

**NEGOTIATION AND CEASEFIRE: ISSUES AND  
CHALLENGES FACING IMPLEMENTATION OF PEACE  
AGREEMENTS IN SUDAN.**

BY



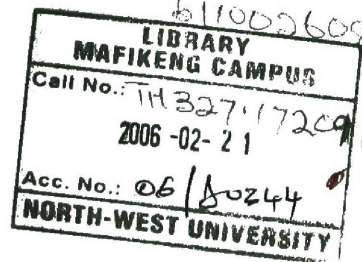
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**OMPHILE M. MOTANG**

**A MINI DISSERTATION SUBMITTED IN PARTIAL  
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**SUPERVISOR: KALE AWUSI**

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I, Omphile M. Motang declare that the dissertation for degree of Masters in Peace Studies and international relations at the North West University hereby submitted, has not previously been submitted by me for a degree at this or any other university, that it is my own work in design and execution and all material contained herein has been duly acknowledged.

A handwritten signature in black ink, appearing to be 'Omphile M. Motang', is written over a horizontal dashed line.

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## **ABSTRACT**

Lasting peace in Sudan would reverberate throughout Africa, the Arab world, and globally. But signing a historic peace agreement will not guarantee successful post-conflict reconstruction in Sudan. Several critical openings must follow-with expanded roles for the Sudanese people and their international partners.

Sudanese fighters from both sides will need to integrate into joint military units that defend Sudan's borders and gain capacity to deal with rogue elements.

Sudanese politicians must expand the opportunities for fresh and excluded voices to participate in Sudan's governing structures (north and south, national, regional, and local) and its political processes. Benchmarks against which international assistance is measured could help guarantee this need, as would an inclusive constitutional drafting process.

Sustained economic assistance and forward-learning decisions on reducing Sudan's debt burden will help move Sudan on the path to economic growth. At the same time, international pressure must be brought to bear on the Sudanese to ensure that revenue streams, particularly oil and are handled transparently and for the benefit of Sudan's people, not its leaders.

Uncertainty, hatred and mistrust run deep within Sudan. Donors must focus on building connections among the Sudanese and bringing communities together around common goals. The past focus on north-south issues should give way to more inclusive programs that begin to address the political and economical marginalization that is fuelling discontent and conflict in Sudan's peripheral regions. Lasting peace will require not just changing attitudes within Sudan, but shifting outside practices to better confront the enormous challenges that will complicate reconstruction efforts.

Sudan's coming peace presents an opportunity to move beyond almost forty years of intrastate war. The United State, the United Nations, African Union, and other friends of Sudan should now consolidate and capitalize on this opportunity.

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## **LIST OF ACRONIMS**

1. AU - African Union
2. CIVPOL - International Civilian Police
3. CSCE - European center fir security and cooperation
4. DDR - Demobilization, demilitarization and reintegration
5. DFID - Department of Finance and International Development
6. DOP - Declaration of Principle
7. DUP - Democratic Unionist Party
8. GNU - Government of National Unity
9. GOS - Government of Sudan
10. GOSS - Government of Southern Sudan
11. IGAD - Intergovernmental Authority for Development
12. IGADD - Inter-Governmental Authority on Drought and Desertification
13. IPF - IGAD Partner's Forum
14. JLEI - Joint Libyan and Egyptian Initiatives
15. MOU - Memorandum of Understanding
16. NCP - National Congress Party
17. NDA - National Democratic Alliance
18. NIF - National Islamic Front
19. NSCC - New Sudan Council of Churches
20. PDF - Popular Defence Force
21. QRF - Quick Response Force
22. SPLA - Sudanese People Liberation Army
23. SPLM - Sudanese People Liberation Movement
24. SPLM/A - Sudanese People Liberation Movement/Army
25. SSIM/A - South Sudan Independent Movement/Army
26. SSLM - Southern Sudan Liberation Movement
27. UK - United Kingdom
28. UN - United Nations
29. US - United States

## **CHAPTER ONE**

### **1. Introduction**

#### **1.1 Background**

It is believed that intrastate conflict based on ethnic, religious, or linguistic identities constitute one of the biggest dangers in Africa, and to the world peace for that matter, since the end of the cold war. The socio-political consequences of these conflicts have been greatly underestimated. Ethnic and internal wars have endangered emerging democracies, led to the worst atrocities since World War II, shaken public confidence in multilateral organisations and strained bilateral relations with other nations.

The conflict in Sudan in particular is characterised by a number of protocols signed aimed at concluding and sealing everlasting peace in that country. These protocols and memorandum of understanding had yielded little progress in leading to the long lasting peace accord. This research would then expose the impediments encountered along implementation of these protocols and further examine the implementation strategies employed (de Mabior: 1996).

The conflict in Sudan has raged apart from a brief cessation during the Numeiry's period since 1955. Ethnicity and religion are seen as integral factors in the war: a predominantly Arab – African, Muslim north against an animist or Christian black African south. Certainly, ethnicity and religion are major contemporary factors, but their origins are historic. The conflict has cost lives and led to the displacement of millions of Sudanese. In fact, the conflict in Sudan has ultimately led to state failure. The way Sudan came about is the direct source of conflict in Sudan. Harris (1998) argues that Sudan is the collection of small, independent states from the beginning of the Christian era until 1820 – 21, when Egypt conquered and unified the northern portions of the country.

In 1881, a religious leader named Muhammed Ahmed ibu Abblalla proclaimed himself the Madhi or expected one and began to unify tribes in the western and central Sudan. That is why in 1930, the policy of the British in the Sudan had been to develop three Southern provinces of Upper Nile, Bahr el Ghazal and Equatoria along distinctively Negroid and

African lines and to exclude Northern Islamic influences as much as possible. Due to strong pressure from the Northerners and Khartoum for self-rule and independence of Sudan including the South, pressure from Egypt not to separate the North and the South with the hope that one day the whole country might be united with Egypt was experienced. There were signs that the exclusion of the Northerners from the economic projects in the south was hindering its development rather than helping it. The British did a rapid about-face and stated a new policy for Sudan which has been excluding the North from the South. It is important to indicate that up and till then the Southerners had no say in the matter and was only considered for the first time in June 1947.

