



# Situation Report

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## Sudan: Eighteen months after the CPA

### Introduction

When it comes to post-colonial narratives of Africa it is difficult to equate the crisis of cohesion experienced in the Sudan to that in any of its continental counterparts. As seasoned analysts of the region will explain, anyone who considers himself an expert on the Sudanese affairs should be regarded with caution. This is particularly because the multiple causality involved in the regional and national conflicts in Sudan require us constantly to adjust our macro-level frameworks of analysis to accommodate changing alliances and loyalties at the level of micro-polities.

As the largest country on the continent, bordering some seven other conflict-prone states, Sudan demonstrates most acutely the challenge of building a state in the absence of a "nation". Indeed it may also be argued that the crisis of identity as manifested in the return to, or creation of, ethnic, tribal and religious affiliations is a significant consequence of economic exclusion and powerlessness that resonate at community, regional and national levels. The influence of neighbouring discontent has been both a source of diversion for the central government and a tangible contributor to the protraction of Sudan's internal tensions. The influence of the Darfurian conflict on Chad, as well as the Eritrean connection to Sudan's eastern region clearly illustrates this point. Much of the recent literature on Sudan has focused on the ongoing violence in the western state of Darfur, which has often been explained using the Arab-African dichotomy. One of the major weaknesses of this narrative is the effect it has on solidifying identities that historically speaking have been fluid and are thus inadequate to explain the preoccupations of the principal role players. By confining themselves to such narrow dichotomies observers find themselves unable to accommodate or understand the changing political landscape as events unfold.

In addition, the most recent events, from the increasing divisions in the ranks of the Darfur rebels to the rejection of a UN force, also highlight the problems inherent in deadline-driven diplomacy as currently pursued by the international community

Furthermore, there is a need to take a more nuanced look at the nature of the "government" of Sudan. Who or what is "Khartoum" in the context of the Government of National Unity (GoNU)? Can the National Congress Party (NCP) be considered as representative of opinion in the "North" as a homogenous entity? How does the CPA enforce the legitimacy of either the Sudanese Liberation Movement (SPLM) or the NCP? What impact has the reconstitution of government

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through the inclusion of the SPLM had on regional politics? These are some the questions posed to various analysts, policy makers and civil society actors during a recent field trip to the region.

Sudan has provided an active historical context for competing narratives on the question of “identity” and “nationhood”. It is virtually impossible to identify a single immutable “root cause” as any conflict very rarely remains stagnant, since the dynamics of war involves a constant shift in motives and ends, including the creation of war economies, for example which may help exacerbate and prolong hostilities.

Nevertheless, in the case of Sudan it is useful to appreciate the influence of three major narratives that have informed the identification of underlying reasons for Sudan’s multiple wars. These refer to the analysis of Sudanese history from the perspective of, first, the impact of British colonialism on the creation of Khartoum elites; second, the rise of Islamism in reaction to elite driven politics and their eventual manipulation of religious ideology for self-interest; and, third, the rise of a southern based resistance movement as a response to marginalisation by the centre.<sup>2</sup>

It is with these considerations in mind that the following report will attempt to provide a brief overview of the current dynamics unfolding in the Sudan. It focuses on the implementation of the CPA, though, as a consequence of the rapidly changing environment, the report gives attention only to those aspects of the process that are likely significantly to challenge the implementation process.

It is more than one year on since the signing of the CPA, which was widely expected to signal the onset of peace in Sudan after decades of war between the Sudanese Peoples Liberation Movement (SPLM) and the Khartoum government. The peace agreement paved the way for the creation of Government of National Unity (GoNU) as well as an autonomous interim Government of Southern Sudan. However, the continuing political uncertainty and violence in the western state of Darfur, paralleled by long running tensions in the Eastern Red Sea and Beja regions underline the increasing fragility of the newly created institutions and have severely tested the durability of the NCP-SPLM alliance.

