applied only in the North and only to Muslims; the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) should be the only legal armed groups in the country; they should remain separate, but some integrated units are to be formed; the government will withdraw 91 000 troops from the South in two and a half years and the SPLA has eight months to withdraw its troops from the North; furthermore the North and the South shall have separate banking systems and currencies. The above mentioned points deal with North-South relations. However, the CPA also has a national level where nationwide elections stipulated for July 2009 is the most prominent issue.⁴

II. Contextual factors influencing the CPA

There is a vast variety of contextual factors that influence the implementation of the CPA. One is that Sudan is located in a conflict-ridden part of the world, with most of its neighbours involved in different armed conflicts. These conflicts are often interwoven through, for example, government support to rebels in neighbouring countries.

The conflict between the Government of Uganda and the Ugandan rebel movement Lord's Resistance Army (LRA) is the one that has had the strongest impact on the conflict in the southern Sudan, as much of the fighting has taken place on Sudanese territory. The LRA is still

⁴ Comprehensive Peace Agreement (2005) available at http://www.usip.org/library/pa/sudan/cpa01092005/cpa_toc.html and UCDP (2006) *Uppsala Conflict Database Categorical Variables 1989-2005 version 1*

present in the South. The Ugandan Government supported the SPLM in its war against GoS, and GoS supported the LRA in their war against the Ugandan Government, effectively using the rebel group in its conflict with SPLM. Hence, the LRA is an integrated factor to consider when dealing with the security problems in southern Sudan.⁵

Moreover, there are parallel conflict situations of varying intensity going on in Sudan, both in the East, the West and the North. These different situations are all influenced by the CPA as well as also influencing the implementation process. One important reason behind that is that CPA not only deals with the South but also has a national scope. Another aspect worth noting are the similarities of the demands of rebels in different parts of Sudan indicating the root causes for conflicts in the country.⁶ The single most fundamental aspect of this is the extreme regional imbalances that categorise Sudan.⁷

The conflict in eastern Sudan has clear links to the CPA since the agreement states that SPLA should withdraw from that area. When this part of the CPA was implemented it created a power-vacuum in the East that was used by the Eastern Front (EF). In 2006 the EF and GoS signed a peace agreement called the Eastern Sudan Peace Agreement (ESPA). This agreement ended the violent conflict in the East.⁸

The ongoing conflict in Darfur has a strong influence on the CPA. One such influence is that it makes GoS both an implementer of a peace agreement in the South and an active warring party in Darfur. In addition to this there was much hope that the CPA would help in decreasing the violence in Darfur. The argument would be that since SPLM and the rebel groups in Darfur had co-operated against the NCP at some points. SPLM entering the GoNU would enhance peace in Darfur. However, with the slow implementation process of the CPA these hopes have vanished.⁹

⁵ Uppsala Conflict Data Program (2007-08-23) *Uppsala Conflict Database* : www.pcr.uu.se/database Uppsala University

⁶ Uppsala Conflict Data Program (2007-08-23) *Uppsala Conflict Database* : www.pcr.uu.se/database Uppsala University

⁷ Mohammed, Azzain Adam (2007) *The Comprehensive Peace Agreement and Darfur* in de Waal (editor) *War in Darfur and the Search for Peace* p. 199

⁸ Eastern Sudan Peace Agreement (2006), available at http://www.sudantribune.com/IMG/pdf/Eastern_Sudan_Peace_Agreement.pdf and internal coding material within UCDP

⁹ Jok, Madut Jok (2007) *Sudan Religion and Violence* p. 25-26

Moreover the redeployment of troops from the South to the North gives GoS a possibility to increase its forces in Darfur. In 2006 the Darfur Peace Agreement (DPA) was signed between the GoS and Sudan Liberation Movement (SLM) – Mini Minawi faction, one of the rebel groups in Darfur. However, this agreement did not end fighting in Darfur. The clashes continue, but with other rebel groups than the SLM – Mini Minawi faction.¹⁰ Both the DPA and ESPA include power-sharing elements which possibly will affect the CPA since it changes the power-sharing balance between the GoS and the SPLM. Together these agreements give 20 seats in the National Assembly (out of 450) to the EF and the SLM-Minawi faction.¹¹ In April 2007 twelve seats in the National Assembly were given to the signatories of the DPA. Nine of these seats were vacant at the time and three were given from seats that were allocated to the NCP.¹² Implementation of the ESPA began in the second half of 2007 and EF got the eight seats in the National Assembly that was stipulated in the ESPA in June. The seats were taken from National Congress Party (NCP) parliamentarians from eastern Sudan.¹³ This also changes the power balance between SPLM and NCP in the national assembly and hence might influence the implementation of the CPA, especially if you have more rebel groups in Darfur signing power-sharing agreements with the GoS.