In 1953 an agreement was signed by Egypt and Britain, with all the Northerners, providing for self-determination, free elections and the evacuation of all British officials and administrators within three years. No Southerners signed the agreement and there is no record of them being consulted on this matter which was to shape the future of their country. Heaton (1998) contends that the Southerners found themselves caught up in the rush of political events, which they were unable to alter or direct. The Southerners lost power to control their destiny. Sudan's boundaries were defined with little regard to the social or ethnic realities in the ground.

It is against this information that conflict continued to escalate and concentrate in the South of Sudan and whatever was developed during the British rule in the south is now dilapidated, obsolete and destroyed as the result of the civil war (Heaton: 1998). The study would analyse possible solutions to lasting peace by challenges faced in negotiating a peace agreement and the implementation thereof.

According to the Global security document, Sudan has two distinct major cultures, Arab and Black African with hundreds of ethnic and tribal divisions and language groups, which makes effective collaboration among them a major problem. (<http://www.globalsecurity.org/military/world/war.htm>). The southern region has a population of around six million and a predominately rural, subsistence economy. This region has been negatively affected by war for all but ten years of independence period,

resulting in serious neglect, lack of infrastructure development, and major destruction and displacement.

In February 1953, the United Kingdom and Egypt concluded an agreement that has provided for Sudanese self-government and self-determination. Sudan achieved independence on January 1, 1956 under a provisional constitution. The Arab led Khartoum government reneged on promises to southerners to create a federal system, which led to a mutiny by southern army officers that sparked 17 years of civil war (1955-72). In 1955, southern resentment of northern region experienced civil strife. This chronic state of insurgency against the central government was suspended in 1972 after the signing of the Addis Ababa accords granting Southern Sudan wide regional autonomy on internal matters.

In September 1983, as part of an Islamisation campaign, President Jaafer Mohammed al-Numeiry announced his decision to incorporate traditional Islamic punishment drawn from shari'a (Islamic law) into the panel code. Southerners and other non-Muslims living in the north were also subjected to these punishments. According to Deng Akuany, these events, and other long-lasting grievances, in part led to a resumption of the civil war that was in abeyance since 1972 and the war continued until 2004. (Viorst: 1995)

### **1.1.2 Review of peace making efforts**

Conner (1994) pointed out that the Sudanese People Liberation Movement/Army (SPLM/A) insurrection broke out in 1983. With support from the Eastern Bloc and neighbouring countries it quickly became a national crisis. However, the Numeiry regime was slow to appreciate its significance and the war proved a major cause of its removal by a popular revolt two years later. The incoming Transitional Military Council appealed to the SPLM/A and its leader, Dr John Garang, to join the government and resolve their grievances peacefully. He argued that the Transitional Military Council was not prepared to accept the SPLM/A as neither a national party with an agenda for reconstructing the entire country, nor did it agree to the movement's following demands: to freeze the Shari'ah laws introduced by Numeiry, end defence agreements with Arab countries' and the holding of a constitutional conference.

The next internal effort at peace-building took place in a meeting between the National Salvation Alliance (the umbrella organisation of the parties that overthrew the Nimeiri regime) and the SPLM/A in March 1986 at Koka Dam in Ethiopia, when agreement was reached on all the SPLM/A's demands. Unfortunately the refusal of key major parties—notably the Democratic Unionist Party (DUP) and the National Islamic Front (NIF)—to participate in the discussions undermined the achievements of Koka Dam. In July, after the holding of national elections, the Umma Party leader and Prime Minister, Sadiq Al-Mahdi, met the SPLM/A leader, John Garang, and agreed to the Koka Dam recommendations and the meeting "ended in a note of guided hope", four of these hopes were not realised. (Conner: 1994)

Arguably the best prospect of ending the war, before the Inter-Governmental Authority on Drought and Desertification (IGADD) achievements at Machakos, was the DUP–SPLM/A agreement reached by their respective leaders, Osman Al-Mirghani and John Garang, in November 1988. This agreement essentially affirmed all the SPLM/A's demands, including the holding of a constitutional conference. However, faced with dissent in his ruling party, and the opposition of the National Islamic Front (NIF) which was part of the coalition government, Sadiq did not, or could not, implement the DUP–SPLM/A accord. Nonetheless, given enormous popular sentiment for peace and the formation of an Umma–DUP coalition government that did not include the NIF, the National Assembly endorsed the agreement on 3 April 1989. (Cornell: 1997)

Significantly, however, the agreement was strongly opposed by the NIF, which then left the government. As arrangements for the constitutional conference preceded a group of army officers with ties to the NIF and led by Lt-General Omar Al-Bashir, the current President of Sudan seized power. This action not only dealt a death blow to the DUP–SPLM/A accord, but effectively ended internal Sudanese efforts of peace-making. As a result, subsequent peace initiatives were to be dominated by the regional and international communities. Moreover, the 1991 overthrow of the regime of Mengistu Haile Mariam in Ethiopia the SPLM/A's foremost foreign supporter and a schism within the rebel movement that led to the defection of Dr Riek Machar and his Nuer followers in the same year seriously weakened the SPLM/A. That confluence of events led the Government of Sudan to increasingly look to a

military victory, and not peace negotiations, to bring the conflict to an end. (Henderson: 1996)

Out of fear that the SPLM/A was on the verge of collapse, and because of the importance of the issues of race, religion and self-determination that were at the core of the Sudan dispute, Nigerian President Ibrahim Babangida took the lead in holding peace talks in the Nigerian capital, Abuja, in May–June 1992. With a weakened rebel movement represented by factions led by Dr Riek and Dr John, an increasingly confident Government of Sudan delegation espoused majority rule, which, it held, meant that the constitution should be based on Shari'ah, although the south could be exempt from the *hudud* (code of Islamic punishments). Both factions of the SPLM/A pressed for a secular democratic system and the right of the south to a referendum on self-determination. Khartoum rejected secularism and would not countenance the proposed referendum. The talks rapidly collapsed. (Horowitz: 1995)

According to Huber (1999:23-30), the European Center for Security and Cooperation (CSCE) research report states that almost a year passed before Babangida called for a second round of talks at Abuja, by which time the SPLM/A was weaker militarily. With very little change, Khartoum proposed power-sharing and balanced development, rejected secession, and proposed a constitution that did not refer to Islam as the state religion and exempted the south from certain provisions of Shari'ah. The SPLM/A rejected Khartoum's federalist approach and called for a confederation and a secular, democratic "New Sudan". If this objective was not achievable, the SPLM/A said, then the south and the "marginalised territories" (the Nuba Mountains and Southern Blue Nile), together with Abiyei, should have a vote on confederation or separation. There were other differences between the parties, but the critical issues of the separation of state and religion and self-determination proved conclusive in causing the collapse of the negotiations.