Moreover, the death of Dr John Garang contributed significantly to slowing the momentum around the “New Sudan” project, which sought to unite the Sudanese people beyond the largely fictional categories of Arab and African, Muslim and non-Muslim within a common “citizenship”. In his analysis of the “New Sudan within Southern Sudan”, Francis Deng argues that “the vision of the New Sudan therefore promises to liberate all people, along with the South, from their marginalization, and to create a country of genuine pluralism and equality with a greater influence for the previously marginalized African groups”.<sup>3</sup>

Although the outbreak of violence in both Khartoum and Juba immediately following Garang’s death highlighted the lack of trust between the two sides, it has been suggested that a more profound reading was the loss of hope his demise signified for the aspirations of the marginalised peoples of the North, who had seen in Garang a possibility for a movement away from elite-based politics.

In his analysis of John Garang’s legacy to the peace process, John Young, argues that:

The riots spoke to the ‘deep socio-economic and cultural divide in the country, and in particular in Khartoum. As a result, the capital has become a tinder box, with a largely Arab NIF linked elite at the apex, a decimated northern middle class, and impoverished working class, and a large population of marginalised and displaced from the south, west, Nuba Mountains, and the east. In recent years the marginalised and poverty-stricken have steadily increased, largely because of the multiple wars under way in the country, growing polarisation as a result of oil wealth, and the NCP’s neo-liberal economic policies.<sup>4</sup>

Young also questions the legitimacy of the “Islamist” element of the National Congress Party, arguing that “the Islamic vision of governance, was disingenuous since the leading elements of the ruling party had long since been displaced by security operatives for whom Islam was only a slogan”.<sup>5</sup>

The immediate confusion around Garang’s death and, indeed, the speculation around the cause of his fatal accident placed the SPLM in a vulnerable position from which some argue it has not recovered. As one senior SPLM member explained, “Dr John was the glue to the New Sudan, we were not prepared for implications of his death.”<sup>6</sup>

Equally, the politics of cohesion within the “Islamist” NCP has become strained as the CPA itself offered both an opportunity for the narrowly supported NCP to entrench itself in Sudanese politics even as, theoretically it opened the political space to other opposing groups. The internal groupings within the NCP represent different opinions regarding the longevity of the “Islamist” project.

It has been suggested that the Darfur crisis has been particularly severe in its impact on the NCP. This is seen in the current reconfiguration of President Bashir’s inner circle, which now increasingly is dominated by individuals from the security and petroleum sectors. It is quite possible to suggest that the previous “ideological backbones” of the NCP’s Islamist project such as Ghazi Salaahudin Attabani and Osman Ali Taha are now taking a back-seat to the Head of Security Salah Abdallah Gosh, and presidential aide, Dr Nafie Ali Nafie, both of whom have been critical of the proposed UN takeover of AMIS.

So, although the alliance between the NCP and the SPLM is one of necessity it also potentially contains the seeds of destruction for its individual entities. These challenges take on greater urgency if we consider that national elections should be held in less than three years, while the referendum on possible secession for the South is to be held in just under five years. How far will the political landscape have changed by 2008? Will the SPLM and the NCP still be seen as the monolithic entities they are today? And what implications would the non-implementation of the CPA have on the conflicts in Darfur and Eastern Beja region? These are some of the questions that are now being raised.

The “bundle” of protocols that make up the Comprehensive Peace Agreement are a product of more than a decade of negotiations, which took place even as armed warfare continued sporadically between the SPLM and the government of Sudan. Analysts and actors from North and South concur that the CPA as a document represents a bold blueprint for the reorientation of Sudan after almost 50 years of war. It is within this context that the role of individual personalities are particularly important, and the relationship between John Garang and Ali Osman Taha can be seen as a major foundation upon which the agreement was built.

The Naivasha negotiations also reflect an African-led mediation in Sudan dating back to the first Abuja Talks in 1992, and thus make the implementation of the CPA something of an African test case. The history of the conflict with the South is reflected in the key provisions of the Machakos CPA and the in-built mechanisms for influencing adherence: namely the “Power and Wealth Sharing Agreement” and the “Security Protocol.” The very premise of the talks was on the need to acknowledge the historical exclusion of the South from development and political processes. The significance of the CPA as we have noted elsewhere lies in its provision on wealth sharing that gives the SPLM a substantive role in determining the economic development of the South. Certainly, some analysts have argued the term “comprehensive” is misleading since essentially this is an agreement that entrenches the power of the SPLM and the NCP, to the detriment of other marginalised areas of Sudan. This view is shared by the handful of opposition parties such as the Ummah party, the Democratic Unionist Party (DUP) and Hassan Al Turabi’s Popular Congress Party (PCP). However, the narrow support for the latter opposition groups has decreased further since the onset of the Darfur rebellion that has attracted Darfurian support away from these “traditional” parties.