Thus, areas affected by conflict in Sudan have included the South, the West and the East and experts are now warning that the far North can be the new front of conflict in Sudan. Tensions have been rising in that area during 2007 because of the construction of two hydro-electric dams. The first dam is called Merowe dam and is strongly opposed by foremost the Manassir tribe but also by the neighbouring Amri and Hamadab tribes. The reason for these three tribes opposing the Merowe dam is that they will lose traditional native soil and have been refused access to the new waterfront by the government. This resistance has led to protests and at a peaceful protest in April the government killed three civilians. The other contested dam is located even further North in the Kajbar Area.¹⁴ This area is inhabited by the Nubians which is a non-Arab group with its own language and culture. In addition to this the Nubians take pride in being one of

¹⁰ Darfur Peace Agreement (2006) available at http://www.unmis.org/english/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf and UCDP (2007) *Uppsala Conflict Database Categorical Variables 1989-2006*

¹¹ United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA November 2006* p.4 and Freedomhouse (2006) *Sudan*

¹² United Nation Mission In Sudan (2007) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p. 4-5

¹⁴ International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130 26 July 2007* p. 10-11

Africa's oldest civilizations. This ancient homeland is threatened to be flooded by the Kajbar dam. Because of this the Nubians are vehemently opposing the construction of the dam and in the Nubian community a rebel group calling itself Kush Liberation Front has been created.¹⁵ On 13 June police and security forces killed four unarmed civilians at a protest in Kajbar and the risk of a further worsening of the situation in the far North can not be ruled out.¹⁶ With tensions increasing also in the North it further increases the turbulent areas in Sudan and increases the challenges for the regime in Khartoum. Potentially this will further shift away the focus on implementing the CPA.

Another factor that has strongly affected the implementation of the CPA is the death of John Garang in a helicopter crash on 30 July 2005 (an event that investigations have found to be accidental). John Garang was the leader of the SPLM, from the founding of the organisation until his death. Three weeks before his death he was sworn in as FVP of Sudan. The CPA was generally seen as the personal achievement of John Garang, and his personal relationship with the then FVP Ali Osman Taha was a sizeable reason for the signing of the agreement.¹⁷ Furthermore Garang was a person intent on reforming the entire country into a New Sudan based on equality, secularism and democracy; a focus that made him immensely popular, not only in the South but throughout Sudan. His successor, as head of SPLM and FVP, Salva Kiir is perceived as more favourable towards secession, even though he has publicly supported a united Sudan after he became FVP. The importance of Garang is shown in a statement of Hassan al-Turabi, leader of the Popular Congress Party, where he describes Garang as “the man around whom all the political forces and the Sudanese have built consensus for the first time in Sudan’s history...his departure will greatly affect the issues he has raised and on which the Sudanese have agreed with him”.¹⁸

III. The implementation of the CPA¹⁹

¹⁵ Los Angeles Times (2007) *In Nubia, fears of another Darfur* 2007-08-31

¹⁶ International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130* 26 July 2007 p. 10-11

¹⁷ International Crisis Group (2006) *Sudan’s Comprehensive Peace Agreement: The long road ahead* p.1-2

¹⁸ International Crisis Group (2005) *Garang’s Death: Implications for Peace in Sudan* p. 1-8

¹⁹ For detailed information about the implementation of the CPA see UNMIS CPA Monthly monitor, theoretical background information to this section was collected from Licklider, R. (2001) *Obstacles to Peace Settlements* AND Stedman, J.S. (2002) *Ending Civil Wars: The implementation of Peace Agreements*

A factor that is usually brought up as one of the most positive effects of the CPA is that there have not been any major clashes between the SPLA and the SAF since the signing of the agreement. Unfortunately, this cessation of hostilities lasted only until 28-29 November 2006, when a battle between SAF and SPLA soldiers in Malakal killed approximately 150 people, including civilians. This was the first major violation of the cease-fire and while it was encouraging that the parties immediately agreed to a new cease-fire, a joint investigation on what happened and a withdrawal of forces this event shows just how fragile the situation is on the ground.²⁰

The implementation of the CPA is far behind schedule in many areas of the agreement. One central delay is that many of the commissions that should have been working by now are not even established yet. Examples are: the Electoral Commission, the Land Commission, and the National Human Rights Commission. Another problem is that the population census that according to the CPA should have taken place before 9 July 2007 has been delayed several times. The reasons behind these delays have been funding and capacity problems. The census is now planned to be finished by early 2008 and further delays will make it problematic to hold elections before the CPA deadline of July 2009.²¹

A more positive aspect is the extensive number of refugees and IDPs that have been able to return to the South. United Nation Mission in Sudan (UNMIS), foremost through its Return, Reintegration and Recovery unit, assisted an estimated 580 000 (IDP's and refugees) in returning until November 2006.²² As of October 2007 an additional 54 000 IDP's and refugees had been assisted to return to southern Sudan. However, due to financial problems this was below the goals set goals for that year.²³ There are also several problems connected to people returning. High expectations, scarce resources and a non-existing infrastructure are examples of issues that

²⁰ United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA November 2006* p. 1

²¹ United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p. 10-11

²² United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA November 2006* p. 17

²³ UNHCR (2007) *UNHCR faces funding crisis for South Sudan operations* <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=470225f54>

have to be dealt with. One important aspect is that support to the returnees should be combined with support to the people that stayed for the latter not to feel neglected.²⁴

The CPA states that the SPLA shall redeploy its troops from northern Sudan and SAF from southern Sudan. Part of this process is that Joint Integrated Units (JIU) consisting of both SAF and SPLA shall be formed. The SPLA has four areas that it shall redeploy from: eastern Sudan, Abyei, South Kordofan and Blue Nile. All SPLA troops have been redeployed from the East but SPLA redeployment in the other areas is not fulfilled due to delays in the forming of JIUs. SAF troops are stipulated to redeploy its troops to the North and UNMIS have confirmed that 68.9 of the SAF troops have conducted such redeployment. However, the SAF claims that an additionally 8 919 troops have voluntarily demobilised. If this claim is correct it brings the figure of redeployed troops up to 89.2% but this information is unconfirmed and contested by the SPLM.²⁵ Moreover the CPA stipulates for SAF troops to have left the South by 9 July 2007. This was the first major deadline in the CPA and this deadline was missed without any international reaction.²⁶