In the wake of the failed Nigerian initiative, and perhaps out of fear that the 18,000 US troops in Somalia in the early 1990s could carry out a similar operation in Sudan, the Government of Sudan (GoS) proposed that the Inter-Governmental Authority on Drought and Desertification (IGADD, the forerunner of today's IGAD) take up the peace process. The countries of IGAD had a clear interest in containing Sudan's civil war and stopping the

spread of political Islam, and with the elevation of President Isaias Afewerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia to power, the organisation had two particularly competent and dynamic leaders ready to assume the task. In response, IGADD established a Standing Committee on Peace in Sudan in early 1994 and in March peace negotiations were officially launched in Nairobi (Henderson: 1996). Once again, however, the issue of self-determination brought the first round of talks to a rapid end.

A second set of negotiations a few weeks later looked as if they would collapse in like manner, but at this point the IGADD mediators presented the belligerents with a Declaration of Principles (DoP). The DoP included a number of provisions relating to human rights that have never been the subject of much dispute, but it also held that the unity of Sudan be given priority, that the social and political system be secular and democratic, and resources be equitably shared. In the absence of agreement on these principles, it suggested that the south would have the right to self-determination through a referendum. While the SPLM/A fully endorsed the DoP, the Government of Sudan (GoS) predictably could not accept the south's right to self-determination, nor the activist role of the mediators. Again, the positions of the belligerents were clear and apparently irreconcilable. The peace talks were officially adjourned but, eventually, they had collapsed.

In response to the failure, the SPLM/A and the government turned their energies to fighting political and military battles, and positioning themselves for what would inevitably be another encounter at the negotiating table. The Khartoum government focused on reaching an internal peace agreement with the South Sudan Independence Movement of Riek Machar (this was to subsequently take form as the 1997 Khartoum Peace Agreement), and defeating the SPLM/A militarily, which appeared to be a realisable objective in the circumstances. The SPLM/A built up its relations with the National Democratic Alliance (NDA), a loose grouping of northern opposition forces, as a means to bring further pressure to bear on the government and gain acceptance from parties, which arguably represented the majority of the Sudanese people. For its part, IGAD turned its attention to gaining western material and political support, and this eventually took the form of the IGAD Partners' Forum (IPF). It further endeavoured to ensure that efforts would be coordinated and that other peace processes would not be endorsed by the international community. At the same time and in

response to what was held to be an Islamist threat to their sovereignty, Ethiopia, Eritrea and Uganda stepped up significantly their military assistance to the SPLM/A, and by late 1995 were sending their armed forces into Sudan (Ignatieff: 2003).

In 1997, regional isolation, the military engagement of the neighbouring countries, SPLM/A victories in the field, and a new pragmatism in Khartoum convinced the NIF to return to the bargaining table and accept the DoP as a basis for negotiations. However, the outbreak of the Ethiopian–Eritrean war in May 1998 markedly decreased regional pressure on the government of Sudan and the IGAD Peace Initiative began to falter. Without sustained military pressure the IGAD sponsored talks at Lake Bogoria, Kenya in October 2000 followed the same route to failure as many before it. It was becoming increasingly clear to both the IGAD mediators and the IPF that outside support and pressure, ideally led by the US, would be necessary if the peace process was not to come to a complete halt. In response to the perceived weaknesses of the IGAD Initiative a number of other peace efforts also took form at this time.

Foremost in this light was the Joint Libyan and Egyptian Initiative (JLEI), which was concerned with the lack of northern opposition participation in the IGAD efforts, uneasy at apparent African domination of the peace process, and upset at the lack of a formalised role for Egypt in the negotiations, given its considerable interests in Sudan (Ignatieff: 2003). Lastly, and probably most importantly, this initiative also reflected opposition by Libya and Egypt to the concept of self-determination for southern Sudan, which was seen as a threat to Cairo's access to the waters of the Nile, which flow through southern Sudan. Khartoum unreservedly agreed to the JLEI principles, which were expressed in a DoP, and the SPLM/A accepted them in principle, but made clear that it wanted the document revised to include self-determination, secularism and coordination of the JLEI with the IGAD peace process. Although the JLEI largely withered, it represented a strong statement of Egyptian fears about Sudanese self-determination, as well as the need to bring the northern opposition forces into the peace process. It also made clear that the engagement of Libya and particularly Egypt, which has the closest relations with Sudan and the most significant interests in the country and the peace process, should not be overlooked.

With the NDA based in Eritrea and given the latter's major interest in the Sudan peace process, Asmara repeatedly attempted to initiate negotiations between the NDA and Khartoum. However, the weakness of the (non-SPLM/A) NDA forces and the international legitimacy given to the IGAD peace process meant that the Eritreans made little progress. Nonetheless, any comprehensive peace agreement must at some point include the opposition northern armed groups and the interests and grievances that they reflect. Further, the security of the peace process also depends on a marked improvement in the bilateral relations between Sudan and Eritrea. (Ignatieff: 2003)

Out of fear of the imminent collapse of the IGAD peace process and for the same reasons that stimulated its earlier efforts, Nigeria again attempted to promote a peace process. In the event, these efforts came to naught, but they did make clear that the issues at the heart of the conflict—religion, race and regional disparities within a state—have resonance far beyond the country's borders. Moreover, the focus of these efforts, like those of Eritrea, and in distinction to IGAD, was an inclusive process that involved the engagement of the major political forces of the north and the south.