It is here that the debate about the “unravelling” of the CPA becomes pertinent, as regions such as Darfur and Beja are increasingly asserting their claims for representation and resources from central government. In effect, the CPA has raised more acutely the problem of underdevelopment of peripheral areas in Sudan. Initially, it was thought that the SPLM in its new role in government might bear the “burden of representation” for all marginalised peoples. The rise of the main rebel group, the Sudanese Liberation Movement (SLM) in Darfur can be seen as an effect of the national vision of the SPLM. However, it is clear that John Garang’s death has brought with it not only questions about the leadership of the SPLM, but also the extent to which the SPLM is willing to lead a nationalist vision of Sudan. Interviews with senior SPLM members reflect a variety of views on this question, with some who see the establishment of the Government of Southern Sudan as the beginning of such a movement. “We control the whole South and have our hands in the North as well, this puts us in great advantage”, explained one SPLM Member of Parliament. On the other hand, there are concerns that one year after the signing of the agreement, the most vulnerable of the war-affected such as the displaced, refugees, women and child soldiers, are yet to enjoy any peace dividend and the high expectations for such returns has strained the SPLM. Indeed it can be argued that the secessionist tendency currently dominates the SPLM, with less involvement in issues in Darfur and the East. “It will take an act of God to vote for unity come 2011, neither side is making unity attractive. They want to just sit out the interim period”<sup>7</sup> was the view of one international observer. There is a sense that the current arrangement came about as a consequence of the war fought by Southerners, who cannot now be used to rally the cause of the Northern disaffected.

Recent interviews with key policymakers, Sudanese analysts, media and civil society actors on perceptions of the implementation of the CPA showed that the concept of “successful implementation” is relative. “It all depends on which angle you look at it. If you focus purely on timelines of the various institutions then it is easy to say that the CPA is off track but it is more important to check the overall trend”,<sup>8</sup> is the view of one senior UN staffer intimately involved in monitoring the progress of the CPA. Certainly it is true that the agreement includes provision for a plethora of institutions that will require close monitoring. This is in fact the work of the Assessment and Evaluation Commission (AEC) as set out in the CPA, but until recently this was not functioning because of logistical reasons.

It is best, for the purpose of this update to focus on the key gains particularly on a security perspective since the signing of the agreement. In a document put forward during the first joint NCP-SPLM meeting to review the implementation of the CPA, the SPLM highlighted the following as signs of progress in the implementation of security measures. These include:

1. No major outbreak of hostilities
2. The establishment of a UN Peace Support Mission (UNMIS)
3. Verification, monitoring, complaints and obligations
4. Freedom of movement of goods, services and people
5. The formation of the Joint Defence Board (JDB)
6. Redeployment of Forces
7. The formation and redeployment of the Joint Integrated Units (JIUs)
8. The establishment of DDR Units
9. Formation of law enforcement agencies
10. Initiation of the merger process of the security services
11. The signing of the Juba Declaration incorporating major Other Armed Groups (OAGs)

Importantly, that the NCP-SPLM held a meeting to discuss the issue represents a move away from using the media as the “battlegrounds” for grievances. It may also serve to solidify the relationship between the unlikely “bed-fellows” in order to see the interim period through.

Having outlined some of the macro-level successes we highlight one of the key challenges to the implementation of the CPA, which relates to the demarcation of the Abyei boundary. The Abyei boundary dispute reflects the severity of the trust deficit (emanating from years of war and abrogated peace deals) between communities of the North and South. As such it also provides a major stumbling block to reconciliation, a key element in attaining durable peace, regardless of whether the south secedes or not.