The formation of the GoNU and the appointment of the leader of SPLM as FVP are factors in the implementation process that have been proceeding.²⁷ However, on 11 October 2007 the SPLM withdrew from the GoNU in protest of the slow implementation of the CPA. At the time of writing (mid October 2007) the implications of this step are hard to predict. However, it has been argued that the SPLM withdrawal from GoNU is the most threatening political escalation since the signing of the CPA.²⁸ SPLM stated that their causes for withdrawal were that the NCP had deliberately been slowing down the implementation of the CPA, including issues such as the redeployment of troops, demarcation of the North-South border, and the much contested area of

²⁴ In Zambia there is a program dealing with this issues called *Zambian Initiative*. This project has been a model for similar projects in other countries and I think that it could be helpful to study this initiative also in the context of Southern Sudan. For a field study focusing on this project and Angolan refugees in Zambia see Brosché, Johan and Nilsson, Maria (2005) "Zambian Refugee Policy: Security, Repatriation and Local Integration" Department of Peace and Conflict Research, Minor Field Study No.24

²⁵ United Nation Mission In Sudan (2007) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p. 34-35

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

²⁷ United Nation Mission In Sudan (2006) *The CPA Monitor- Monthly Report on the Implementation of the CPA November 2006* p. 4

²⁸ International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007*

Abyei. The SPLM also wanted to replace the Sudanese Foreign Minister Lam Akol who is an SPLM member but assumed to nowadays be leaning more in favour of the NCP.²⁹ Worth noting is also the timing of this withdrawal from GoNU by the SPLM since it took place just two weeks before peace talks about Darfur are planned to start in the Libyan capital, Tripoli.³⁰ The time was most probably deliberately chosen to tell both the NCP and the international community not to focus only upon the Darfur issue, and not to forget about the CPA implementation.

A precondition for the successful implementation of the CPA and sustainable peace in southern Sudan is that the SPLM succeeds in its transition from a rebel movement to a political actor. The CPA states that SPLM should be the major political party in the Government of Southern Sudan (GoSS) and the second largest party in the GoNU. This creates a big challenge for the former rebel movements especially since much of its political knowledge was lost when Garang died. Another tough challenge that the SPLM faces is to transform its armed wing into a state military. The lack of money, structures, qualified individuals etc make this process very problematic. Salaries to both civilian and military staff must be a top priority. Unpaid SPLA troops could turn into security threats in themselves or allow others a free reign. The expectations that the CPA has created in the South are huge both among the persons that stayed throughout the war, and among the returnees. How to live up to these expectations is a major challenge for the SPLM.³¹ To fulfil these challenges SPLM also has to reprioritise its way of spending. Its only source of income is the revenues from oil. In SPLM's latest budget over 40 percent of its funds were earmarked for the military.³²

A major problem for the implementation of the CPA is the apparent shift in the NCP strategy after Garang's death, from earlier trying to implement the agreement to now undermining it.³³ Garang's popularity was something that the NCP was planning to use in the democratic elections that are stipulated in the CPA. NCP's plan was to keep him as an ally and that his popularity would give the NCP a democratic support base. Garang's successor Salva Kiir, who is less popular and less dedicated to a united Sudan, does not give NCP that same option. A full implementation of the CPA with Garang as FVP instead of Kir would have increased the

²⁹ Sudan Tribune (2007) *SPLM accuses Sudan president of slowing CPA implementation*

³⁰ IrinNews (2007) *SUDAN: Darfur peace talks set for 27 October in Libya*
<http://www.irinnews.org/report.aspx?ReportId=74172>

³¹ International Crisis Group (2006) *Sudan's Comprehensive Peace Agreement: The long road ahead* p. 10-11

³² Economist (2006) *Glittering towers in a war zone - Sudan – Sudan* 9 December 2006

³³ International Crisis Group (2006) *Sudan's Comprehensive Peace Agreement: The long road ahead* p. 3

possibilities for NCP to retain some power after the elections in 2009 and enhance the possibility for a no-vote for secession in the 2011 referendum.³⁴ NCP also sees full implementation of the CPA as a threat against its existence. The reason for this is that an entirely implemented CPA would create a more democratic and transparent Sudan, something that would challenge the power-base that the NCP has at the moment.³⁵

The NCP leadership now seems convinced that the South will vote for independence, and this view affects their approach to the implementation of the CPA. For example, Sudan's President al-Bashir has reportedly said that Southerners were going to vote for separation whether or not they had the post of Minister of Energy.³⁶ Many in the North seem to see secession for the South as a disaster, and one reason for this is probably the extensive oil production in the South.³⁷ Some sources state that as much as 90 percent of the oil revenues in Sudan come from the southern part of the country.³⁸ Another problem both for the South and for the rest of Sudan is that 70 percent of the GoS's share of oil income is spent on defence.³⁹ Moreover, this declining confidence in their CPA counterpart seems to be mutual. Former Special Representative of the Secretary General (SRSG) to Sudan Jan Pronk reports that leaders in the South seem to have made up their mind that a united Sudan is not a possible option in the future. According to Pronk they feel that GoS is trying to undermine SPLM and GoSS. An example of this is SPLM's accusation that GoS still supports LRA. If this perception of the counterparts does not improve, and if the implementation of CPA does not accelerate, it is hard to imagine that the Southerners will see a united Sudan as their preferable option in the referendum. What effects a vote against unity would have according to the former SRSG in Sudan is shown in the below quote.⁴⁰