All of these interventions suggested a growing lack of confidence with the IGAD peace process. Although the IGAD Peace Initiative had some genuine accomplishments, a well-thought-out DoP, workable relations with the belligerents, an institutional focus in the Sudan Secretariat, and international legitimacy. It had become apparent to most analysts and the belligerents by late 2001 that the process needed invigoration, and this could only come through international engagement led by the US.

Many point to the terrorist attack on 11 September 2001 to explain heightened US interest in Sudan, but if nothing else, the American bombing of the Al-Shiffa Pharmaceutical Plant in August 2000 on the basis of faulty intelligence information that it was producing chemical weapons, makes clear an earlier interest, and one that focused on the connections between Khartoum and Islamist terrorism. Moreover, it must be stressed that President George W Bush appointed special peace envoy, Senator Danforth, five days before the 11 September attack. This attitude and resolve demonstrated the US commitment in the Sudan peace process and beyond the settlement. Interest in Sudan by a number of key constituencies, the

Congressional Black Caucus, the influential Christian right, liberals, human rights activists, American humanitarian agencies, and the oil lobby upset at being denied entry into the potentially lucrative Sudan market and combined with heightened concerns about international terrorism after 11 September, all contributed to the increased engagement of the US in Sudan. Indeed, US engagement in Sudan steadily increased from President Clinton's Executive Order of November 1997 which imposed comprehensive trade and economic sanctions, through to the Sudan Peace Act of October 2002 which stipulates further sanctions if the GoS was found to be not participating in the peace negotiations in good faith. Further pressure was brought to bear by Sudan being identified as one of seven countries on a State Department list of state sponsors of terrorism. While some have questioned the timing, ethics and one-sided American pressure on the GoS, there is little doubt that collectively these measures sent a powerful message to the government, and their removal an equally powerful impetus to bring the war to an end. (Cornell: 1997)

Against this background, Danforth proposed a series of confidence-building measures, comprising a cease-fire in the Nuba Mountains, zones and times of tranquillity in which vaccinations and other humanitarian interventions could be carried out, a commission to report on the issue of slavery, and an end to attacks on civilian targets—all of which achieved some, but not complete, compliance. Whether or not these measures increased mutual confidence between the government and the SPLM/A is questionable, but they did suggest that there could be movement in the Sudan peace process. Probably more importantly, neither party wanted to run foul of the US, particularly given its increased interest in security after 11 September and its demonstrated willingness to use military force in the pursuit of its perceived security interests. Despite such unilateral actions and appeals from various sources to formulate their own peace initiatives, the US administration repeatedly made it clear that it supported regional efforts led by IGAD. And there can be little doubt that the support of the UK, Norway and Italy, led by the US, breathed life into the faltering IGAD peace process, and their sustained engagement proved critical to the breakthrough of the Machakos Protocol and the continuing progress since then. (Cornell: 1997)

After the 1985 coup, the new government rescinded president Numeiry's 1983 decree and made other significant overtures aimed at reconciling north and south, but did not rescind the so-called September laws of the Numeiry's regime instituting shari'a law. In May 1986, the Sadiq al Mahdi government began peace negotiation with the SPLA, led by Colonel John Garang de Mabior. Again, in 1986 the SPLA and number of Sudanese political parties met in Ethiopia and agreed to the "koka dam" declaration, which called for abolishing Islamic law and convening a constitutional conference.

Following an ultimatum from the armed forces in February 1989, the Sadiq al Mahdi government approved the peace plan and engaged in several rounds of talks with the Sudan People Liberation Movement/Army (SPLM/A) hereinafter referred to as SPLA. A constitutional conference was tentatively planned for September 1989. The military government, which took over on June 30, 1989, however repudiated the agreement and state it wished to negotiate with the SPLA without preconditions.

In August 1991, internal dissention among the rebels led opponents of colonel Garang's leadership of the SPLA to form the Nasir faction of the rebel army. In September 1992, William Nyuon Bany formed a second rebel faction, and in February 1993, Kerubino Kwayin Bol formed a third rebel faction. On April 5, 1993, the three dissident rebel factions announced a coalition of their groups called SPLA united. Fierce fighting between the two SPLA factions was reported in November that year and resulted in the massacre of several thousand civilians in the south. (Cornell: 1997)

Since 1993, the leaders of Eritrea, Ethiopia, Uganda and Kenya have pursued a peace initiative for the Sudan under the auspices of the Intergovernmental Authority for Development (IGAD), but results have been mixed. IGAD initiative promulgated the 1994 declaration of principles (DoP) that aimed to identify the essential elements necessary to a just and comprehensive peace settlement. In 1995, coalition of internal and exiled opposition parties in the north and south created the National Democratic Alliance, and this development opened a northeastern front to the civil war.

In 1997, the government signed a series of agreements with rebel faction, under the banner of “*peace from within*”. These included the Khartoum, Nuba Mountains, and Fashoda agreements that ended military conflict between the government and the significant rebel factions. Some of the rebel leaders moved to Khartoum where they assumed marginal roles in the central government and they also collaborated with the government in the military engagements against the SPLA. (Horowitz: 1995)

In July 2000, the Libyan/Egyptians joint initiative on Sudan was mooted, calling for the establishment of an interim government, power sharing, constitutional reforms and the new elections. In September 2001, former senator John Danforth was designated presidential envoy for peace in Sudan. His role was to explore the prospects that the United States (US) could play a useful catalytic role in search for a just end to the civil war.

In June 2002 a new round of peace negotiations began under IGAD. International observer countries (US, UK, Norway and Italy) were also associated with the talks. The session ended on July 20<sup>th</sup> when parties signed the Machakos protocol, which provides a framework for broader negotiations. During the second round of talks which started August 2002, the power and wealth protocols were signed as well as memorandum of understanding (MOU), which called for a complete cessation of hostilities for 3 months. (Lake: 2002)

Talks on security arrangements began early April 2003. A fifth session on the contested areas, Abyei, the Nuba Mountains and Southern Blue Nile, was concluded in May. The Sudanese government and the rebels, who have been at war for more than two decades, removed one major obstacle towards peace in early January 2004 by signing an accord on wealth sharing.