Historically the oil-rich Abyei region has been a site of shared grazing resources for the Misseriya (Baggara) Arabs and nine Ngok Dinka chiefdoms since the 18th century. It is part of the Bahr El Arab river system that is shared with the state of Kordofan, and used by both Ngok Dinka and Misseriya Arabs. In 1905 during the then Anglo-Egyptian condominium era, the administration of Abyei was transferred from the Southern Bahr-El Ghazal province to Kordofan in the North. The Abyei area was a major point of tension between North and South during both the first and second civil wars. More importantly, the discovery of oil in Abyei has given the area an added burden as a strategic pawn in national politics. Certainly, the inclusion of Abyei into the CPA demonstrates the importance of the region’s political and economic value to both the North and South.

One of the major consequences of the history of armed warfare is the impact this has had on displacing local settled, predominantly Dinka, communities, something that has exacerbated land claims tensions in the post-settlement era. According to the Protocol on Abyei, the region will be able to determine whether it wants to join the South or remain in the North through a referendum to be held at the same time as the referendum on the South. It also established the Abyei Boundary Commission (ABC) to “define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905”.<sup>9</sup> The ABC was composed of international and independent experts and representatives of the governments of North and South. It was meant to present their findings to the President of Sudan who would “take the necessary action to put the special administrative status of the Abyei area into immediate effect”. Douglas Johnson, one of the international experts and author of major works into the complexity of Sudan’s wars, noted that “from the point of view of imposing a new political boundary [in Abyei], it is naturally going to cause concern for people on either side of the boundary. And if they feel that boundary is a prelude to withdrawing their right of use, they naturally going to resist it.”<sup>10</sup>

The CPA guarantees the rights of access to any group of people who already have access to the area, and names in particular the rights of the Misseriya, the only northern group mentioned by name in the text of the CPA. This means that on the one hand the Misseriya are entitled to usufruct no matter what the outcome of the referendum or the boundary commission, but also that they represent an important political constituency for the North.

Most importantly, the Abyei Protocol clearly stipulates the distribution of oil revenues during the interim period: 50 percent to the Government of Sudan, 42 percent to the Government of Southern Sudan and 2 percent each to Bahr el-Ghazal, Western Kordofan, and the local Ngok Dinka and Misseriya.<sup>11</sup> Should the boundary define a certain territory containing large oil potential and Abyei decide to go to the South, the wealth emanating from oil would thereafter go to the Government of Southern Sudan.

The Abyei issue also illustrates the fragility around questions of representation and the legitimacy of traditional leaders, which is characteristic of the entire Sudanese political landscape. In this particular case it is important to note that the Misseriya were not



fully represented in the Government delegation in Naivasha. Although the Misseriya representative was from the Misseriya Humr, the delegation included nobody from from the central lineage of the family of the paramount (the Emir). This is principally because the representative from the Emir's family was asked to leave the delegation by the Government, when it was found that he had affirmed that the Misseriya were not claiming land rights but access to pasture with the Ngok Dinka.<sup>12</sup>

At present there is a high level of misinformation about the rights of each of the communities in the CPA, and Johnson notes that one of the major problems that emanated shortly after the ABC concluded its work was that each community was "sensitised" about its contents separately by the NCP and the SPLM. Each side explained their "version" of the Protocol, and this is having an impact on levels of trust on a civilian level.

The ABC panel was to investigate archival sources in addition to conducting field research to establish the historical claims to the regions. On 14 July 2005, the commission presented its findings to the Presidency. Its conclusions were however rejected by the Misseriya and the Presidency however, both of whom claimed that the report should be seen as a recommendation rather than as binding and that the boundary commission had exceeded its mandate. A more worrying element in this rejection was the attempt to manipulate citizenship as per the agreement in the CPA, which will influence the "utility" of populations during the referendums. This refers to the fact that the referendum on the status of the Abyei region will likely be defined by the extent to which the Ngok Dinka and the Misseriya feel their rights are being protected by the authorities.

The demarcation made by the Abyei boundary commission raises questions about environmental stress in terms of local resource politics and how these local conflicts have been manipulated by elites as a part of the scramble for the national oil pie. One UN observer explains that the situation in Abyei is one of ceasefire rather than peace-building post-CPA, and that the next frontier on which violence between North and South could occur might very well be that of Abyei. At the joint NCP-SPLM leadership council meeting the parties failed to agree on the adoption of the ABC report and referred the matter back to the Presidency, to consider the following four options:

- to reach a political agreement on the matter;
- to recall the ABC experts to defend their recommendations;
- to refer the matter to the constitutional court; or
- to seek arbitration by a third party.