“However, although a referendum resulting in a majority vote for separation would be legitimate, it would be disastrous. The UN would have to guarantee that such a majority vote would be respected. That would be sheer impossible. I am convinced that separation would lead to war. Many in the North would go to war in order to keep the South part of Sudan. The Southern minority living within the North would become a target and the

³⁴ International Crisis Group (2005) *Garang's Death: Implications for Peace in Sudan* p. 5-6

³⁵ International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130 26 July 2007*, executive summary and recommendations

³⁶ International Crisis Group (2006) *Sudan's Comprehensive Peace Agreement: The long road ahead* p. 3

³⁷ International Crisis Group (2005) *Garang's Death: Implications for Peace in Sudan* p. 5

³⁸ Reeves, Eric (2005) *The Slow Collapse of the Comprehensive Peace Agreement for South Sudan*

³⁹ New York Times (2006) *War in Sudan? Not Where the Oil Wealth Flows* 24 October 2006

⁴⁰ Pronk, Jan (2006) *Weblog nr 12, February 12, 2006*

Northern minority in the South likewise. The border between the North and the South would be disputed. Fights would start in order to occupy the oil fields. In the transitional areas (Abyei, South Kordofan and Blue Nile) civil wars would erupt.” (SRSG Jan Pronk)⁴¹

Abyei

Abyei is a disputed oil-rich area located between the Bahr el-Ghazal and South Kordofan provinces. The area is in geographic, ethnical and political terms caught between southern and northern Sudan. Abyei is home to the Ngok Dinka tribe and bordered to the north and north east by the Misseriya who are an Arab cattle herding tribe. Every year the Misseriya pass through Abyei for grazing of their animals. Historically, the relations between the Ngok Dinka and the Misseriya have been harmonious and even mentioned as a model for North-South collaboration.⁴² However, the North-South conflict where the Misseriya was armed by the regime in Khartoum and the Ngok Dinka was fighting on the SPLM side has complicated relations. The boundaries of the Abyei area are a much contested issue and the decision on the status of this area was not included in the CPA, instead it was decided through the *Protocol on the resolution of Abyei conflict* that the demarcation of the Abyei border should be solved by an Abyei Boundaries Commission (ABC).⁴³ The final report of the ABC came in July 2005 and their findings were seen as be favourable to the Ngok Dinka and hence more favourable to southern Sudan.⁴⁴ In the CPA it is stated that the ABC decision should be “final and binding” but as of October 2007 the NCP has still not accepted the conclusion of the commission.⁴⁵ This refusal by the NCP has been highlighted by the SPLM several times as one of the most central factors when they have claimed that the NCP deliberately has been slowing the implementation of the CPA.⁴⁶

⁴¹ Pronk, Jan (2006) *Weblog nr 12, February 12, 2006*

⁴² International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* p.2

⁴³ For a full text version of *Protocol on the resolution of Abyei conflict* see

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/SZIE-5ZJR4Z?OpenDocument>

⁴⁴ United States Institute of Peace (2005) *Resolving the Boundary Dispute in Sudan's Abyei Region* http://www.usip.org/pubs/usipeace_briefings/2005/1026_sudan.html Here you can also find a more comprehensive investigation of the ABC decision.

⁴⁵ International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* p. 11

⁴⁶ Sudan Tribune (2007) *SPLM accuses Sudan president of slowing CPA implementation*

To resolve the Abyei issue is crucial as the area has been pointed out as the place where the risk of returning to a North-South war is largest. Moreover, succeeding to solve the issue of Abyei could be the measure that pilots the implementation of the CPA in the right direction and consequently the opposite could get the CPA to evaporate. There are several reasons for this. First of all Abyei is essential since it ties into the issues that are at the heart of CPA; border-demarcation, oil-revenues and the referendum.⁴⁷ Moreover it has become an influential symbolic issue and to solve such an issue could give the implementation some momentum. This is especially important when we are dealing with two different parties that completely lack confidence in each other.⁴⁸ Unfortunately the National Reconciliation and Healing Process mandate that was stipulated in the CPA has yet not started to work to overcome this lack of trust.⁴⁹ One way of decreasing tensions in Abyei is to make it a demilitarized zone. The troop presence by both the SAF and SPLA is high in and around Abyei and a demilitarized zone could reduce the risks of clashes between the two parties. Ideally the whole border between the South and North should be a demilitarised zone but Abyei should be the focal point to start with. Another important factor is that the displeasure with NCP among Misseriya, who were fighting on the GoS side in the civil war, is increasing and many are beginning to see Juba (capital of southern Sudan) as a more preferred power centre than Khartoum. This also has an effect on the power-relations between the SAF and SPLA since reportedly 10 000 to 15 000 Misseriya troops are looking to join the SPLA.⁵⁰

Disarmament, Demobilization and Reintegration (DDR)⁵¹

An essential part of the CPA is the Protocol on Security Arrangements and its section on the DDR process which should help to facilitate an environment of human security and social stabilization.⁵² In this overview DDR is highlighted, since it is both a fundamental part of creating

⁴⁷ International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* p. 2

⁴⁸ Small Arms Survey (2007) Sudan Issue Brief- Human Security Baseline Assessment. *Emerging North-South Tensions and Prospects for a Return to War*

⁴⁹ United Nation Mission In Sudan (2007) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p.2

⁵⁰ International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* p. 6

⁵¹ For a more thoroughly report on DDR process in Southern Sudan see for instance Arnold & Alden (2007)