According to Lake (2002), on the 26 may 2004 the Sudanese government and the main rebel group, the SPLA signed three key protocols in the Kenyan town on Naivasha, bring them closer to a comprehensive peace agreement. Technical committees are expected to resume talks to work methods of implementation the six protocols signed to date, and agree on a formula for permanent ceasefire by mid-July 2004, after which a comprehensive peace agreement will be signed.

Having said this, a civil war is still in progress in Darfur region of western Sudan, where over one million people have been displaced by the government allied militias.

## **1.2 Statement of problem**

The statement of the problem for this study is reflected in the following Questions:

- 1.3.1 What is the historical background of the Sudan conflict?
- 1.3.2 What is the significance of peace protocol preceding final peace agreement?
- 1.3.3 What is the role played by African states and other non African states in the Sudan Peace Settlement?

Peace agreements are made, signed for by all parties involved in the conflict including the third party (international community), but often collapse without being fully implemented. The way the agreements are structured or designed poses direct challenge in successfully implementing them. In this regard, the agreements become more theoretical and omit the key areas that would ease implementation. The agreement terms and schedule of implementation at times are not compatible with the conditions at the local level.

There is more than one school of thought when it comes to the role and the importance of peace agreements within the overall process of reaching the negotiated settlement of an internal conflict. One approach, perhaps best described as “constitutive”; views the substance of the peace agreement as key to the overall process, which will reflect its strengths and weaknesses, virtues and shortcomings. A “*good*” agreement will result in durable peace; a “*bad*” agreement will result in delays, setbacks, or even the collapse of the peace process (Carment: 1998).

Lack of coherence amongst and between actors affects the successful implementation of peace agreement. The purpose of this study therefore is to investigate Sudanese peace protocols signed between 1997 and 2004 and to examine the challenges faced by different actors in the successful attainment of peace through the eventual implementation of a peace agreement.

It is obviously a disconcerting factor for the civil war to continue for more than two decades since 1955 and only punctuated by piece-meal peace protocols that failed to bring to an end such human wastage. This study is critical and relevant given African history, for example, in Rwanda, Sierra Leone, Somalia and twice in Angola, the failure to get warring parties to live up to their peace agreements not only restarted armed conflict, it also escalated the violence, hence it remain relevant to investigate issues relating to the failure to implement peace.

Dina Esposito, in a report for the US secretary of state's Africa policy advisory panel in January 2004 argues that experience of the past fifty years shows, Sudan's peace will not flow simply by virtue of a peace agreement being signed. Such doubts by international observers further strengthen the case of what should be done to contribute to the successful implementation of peace agreements. This study therefore intend to contribute meaningfully in that regard.

The very existence of the problem can be traced in the historical factors as articulated in the introduction. This cast a doubt on the fact that the latest protocol is not the first to be signed and sceptics question its value as others were violated. It should be said that implementation process of any peace accord has its own obstacles and therefore Sudan's protocol is no exceptions. The root cause of the problem lies with various actors in the successful implementation of the peace accord and thus cannot be squared in one group or another and the study will further articulate different role players' responsibilities with regard to peace implementation.

Jones (2001), in the IPA policy paper series on peace Implementation concede to the fact that as a sub-field of conflict resolution, peace implementation has been more practical than studied. Unlike either conflict mediation or long-term peace-building, very little analytical reflection has been devoted to the immediate challenges of implementing peace agreement once they are concluded. It is for this fact that a researcher would not be looking or approaching this study from any specific angle and furthermore as highlighted in the methodology to be used, theories would be either changed or formulated during study.

As a sub-field of conflict resolution, peace implementation has been more practical than studied. Unlike conflict mediation or long term peace-building, very little analytical reflection has been devoted to the immediate changes of implementing peace agreements once they are concluded. Too often, those responsible for translating these accords into meaningful action have had to proceed quickly without either an accurate map of the hazards of the war-torn terrain in which they find themselves or a reliable plan for managing challenges when they do arise. At the most elementary level, what has been missing is clear knowledge of those factors that make the difference between successful peace implementation and failure, between the assurance of peace and the resumption of war.

### **1.3 Aim of the Study**

To investigate the processes that has been followed to arrive at the final peace settlement and the implementation strategies to avoid slippages.

### **1.4 Objectives of the Study**

This study intends to adequately examine the following areas in the peace implementation process in Sudan:

1.4.1 The historical background of Sudan's ethnic –religious conflict.

1.4.2 The significance of the peace protocols that preceded the final peace agreement.

1.4.3 The role played by other states in resolving Sudan conflict.

### **1.5 Theoretical Framework**

The study operates within the following theories, First *world system theory* as espoused by Antonio Gramsci and thus referred to as the Gramscianism by some authors and scholars which is mainly a critical theory aligned to Marxism.

According to the world system theory, the social world should be analysed as a totality. The key aspect in relation to this theory is its argument of materialist conception of history. The central contention here is that processes of historical change are ultimately a reflection of the

economic development of society. The conflict of Sudan in part is with relation to wealth, control of the mineral deposits and oil that has been identified in the Southern part of Sudan. The southern part of Sudan is the economic base of Sudan and thus complicates the whole process.

The world system theory argues that the legal, political and cultural institutions and practices of a given society reflects and reinforce, in a more or less mediated form the pattern of power and control in the economy. It further argues that the change in the legal and political superstructure. One of the key features of world system theory is its use of the concept of hegemony. The Khartoum government wields tremendous power and controls every aspect of society from religion to politics. Gramsci adopts Machiavelli's view of power as a centaur, half beast, half man: a mixture of coercion and consent. The study would reflect more on the coercive practices and capabilities of the state. The introduction of Shari'a law in 1983 demonstrates fully this aspect of the theory. Since the state is hegemonic in character and orientation it imposes its will (Islam) on the people (non Arabs) irrespective of what their cultural and religious believes.