The parties agreed, however, to form a transitional administration for Abyei, composed of representatives of all groups in the area.<sup>13</sup>

While the parties certainly thrashed out some of their key concerns about the implementation process, it is also important to note that the CPA institutions may be emasculated by the introduction of new mechanisms such as those put forward in the four options above. This relates to the question of capacity building and its sustainability. Some of the other questions to be asked of this process relate to the mandate of parliament. As one opposition leader concluded, "we have a parliament that should be able to have input on the CPA mechanisms since the agreement itself was non democratic. this is one way of broadening it."<sup>14</sup> While this view is self-interested in that it seeks to carve out a space for the opposition party, it nevertheless addresses the need to coordinate institutions so that the "slicing up" of power cannot go unchecked.

Returning to the central issue of the ABC report, many observers have raised concerns about the potential "flashpoint" and the manipulation of tribal loyalties. As one NGO worker put it:

Abyei is in a state of cease-fire and not implementation of the CPA. It has very little to do with pastoralism, the Dinka and Misseriya are fine with each

other on the ground. For example the Chief of the Ngok Dinka community is Muslim... but should the situation remain unresolved for too long it can easily be the new frontier for war.<sup>15</sup>

Moreover, the area is also significantly depopulated as a consequence of the war and the displacement of people to secure the oilfields. This has led to a politically motivated return programme pushed by both the SPLM and NCP, who paid for the transport costs of returnees to the area. According to humanitarian workers there is a need for better representation and access for the NGO community in areas surrounding Abyei town.

In an interview with the *Sudan Tribune*, Douglas Johnson highlights three major concerns around the non-implementation of the ABC report. First, it throws into doubt the commitment to the CPA in its entirety, "It is either implemented in full, or it is discarded". Second, the Abyei question is beginning to resemble developments that occurred early in the Darfur conflict such as: the mobilisation along alleged tribal lines; and the use of militia to fight war over land use, and over the retention of resources. And third, when the entire North-South boundary is defined, and if the referendum takes place and the South chooses to become independent, there are a number of places along the boundary that will be similarly contested by Northern and Southern groups of pastoralists because of the annual movement south of the boundary.<sup>16</sup>

#### Civil Affairs

Post-CPA Khartoum offers some interesting insights into the schizophrenia left by the uneasy and incomplete transition from war to peace. There have been significant changes to the general environment in terms of freedom of expression in the media; a major marker of this is the availability of new English and Arabic language newspapers that contain critical debate on the current issues. Furthermore, there is a strengthening of the Southern identity in the North, as young Southerners residing in the Khartoum now look to an "Africanist" identity through the style of dress (East African influenced) and the use of the English language. Having said this, there is still a long way to go to get the state broadcaster to reflect the diversity of Sudan. This issue was raised emphatically by the SPLM towards the end of May 2006 during its first conference with the NCP on the issue of the CPA implementation. It was argued that "making unity attractive" included the need to transform the state broadcaster to be more representative not only of religious diversity, but more importantly to the voice of Sudanese beyond Khartoum. One senior member of government explained the situation saying, "when you watch the news you think it is Khartoum TV. Yes, the Southerners have a point about representation. Even if you are in Omdurman you are marginalised from being represented on the news.... It is all about Khartoum".<sup>17</sup>

At the same time anti-CPA voices from both North and South have a platform. The new *Al-Intibaha* daily newspaper is an example of the mobilisation of elites who feel marginalised by the Naivasha process. The paper's motto is "The voice of the silent majority" and it is the mouthpiece of a think-tank, the Just Peace Forum, who see the CPA as having conceded far too much to the South.

While Sudanese observers say that *Intibaha's* appeal is limited and offers nothing more than a benign threat to the North-South agreement, it nevertheless provides a window on the landscape of political opinion in Sudan.