“This Gun is our Food”: Demilitarising the White Army Militias of South Sudan

⁵² Lutheran World Federation-Department of World Service Kenya/Sudan programme (2006) *The Comprehensive Peace Agreement (CPA): A Summary Booklet* p. 6

peace and it is also a sphere where NGOs could make an important contribution. For a better understanding of the problems and possibilities faced by the DDR processes in Sudan it is important to also look at experiences from other DDR cases, and into current research of the scholarly community. One factor that researchers find important is the economic possibilities for ex-combatants. To be considered are, for instance the non-combat skills of the ex-combatants, what needs exist within a society and what possibilities there are to meet these needs. Moreover, guaranteeing the safety of the ex-combatants is central, since giving up your weapon could create insecurity for former rebels.⁵³ The CPA states that the SAF and the SPLA should be the only legal armed forces. This means that militias that have fought against the SPLA as well as with the SPLA are to be disarmed. This type of one-sided demobilisation, where the SPLA remains as the sole armed force, could create insecurity among ex-combatants from other groups.⁵⁴ A study covering the disarmament of the White Army Militia (who fought against SPLA during the civil war) in the Jonglei and Upper Nile states in southern Sudan have pointed out three especially important points for militias resisting disarmament. These three are “(i) a fear and even hatred of the SPLA, (ii) civilians in Jonglei and Upper Nile states worrying about the need for self-protection generally, and (iii) a dislike of the very idea of being disarmed.” Another reason for the resistance to leave among many people in southern Sudan is a fear that the CPA will collapse.⁵⁵ Moreover, ethnic tensions are a crucial issue when disarming people in southern Sudan. SPLM is by many Southerners perceived as a Dinka movement and has traditionally been in conflict with other ethnic groups in the region. This leads to a security dilemma where some groups do not want to disarm unless the other group does so too. A Lou Nuer elder states that “The Lou can accept the disarmament if others are disarmed too”.⁵⁶

All the factors mentioned above shown the problems involved in disarmament. However, there are different ways to secure the safety of ex-combatants. One possible option is to station monitors in the area to prevent regular armed forces from committing abuses against ex-combatants. This monitoring task can be conducted through the UN or through NGOs. Another option is to provide human rights education to the remaining forces; and a third option is to

⁵³ Nilsson, Anders (2006) PhD candidate and DDR-expert at the Department for Peace and Conflict Research at the Uppsala University discussion 2006-12-04

⁵⁴ Lutheran World Federation-Department of World Service Kenya/Sudan programme (2006) *The Comprehensive Peace Agreement (CPA): A Summary Booklet* p. 6

⁵⁵ Arnold & Alden (2007) p. 7 www.trainingforpeace.org/pubs/nupi/wp-722.pdf

⁵⁶ Arnold & Alden (2007) p. 19 www.trainingforpeace.org/pubs/nupi/wp-722.pdf

work for reconciliation within society. These options could preferably be used in combination.⁵⁷ To solve these problems becomes even more important since lawlessness among SPLA-soldiers is widespread and has been seen as “the most serious concerns related to security in the South” in a UN-report.⁵⁸ The main reason for this lack of discipline among some SPLA-soldiers is large salary arrears.⁵⁹

In a DDR process it is important to work in parallel with both the ex-combatants and the society they will be re-integrated to. To work through media and information campaigns are ways to change a society’s view of the ex-combatants and to let the people know that the ex-combatants, for instance, have gone through demobilisation programs. In parallel to this, there is a need to change the mindsets of the ex-combatants and to work with their education.⁶⁰ This is especially important in a society where more than twenty years of war has created an extreme macho-mentality. An AK-47 is an important symbol of status among men, and the only skill that many men have is to kill.⁶¹ To support the ex-combatants in becoming a part of society should be combined with support to the society itself, so that ordinary people also perceive that they are gaining from re-integrating the ex-combatants.⁶² All these security issues related to disarmament are aggravated because of a lack of polices in the area. The CPA is not very explicit on the police issue creating an ambiguous situation both for the local and national police.⁶³ A central part of the demobilization process is the targeting of child soldiers and at the end of June 2006 1013 child soldiers had been demobilized from SPLA and other groups in the South. However, in the North authorities have not advanced significantly in the preparation of a child demobilization programme for child soldiers associated with SAF.⁶⁴

⁵⁷ Nilsson, Anders (2006) PhD candidate and DDR-expert at the Department for Peace and Conflict Research at the Uppsala University discussion 2006-12-04

⁵⁸ These crimes sometimes also lead to tribal clashes since the SPLA is mostly Dinka, and sometimes all Dinkas are blamed for their crimes.

⁵⁹ UNMIS (2006) *Sudan Humanitarian Overview 1 May – 1 June 2006* p. 3

⁶⁰ Nilsson, Anders (2006) PhD candidate and DDR-expert at the Department for Peace and Conflict Research at the Uppsala University discussion 2006-12-04

⁶¹ IRINnews (2006) *Sudan: Fragile Disarmament in the South*

⁶² Discussion with Anders Nilsson PhD candidate and DDR-expert at the Department for Peace and Conflict Research at the Uppsala University 2006-12-04

⁶³ Arnold & Alden (2007) p. 20 www.trainingforpeace.org/pubs/nupi/wp-722.pdf

⁶⁴ UNMIS (2006) *Sudan Humanitarian Overview 1 June – 1 July 2006* p. 2

A positive factor when it comes to the demobilisation of groups in the South are the ongoing negotiations between the Government of Uganda and the Ugandan rebel group LRA. These negotiations seem to be making some progress and this increases the possibilities to disarm other armed groups in southern Sudan. The reason for this is that the LRA has traditionally been a threat to people in southern Sudan and people have been more unwilling to leave their weapons since they feel vulnerable to LRA attacks. Thus, a solution to the LRA conflict in Uganda could also have positive side-effects for the demobilisation process in southern Sudan.⁶⁵