Secondly, the theory of liberalism, that focuses on a way of avoiding intrastate conflict to regulate the state behaviour. In essence it suggests that if the Sudan was a liberal state, the intrastate conflict could have been avoided and state institutions could have been strengthened to promote participatory democratic environment. In the main the liberal theory espouses civil liberties which are the direct contrast of the actual scenario in Sudan. The government of Sudan is more of a sectarian government than a secular state as advocated by the liberal theory.

Thirdly, the theory of realism which believes that politics, like society in general, is governed by objective laws that have their roots in human nature. In order to understand society, it is first necessary to understand the laws by which society lives (Morgenthau: 1978). The Sudanese government have no time or deliberately ignore this compelling fact of interacting with the Southern people. The Islamisation process is the direct opposite of what realism advocate and condone. Larry (1995) notes that interests (Material and ideal), not ideas,

dominate directly the actions of men. Yet the images of the world created by these ideas have very often served as switches determining the tracks on which the dynamism of interests kept action moving.

### **1.6 Literature review**

In the last decade, the field of international relations has undergone a revolution in the study of conflict. Where earlier approaches (Wittman, 1979; Bueno de Mesquita, 1981 and Lalman, 1992) attempted to identify the attributes of individuals, states, and systems that produced conflict, the bargaining theory of war now explains violence as a the product of private information with incentives to misrepresent, problem of credible commitment, and issue indivisibilities (Fearon: 1995).

In this new approach, war is understood as a bargaining failure that leaves both sides worse off than if they had been able to negotiate an efficient solution. The basic idea is simple; two actors have well defined preferences over the division of an issue, say a piece of territory as is the case of Sudan that lies between them or a set of rules as reflected in the North versus South pertaining the Sharia law in Sudan or even land that will generate income. The government prefers to control all the territory or enact that set of rules that gives it all the income, the same as the rebels. Since fighting is costly, as demonstrated by the destruction of infrastructure in the South of Sudan, it open up a bargaining space in which both parties would prefer any division of the issue to actual fighting (Fearon: 1995).

As Fearon (1995) succinctly shows, bargaining may fail and war may occur in this framework only if one of three conditions holds. First, bargaining failure can arise when the parties have private information with incentives to misrepresent. Private information is knowledge an actor possesses that is not available to the other. Such knowledge can include information about the actor's own preferences as well as the strategies of bargaining and fighting it might use. For bargaining failures and war to occur, however, an actor must also have some incentive not to reveal its private information since doing so would otherwise allow a mutually preferred bargain to reach and the costs of war to be avoided.

Since the utility of war plans is greatly reduced once known, as the opponent can then devise a more effective counter response, actors have little incentive to truthfully reveal their

strategies, thereby making successful negotiations less likely. Private information with incentives to misrepresent may have contributed to the collapse of Machakos two in 2002. According to Fearon (1995), the government of Sudan anticipated that the breakaways within the rebel group would be very costly to SPLA to wage war in many fronts and thus will eventually weaken its strongholds.

Expecting the SPLA to bear higher cost, the government held out for a bargain more favourable to itself. The SPLA on the other hand, sustained itself well, consolidating its position in the South and soldered on to challenge government on number of encounters. In this case the two sides disagreed fundamentally about the expected costs of the war, preventing them from reaching a satisfactory bargain.

Second, wars also arise when the parties are unable to commit credibly to respect the bargain they may reach. There are a series of protocols and cease fire agreements reached between the government and the SPLA, and more often than not are continually being undermined equally by both sides. A bargain is credible only when it is in the interest of the parties to fulfil its terms when called upon to do so. When one side is unsure of the others preferences, it may not put great faith in its opponents promises of future behaviour. Even when both sides' possess complete information about each other, problems of credible commitment may also arise when relative capabilities shift exogenously over time or there are random shocks that affect capabilities. Uneven rates of growth, as a result, are especially destabilising, and may have contributed to the continual undermining of ceasefire signed between the government and the SPLA.

Third, if issues are "lumpy" and divisible only into relatively large units or not divisible at all, it may become difficult to find an acceptable solution. Despite the attempts of diplomats to persuade one another otherwise, few issues truly take an "all or nothing" form. The demands by the SPLA had been changing over time, initially the issue of secession was non negotiable, now they have softened to subject the issue to the adjudication by the people of the south through the referendum. At least theoretically, issue indivisibilities would appear not to be major impediments to successful bargaining (Fearon: 1995). Strong homeland loyalties often carry great emotional appeal and, thus, serve to render issues less divisible and

to make a compromise more difficult for some actors. This factor has been particularly important in some ethnic conflicts. (Brubaker: 1996)

Gartzker (1999), states that it is precisely the unobservable traits of the actors that leads to violence and make war so difficult to predict. The Sudanese conflict had consistently attested to Gartzke's view and observation with continual invariable punctuations of protocols and ceasefires signed by warring groups. Rothchild (1998), states that bargaining theory directs our attention away from ancient hatreds, animosity and competing claims of territory to the proximate causes that turn domestic disagreements into violence. Moreover, it suggests clear mechanisms for enhancing peaceful bargaining through greater transparency, confidence-building measures, mediation and third-party guarantees.

Many scholars automatically assume that anarchy, defined as the absence of any higher authority, does matter to domestic violence. Indeed, that was the initial rationale for arbitrating theories from international relations (Bol: 1997). Although Somalia, Sierra Leone, and other states descended into anarchy and then widespread violence, there are other cases of fragile but still effective states being pulled apart by civil war. There is no simple correlation between states that failed but managed to avoid large scale communal violence, Sudan in its part managed to confide war in the southern parts of the country where largely the SPLA is effective and based as well as coordinated. Anarchy appears to be neither a necessary nor sufficient condition for violence to erupt (Posen: 1993).