#### General trends

While this report has focused largely on the Abyei issue with regard to the Comprehensive Peace Agreement, there remain other issues of concern that will require both the support of the international community and also domestic political will if they are to be resolved. The most pressing of these is the question of the reintegration and return of refugees. Although there has been significant political mobilisation around the need for people to return to places of origin, conditions in those areas are far from conducive to permanent resettlement. Indeed, the UN has already reduced their envisioned numbers of returnees in order to focus more substantively on reintegration issues. Humanitarian efforts have been affected by localised fighting emanating from inter-tribal clashes in areas such as Western

Equatoria and Jonglei. In addition, the SPLA efforts to disarm groups in Jonglei and Upper Nile continue to have a troubling effect on the security situation. According to the UN's Repatriation and Reintegration Agency, the disarmament process has led to increased tensions between groups (Lou Nuer/SSDF) and SPLA. Six locations in Jonglei State and one area in Upper Nile had to be placed on the highest level of security alert because of tensions resulting from DDR. More worrying however is the concern around the "lawlessness" of some SPLA, particularly in Yei town, largely related to the non-payment of salaries. Moreover since the SPLA are generally perceived as being Dinka dominated, Dinka IDPs are being blamed for the increasing insecurity.

There has also been some debate around the capacity of the new Government of Southern Sudan to effectively manage and absorb incoming revenue from oil wealth and donor funding. Recent resignations by top-level SPLM members such as the Minister for International Cooperation and Development of the Government of Southern Sudan (GoSS), Nhial Deng Nhial, who left apparently in protest against corruption in the Southern government emphasised the fragility of the guerrilla-turned-government movement. Certainly, the key test to building institutions in the South will be the extent to which local government is empowered to discharge services to war affected populations.

Much has been said about post-conflict reconstruction in the South in the wake of the signing of the CPA, this is a formidable task, however, that will require both commitment to fulfil funding pledges and also a nuanced understanding of local politics in order to encourage South-South dialogue. In this regard the African Union's Ministerial Committee for Post-Conflict Reconstruction established in 2003 could play a constructive role. As chair of the committee of nine states, South Africa has begun a series of capacity building exercises for groups of cadres from the SPLM on issues of good governance and administration. Aside from this, however, there has been little focus on substantively engaging on post-conflict issues.

Finally, on the question of reconciliation there is little momentum in the North on the popularisation of the CPA. This can be seen to be one of the major factors contributing to the general confusion around the guarantee of rights under the agreement as well as the easy manipulation of disaffected communities through lack of information. On 2 July a UN sponsored radio station was inaugurated in Juba. The station is meant to popularise issues surrounding the CPA and its implementation. A similar initiative has been blocked in the North, another sign of the tensions between the United Nations and the NCP-dominated Khartoum government.

## Conclusion

That the signing of the CPA on 5 January 2005 was a watershed moment in Sudan's tortuous history cannot be denied. Indeed, the momentum for peace that came with the initial euphoria of the agreement was fundamental to paving the way for the possibility of a "New Sudan" based on common citizenship. However, the challenges to making this vision a reality lie not only in the enormous task of rebuilding a devastated South but also in initiating a reconciliation process between the fractured groups. The lack of trust also extends to relationships between Southerners themselves and in fact may pose a serious obstacle to a unified vision for the south during the interim period. The outstanding questions on the Abyei boundary provides a concrete platform for a possible return to hostilities between pastoralists and sedentary farmers, as politicians seek to exploit the area for both oil resources and potential voters for the 2011 referendum. Without the visionary leadership of John Garang, the SPLM have had to review their internal policy towards the "unity" option with mixed results. Certainly the narrow support for the NCP in the North also suggests that its marriage with the SPLM may not be enough to legitimise its dominant stake in government. For now, it is important that international observers and Sudanese actors remain focused on implementing the deal as a secure and prosperous South and North will be necessary for long term stability of the region regardless of the outcome of the referendum.



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  - 6 Interview conducted in Khartoum, 2 June 2006.
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  - 8 Ibid.
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  - 12 IRIN, Interview with Douglas Johnson, op cit.
  - 13 United Nations, *CPA Monitor*, May 2006, p 8.
  - 14 Interview conducted in Khartoum, 22 May 2006.
  - 15 Interview conducted in Nyala, South Darfur, 5 June 2006
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  - 17 Interview conducted in Khartoum, 8 June 2006.