The DDR-processes are related to the CPA stipulation that there should be no other armed groups (OAG) within the Sudan except SAF and SPLA. On 8 January 2006 an important step towards this was taken when Salva Kiir and Paulino Matip, leader of Southern Sudan Defence Force (SSDF), an umbrella organisation embracing the bulk of previously SAF-aligned OAGs, signed the Juba Declaration on Unity and Integration of SPLA and SSDF.⁶⁶ Since SSDF and SPLA were involved in heavy fighting during several years of the war between SPLM and SAF this declaration is very important. Not the least since it seems to mirror trust between the two signatories. It has even been argued that the Juba Declaration has done more to improve human security in southern Sudan than the CPA.⁶⁷

IV. Summary and Suggestions

The implementation of the CPA faces several major obstacles in the near future, and unfortunately the outlook is bleak. There are three main reasons for this; the lack of will within the NCP to implement the agreement, the SPLM's lack of capacity to implement the CPA and the widespread problems on the ground. In addition to this the lack of engagement by the international community reduces the possibilities for the successful implementation of the CPA. Therefore the international engagement for implementing the CPA must increase. Especially the third party signatories to the CPA should feel a responsibility to this end. These signatories include the states of Kenya, Uganda, Egypt, Italy, the Netherlands, Norway, the UK, the US, and the organisations of Intergovernmental Authority on Development (IGAD), Arab League, UN,

⁶⁵ IRINnews 2007-09-26 *UGANDA-SUDAN: Two-track strategy the best option to ending LRA rebellion – ICG* <http://www.irinnews.org/Report.aspx?ReportId=74499>

⁶⁶ United Nation Mission In Sudan (2007) *The CPA Monitor- Monthly Report on the Implementation of the CPA September 2007* p. 37

⁶⁷ Small Arms Survey (2007) Sudan Issue Brief- Human Security Baseline Assessment. *Emerging North-South Tensions and Prospects for a Return to War* p. 14

AU and the EU⁶⁸. Among the states in the region it could be argued that Uganda should take the lead since they are the neighbouring country that has suffered most from the war in southern Sudan. A return to war would have devastating effects on Uganda, not least because it would duplicate the problems that they face in the negotiations with the LRA. However, the other neighbouring countries should also put a lot of effort into a successful implementation of the CPA, both for humanitarian reasons and of pure self-interest. The humanitarian reasons are above all that the people of southern Sudan already have suffered too much, and the self-interest lies primarily in that a return to war in southern Sudan will destabilise the region and create new large-scale refugee-flows.

The problems that the implementation of the CPA faces must be dealt with in parallel and a comprehensive approach has to be applied. At the moment the implementation process is caught in a bind where the NCP does not want to implement the agreement, in part because they believe that the South will vote for secession anyway. At the same time the South will probably become more likely to vote for secession, since the agreement is not being fully implemented. A situation has to be created where NCP sees a commitment to the implementation of the CPA as less costly than continued unwillingness to do so. This could be done with both carrots and sticks. The carrots could for example be a secured part of the oil-revenues in the South even after the referendum⁶⁹, and an example of sticks could be international sanctions.

The ongoing disaster in Darfur should not remove the limelight from the South, and instead these conflicts should be approached simultaneously by demanding decisive action from the GoS in both Darfur and the South⁷⁰. Another intricate aspect of how the situation in Darfur will influence the CPA is that it is possible that Darfurian rebels want to delay some of the deadlines in the CPA, such as the notion of national elections in 2009. The reasoning behind this is that they might want to have more time for political mobilisation after a plausible peace agreement in Darfur.

⁶⁸ International Crisis Group (2007) *Sudan: Breaking the Abyei Deadlock Africa Report No 47 12 October 2007* p. 1

⁶⁹ Here lessons could be learned from the Aceh 2005 peace agreement, between the Indonesian Government and GAM (Free Aceh Movement) since its also regulates nature resources and this is an agreement that have held this far. See UCDP (2006) *Uppsala Conflict Database Categorical Variables 1989-2005 version 1* or <http://www.reliefweb.int/library/documents/2005/govidn-idn-15aug.pdf> for the full agreement

⁷⁰ For a report partially discussing the CPA and Darfur in combination see HRW (2006) *The Impact of the Comprehensive Peace Agreement* or Mohammed, Azzain Adam (2007) *The Comprehensive Peace Agreement and Darfur* in de Waal (editor) *War in Darfur and the Search for Peace*

The CPA states that democratic elections should be held throughout Sudan by July 2009 by the latest. The implementation of this process is lacking in many respects, especially the process of conducting an appropriate census, which is not on schedule. This is a particularly important issue for the CPA, as well as for the rest of Sudan since it is the best chance to transform the whole country in a more democratic and peaceful direction. Therefore all necessary means should be put into getting these elections to take place as planned. The history of relations between the warring parties in Sudan (primarily the GoS) and the international community is in much a history of barking but not biting.⁷¹ Numerous times threats have been made by the international community without being followed up. One example of this is that the UN Humanitarian coordinator of Sudan, Mukesh Kapila, on 22 March 2004 compared the attacks on civilians in Darfur with the genocide in Rwanda 1994 but this statement was not followed up with further outside pressure. Interestingly, the attacks on civilians in Darfur suddenly stopped after the statement but attacks resumed seven weeks later, which could indicate strategic calculations by the Sudanese government and Janjaweed militia.⁷² Another example of the international community was not following up on its earlier commitments was when the first major deadline in the CPA (withdrawal of SAF by 9 July 2007) was missed.⁷³ International actors often tend to focus so much on getting to an agreement that they do not have any commitment left for the implementation, which can have tragic results since non-implemented agreements can make things worse instead of better. One example of this is the DPA that did not enhance the humanitarian situation in Darfur at all. Another tendency is to look at one crisis at a time, with a subsequent lack of a holistic view. This can also be seen in the Sudanese context where Darfur got little awareness when the focus was on finalizing the CPA. Now the CPA is getting little attention as Darfur is the focal point. The emerging problems in the far North of the country are another example that the problems of Sudan have to be dealt with through an all-inclusive approach.