When groups choose to take up arms and challenge the status quo through violence, they are opting to act outside the constitutional rules of politics and rejecting the current hierarchy within their states. When the Sharia law was declared, it allowed the breakaway groups in the south of Sudan to exist and challenge the authority of the state (Eltigani: 1995).

The great weakness in the bargaining theory of civil war, at least in its current guise, is the "bad man" of history phenomenon. As known that some leaders are, at the very least, willing to run a higher risk of the war than others and, at most, may positively desire war. Amid the UN threat to impose sanctions in Sudan, the government did not yield to such international pressure to disarm the *Janjaweed* and protect the civilians in the south. There appear to be

“war lovers” as Stoessinger (2001) term them, who pull countries into violence even when bargains may not be available but known to be available by all parties. The desire by the Sudanese government to have an Islamic state whilst the country has many other religion and ethnic groups is a deliberate move to avoid affordable peace settlement but to strategically prolong violence and conflict in the south of Sudan. Wars and civil conflicts prompted by such individuals are hard to reconcile with a bargaining approach.

Indeed, Stroessinger (2001) labels Slobodan Milosevic of Serbia a “war lover” as well, arguing that the same desire that drove Adolf Hitler and Saddam Hussein to attack their neighbours led Milosevic to seek Serbian supremacy through violence against other groups with the former Yugoslavia. The same can be said about the approach of the Sudanese government to maintain cultural and religious supremacy of the Arab tribes over African non Arab tribes of Sudan. Lake (2002) however, argues that although war lovers and extremists are no doubt important, they do not themselves bring nations to war.

It is at this stage that it becomes more critical to bring about arguments advanced by others scholars in the implementation processes. Kofi Annan once declared “*the aftermath of war requires no less skill no less sacrifice, no fewer resources than the war itself, if lasting peace is to be secured*” <http://www.un.org/overview/sg/kaecon.htm>.- 02/05/2004

Rothchild (1998) states that the transition from a founding election to self-enforcing conflict management system after a civil war is an uncertain and complex undertaking. Generalisations about the process are problematic because of various types of conflicts and outcomes. If those engaged in the peace process are unable to overcome collective fears of the future, the society will be vulnerable to increased manipulations by predators; if predators are not dealt with effectively, fears of exploitation and vulnerability will escalate. These two elements in the peace implementation process are intertwined. This present a complex scenario in terms of Sudan as the communities are not so actively in the peace process as their future is predetermined by both the government and the rebel groups.

The general public tends to be more concerned than the leaders with the fear side of the equation, it is important for peace implementers to concentrate on creating a secure political

environment. Through a series of protocols signed in Sudan, these elements had been partially addressed. A primary focus on security issues during the transition to a self-enforcing peace therefore seems essential. In Sudan there is a protocol dedicated to security to alleviate fears around security concerns.

Although in some cases mediators can attempt to bridge the challenges of disarmament and institution-building simultaneously, effective short-term implementation is often required to lay the foundation for long-term development of state norms and institutions-building. Patterns of cooperation behaviour cannot be fully accomplished until after the military/security-building phase. The verification of the ceasefire, the cantonment of troops, demobilisation, disarmament, and initial efforts to reintegrate the armed forces has been largely achieved, and leaders and the public concentrate on coping with the arduous challenges of institution-building and economic development. Lake (2002) argues that the situation in Sudan is no different as the economic development in the south has stagnated for as long as the civil war itself even though most of the natural resources are found in the south which is mainly used to develop the north.

As trust institutions and rules of relations grow, the likelihood increases that agreements will be successfully consolidated. Encouraging examples of reciprocity and bargaining success during implementation include Nicaragua, El Salvador, Guatemala, Namibia, Mozambique and Lebanon. With the negotiations over a settlement of a civil war, the bargaining parties generally seek to maximise their political, economic, and security interests well into the future. This leads to problems regarding the designing of the rules of political relations, because the short-term security concerns of the bargaining parties' way are at odds with the long term institution-building needs of the society. A prerequisite for durable peace is the existence of societal relations (Lake: 2002).

The difference between short and long term incentive structures arises most clearly over constitutional design issues relating to the nature of individual and group political representation. Following a civil war, weaker parties, fearing their vulnerability in a reintegrated political order, often attempt to exchange cooperation for measures in an

agreement that provide an element of political certainty whence can create problems of statecraft that may defy solutions.

There is always tension between military/security confidence-building needs and long term requirements of governance, it is therefore necessary to carefully evaluate how the recent peace protocols had taken that into consideration. Lake (2002) also identifies six factors that nurture bargaining success as part of the general peace implementation strategy:

- Respect and goodwill;
- The presence of a legitimate and effective state;
- An active civil society;
- Protection of human rights;
- Production programs of economic reconstruction; and
- External protections during the transition process.

A shortcut in any of the six mentioned factors is a recipe for unsuccessful implementation of a peace agreement. The presence of many of these internal, institutional and external nurturing factors can be expected to strengthen the states' capacity for effective governance, while reassuring minorities as to their future. An appropriate constitutional design combined with six nurturing factors outlined above may, in favourable circumstances, facilitate the stability of some post settlement bargain (Viorst: 1995).

The continued civil war in Darfur or put differently, the annihilation process taking place in Darfur cast a dark clout in the peace initiatives and the recently signed peace protocol. To implement the protocol under such current conditions automatically and sequentially outline the process in which the protocols are to successfully fail. According to Viorst (1995), the implementation process depends strongly on the cooperation of all concerned; there are shared views as to why peace agreements fail. The process of implementation put the unlimited challenges to actors who are bestowed with the responsibility to implement or lay a solid foundation in which peace agreement should be implemented.

Al-Jarallah, the editor in-chief of the Arab times, speculate that diverse cultures, races and religions in Sudan made this treaty one of the most difficult one to achieve. He further

indicates that the real winner is Sudan as all parties to the conflict have agreed to live as one nation. This agreement has sounded the death knell for the merchants of war who warned about an impending end of Islam in Sudan if people in the south were allowed to take over the country. In his view, the mere agreement by all parties to peace is a recipe for good implementation. This belief would be misleading if accepted as gospel truth as many other agreements were signed before and for the fact civil war is still continuing in some parts of Sudan refutes automatically this blanket belief or assumption.