A possible way for the international community to put pressure on GoS is to go through China, since 70 percent of Sudan's exports go to this country.⁷⁴ So how could pressure be put on China in a way that it will change its policy on Sudan? First a brief examination of China and its policies

⁷¹ Chicago Tribune (2007) *Bush on Darfur: U.S. 'will not avert our eyes'*

⁷² Höfer Petersen, Andreas and Lise-Lotte Tullin. (2006). *The Scorched Earth of Darfur* p. 16-17

⁷³ International Crisis Group (2007) *A Strategy for Comprehensive Peace in Sudan Africa Report No 130 26 July 2007* p. 5

⁷⁴ Economist (2006) *Never too late to scramble - China in Africa* 28 October 3006

concerning these issues is needed. China is a huge country with a booming economy with great needs for many different natural-resources, foremost oil. In addition to this China has a policy of not intervening in other countries domestic affairs and as part of this they advocate not to mix economics and politics. The country also believes that it does not receive the respect in the international community that it deserves. I argue that you have to take China's needs and self-perception into account to be able to influence its policies. When it comes to oil China put forward the argument that the major Western powers have already secured their needs for oil in for instance the Middle East and thereby excluded China from getting its share of these markets. Moreover China emphasizes that the Western countries often work with non-democratic countries with bad human-rights records in order to receive important resources; so why could not China do the same?⁷⁵ China's interest in Sudan is economic and if you can convince them that it would be economically beneficial for them to work for an end to the different crises in Sudan I think that it is possible that they would make this policy shift. One possible way of doing this is if other major powers would assure China that they would get the right to buy the Sudanese oil even if Sudan transformed into a more peaceful and democratic state. It is also possible to emphasise that a peaceful Sudan might be able to extract more oil than it is doing at the moment, since potential oil-fields are not used at the moment because of the conflict situation.

Another way to get China to work in a more peace-enhancing way is to give them a role in the mediation process. This can be done both in the North-South context as well as in Darfur. One reason for this is that it is probable that China would appreciate to be seen as having a peace-embracing effect in Sudan, especially since that would give them some international goodwill. Some would argue that China could not be used as a mediator since they are not seen as impartial in the conflict. However, previous research has shown that biased third parties under some conditions can be more constructive than non-biased ones⁷⁶ and that government-biased mediators seem to outperform rebel biased-mediators.⁷⁷ The literature in this research area is extensive and a review of this debate falls outside the scope of this paper.⁷⁸ Thus here a few arguments for why it could be useful to get China involved in the negotiating process will be put

⁷⁵ Kreutz, Joakim (2007) Discussion with UCDP researcher and China expert Joakim Kreutz 2007-10-11

⁷⁶ Svensson, Isak (2006) *Intermediaries, Information, and Impartiality - Types of Mediators and Negotiated Settlements in Africa in Elusive Peacemakers A Bargaining Perspective on Mediation in Internal Armed Conflicts*

⁷⁷ Svensson, Isak (2007) *Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace* p. 178

⁷⁸ For more information on this debate see for instance Fearon 1998; Schmidt 2005 and Walter 2002

forward. First of all China is essential to the GoS because of the close economic links between the countries, with China buying Sudanese oil and selling weapons in return.⁷⁹ This means that China has leverage on the GoS. Optionally the rebel groups can see this leverage as positive if they believe that it will make the GoS more committed to the peace-process and a possible future agreement. In addition if the rebels accept a governmental-biased mediator it will send a signal to the government that they are committed to the peace process.⁸⁰ Another plausible positive effect is if China goes from being a secondary supporter (at least in the form of tight economic relations) to becoming a third party. This could decrease the amount of weapons supplied to Sudan.

It is significant to note that China has started to take steps in the direction of putting pressure on the regime in Khartoum during 2007. One important step was made in early April 2007 when the Chinese Assistant Foreign Minister Zhai Jun visited Khartoum and met the Sudanese President Omar al-Bashir. The reason for this visit was to discuss the deployment of an AU/UN hybrid-peacekeeping force in Darfur. The GoS, shortly after the meeting, revised their official position on the hybrid-peacekeeping force. Having for a long time rejected any UN peace-keepers in Darfur, the GoS, and now took a more accepting position and it is probable that the official visit from China played a vital role in this change.⁸¹ This shows both that China can function in an affirmative way and that they can put pressure on the Government of Sudan. This should be viewed as a positive example and encourage the international community to try to work through China to put pressure on the regime in Khartoum.

Moreover, the fact that China will host the Summer Olympics in 2008 is something that can be used to put pressure on the country. This arrangement is of huge importance for China and they want to portray a positive image of the country to the world. China would strongly dislike if much of the debate around the Olympics will be focused upon China having a negative role in Sudan in general and Darfur in particular. Therefore it could be meaningful if politicians, athletics and other people connected to the Olympics speak out loudly if they believe that China is playing a negative role in the situation in Sudan to put pressure on China to work in a more peace-enhancing direction.

⁷⁹ Small Arms Survey (2007) *Arms, oil, and Darfur The evolution of relations between China and Sudan* p. 2-5

⁸⁰ See Svensson, Isak (2007) *Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace* for elaboration of this argument.

⁸¹ Small Arms Survey (2007) *Sudan Issue Brief- Human Security Baseline Assessment. Arms, oil, and Darfur The evolution of relations between China and Sudan* p. 1

Representatives of the Sudanese Government have said that you have to put out a fire when you have the chance, having the CPA and the ending of conflict in the South in mind.⁸² But with its record of conflict in the South, the East, the West and possible emerging in the North, you can also claim that you should start investigating what it is that ignites fires in all these different areas of the country. Arguably, a solution to all these conflicts in marginalised peripheral areas must involve a change at the centre. The best chance for this change is through launching the CPA stipulated democratic elections in 2009. Moreover, Sudan is a much centralised state and decentralisation could possibly solve some of the problems that Sudan faces. Decentralisation of Sudan would decrease the differences between the centre and the peripheral areas and thereby ameliorate the root causes for conflict. This would increase the responsibilities of the different regions. In addition to political decentralisation a shift in how the economical resources are distributed could work in a peace-enhancing direction. At the moment resources are collected in the peripheral areas of the vast country of Sudan, taken to Khartoum and rarely/never redistributed back to the remote regions.⁸³

Despite these political problems at the governmental level there are several things that can be done on a grass root level. The relationships between returnees and the people that did not flee is one important issue. Another is to improve the DDR processes. Recent history and examples from other countries show that a situation with many weapons circulating, with many ex-combatants with their main skill being war, leads to a fragile situation that could easily result in a return to clashes and war. A combination of pressure on the NCP, resources to help the transformation of SPLM and dealing with problems on the ground such as returnees and ex-combatants are key factors in securing the implementation of the CPA. In addition the NCP and SPLM prioritisation of arms has to shift since it increases insecurity as well as shifting monetary resources away from other areas important for implementation.

V. CPA - New Sudan, Old Sudan or Two Sudan?

The late leader of SPLM, John Garang, had a vision of a *New Sudan – One Country Two systems* and the CPA to a large extent mirrors this vision. But will this vision be the future of the Sudan? With

⁸² H. E. Mr. Moses M. Akol, Sudanese Ambassador to Sweden at the Somalia International Rehabilitation Centre (SIRC) Horn of Africa Conference – VI Post-Conflict Peace-Building 24th - 26th August 2007, Lund, Sweden

⁸³ For a more thoroughly discussion about these issues see Mohammed, Azzain Adam (2007) *The Comprehensive Peace Agreement and Darfur* in de Waal (editor) *War in Darfur and the Search for Peace*

the current position of the implementation process of the CPA it is not very likely that Garang's vision will be the future of Sudan. If this is to become true it demands that the South shall vote for remaining in a united Sudan in the referendum in 2011. Through talking to Southerners and through following online discussions among southern Sudanese communities a vote for unity do not seem to be the most likely option. The general view seems to be that they cannot see any good reasons for the South staying in a united Sudan. One important aspect of the CPA was that the leaders should try to make unity the preferable alternative for the Southerners in the referendum. In this they have unmistakably failed. The main reason for this on the GoS side is that they see full implementation of the CPA as an apparent threat to their power. The SPLM has also failed to portray unity as preferable and their weak capacity is one reason for this. In addition the death of John Garang affects both these processes. The GoS sees fewer benefits in implementing the CPA after his death. At the same time his death placed more secessionist minded leaders at the top of the SPLM hierarchy. Moreover, the slow implementation of the CPA creates frustration among Southerners which increases the lack of trust among Southerners in the regime in Khartoum.

However, before the referendum that should take place in 2011 there are planned elections for Sudan in 2009. These elections are probably the most decisive factor not just for the South but for the whole of Sudan. The main grievance that rebel groups usually state in Sudan, no matter if it is in the South, East, West or North is economic marginalisation and a lack of political influence. If there are free and fair elections in 2009 this might open up possibilities for the creation of a new Sudan. If we with 'old Sudan' mean a country with war in the South continued delays in the execution of the CPA are the most extensive risk. If the implementation continues to lack momentum and especially if the referendum becomes threatened the option of a return to a North-South war cannot be ignored. If democratic elections in 2009 are not held or if there is a delay in the referendum planned for 2011, I see the future for peaceful South-North relation as bleak. However, a vote for secession in the referendum will not by necessity lead to war. One important reason for this is that there are some prominent leaders within the NCP that hold the view of secession for the as South being the preferable alternative. Moreover, it has been argued that the North could still keep some economic domination even over an independent South. A peaceful secession of the South is doable but involves an immense task for the involved parties themselves, as well as the international community. Pre-conditions for a peaceful secession involve engagement by the international community and responsible action from both the NCP and SPLM.

To sum up continued delays in the implementation of the CPA could lead back to old Sudan (war), conducting of democratic elections in 2009 is the best chance for a new Sudan (more peaceful) and two Sudans is the most likely outcome if the stipulated referendum takes place in 2011. Of these alternatives my prediction is that a future with two Sudans is the most likely. that the North could still keep some economic domination even over an independent South. A peaceful secession of the South is doable but involves an immense task for the involved parties themselves, as well as the international community. Pre-conditions for a peaceful secession involve engagement by the international community and responsible action from both the NCP and SPLM.

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