Crocker, (<http://www.usip.org/peacewatch/1996/1296/peace.html> 11/09/2004) warned that even when a settlement is negotiated, a simplistic, short-term view of how peace is achieved can undermine the success of an agreement, Crocker says, people assume incorrectly that after outright victory in a conflict or negotiated settlement, things naturally wind down. Then, during the implementation phase of the agreement, 'you can avert your gaze because you have more things to do elsewhere, he says. *"We are discovering in case after case that isn't how the process works. Effective implementation of an agreement is a fundamental aspect of the settlement process"*. In short, that all people had agreed to peace process is not a passport to the successful implementation of a peace deal.

Unlike the limit to have the consensus of the parties to peace, Crocker believe that implementation of a peace agreement requires establishing the rule of law, which includes holding elections, promoting human rights, and reforming the judiciary. This aspect has been briefly highlighted in the background in terms of Arabs versus Africans, which make the Sudanese course more difficult. Hampson, (1999) cautioned that winner takes all in elections can generate a polarisation that could undermine the efforts to build peace. He further states that unless there is some form of compensation for those who lose at the ballot box, they will always have a strong incentive to take up arms again. The background provided earlier points out that such behaviour is not impossible in Sudan.

Paul Hare drawing from his experiences in Angola, points out clearly that you need a third party monitoring and verification if a peace settlement is to be effective. George Shultz emphasised the importance of outsiders (other countries) and international organisations in

reaching consensus on the key roles they should play in implementing not just negotiating. Stedman in his doctoral studies at Stanford in the late 1980's believe that civil war, the most common type of war since the end of World War II, is far less likely to be ended by negotiated agreement than wars between countries. At the time, it was thought that all you needed to do was get an agreement and the war would end.

Successful agreements were achieved in Zimbabwe, Namibia and El Salvador, but Angola, Cambodia and Rwanda are classical examples that Sudan can be compared with. Stedman (<http://news-service.stanford.html> 13/05/2004), states that a huge magnitude, more people died after the accords in Angola and Rwanda than during the civil wars that preceded them. Then does Darfur an example of such aspersions after the peace protocol had been signed, which is considered to be a mile-stone as compared with those signed before. Margaret Anstee (<http://www.c-r.org/accord/ireland/accords/problems.shtml> 13/05/2004), states that sometimes factors that facilitated the agreement are problems for implementation. The concept of two countries in one as espoused in the peace protocol in Sudan might have the inherent impediments.

O' Toole (1997), states that the international community has tried to handle parties who try to spoil a negotiated agreement and the common denominator among the successful cases is unity and coordination among external parties in defining the problem, establishing legitimacy for the strategy and applying the strategy. He further argues that for some people sometimes, war is safer than peace. In this context, it better clarifies why UN, the US and others so often fail to implement the peace treaties the help others negotiate. This according to him add to the incompetence, inconsistency and bickering of the peacemakers.

While other writers believe that there would be peace in Sudan even under sectarianism, Rayaam (2004) predicts otherwise, sustainable peace cannot exist under any sectarian based political entity, be it Christian or Islamic. Sustainable peace cannot exist in a house, and for that matter, a country, divided against itself, and at worse, at war with itself. It is equally true that a country where a considerable part of its population, lives as slaves, second-class citizens, cannot enjoy everlasting peace.

Raslan (<http://pup.princeton.edu/chapters/s7293.html> 19/08/2003), states that between 1940 and 1972, only a third of all negotiations to end civil war resulted in a success peace settlement. In most cases, combatants always chose to return to war unless a third party stepped in to verify post treaty transition. If the third party assisted with implementation, negotiations almost succeeded, regardless of the initial goals, ideology, or ethnicity of the participants. Barbara further argues that it is not about wealth, land or material gains as alluded to by Crocker and over emphasis on the rule of law but rather how the treaty is designed, it should convince the combatants to surrender their weapons and further surrender conquered territories even though, such steps will increase their vulnerability. She believes therefore that this is a key to the successful implementation of peace agreement; the involvement of the third actor without this is fruitless exercise as seen in Angola. The peace protocol recently signed in Sudan does not call for this but rather gives the rebels to retain their forces and territory which suggest that there would be two armies in one country.

Stedman (2001), questions the approach that third party is the guarantee to sustainable and successful implementation of peace agreement. In Rwanda, Angola and Sierra Leone international actors mediated the agreements and were given prominent roles in the implementation. Why did they fail? He asks. It should be mentioned herein that the cases of peace implementation differ dramatically in terms of the difficulty of the implementation environment and the willingness of international actors to provide resources and risk troops. Jones (2001) however argues that effective coordination has achieved more often by default than by design. The ability of international actors, particularly the UN should meet the growing complexity of strategic coordination will. The strategic framework is an initiative designed to bring together all major third party actors in all aspects of implementation to develop broad policy parameters to guide a common approach to peace-building. To date, strategic frameworks have been applied in Afghanistan and Sierra Leone, but the results were problematic in both instances.

It cannot be assumed that actions and strategies that work in a more benign conflict environment such as Guatemala or Namibia will work in a much more demanding environment such as in Sudan. This therefore shows that some experiences cannot be

generalised and each case should be treated within its context. This further suggests that implementation strategies must be designed based on the level of difficulty of the case. In certain limited situations, strategies that are derived from a traditional peacekeeping can be effective. Most of the writers however agree that there is no single mechanism or strategy to use in implementing the peace agreement and Sudan is no exception. They (Jones, 2001; Stedman, 2001) further pointed out that when selecting which peace agreement the United Nations should implement, major powers or regional power interest should be treated as a hard constraint. Before attempting to implement a peace agreement in a country where there are easily marketed commodities (spoils), potential spoilers and hostile neighbours, the implementer should have strategy, resources and commitment to manage such challenges.

To create a bridge from short-term implementation to long-term peace-building, implementers should promote civilian security through police and judicial reform and build local capacity for human rights and reconciliation. Sudan peace protocol is unique and is not the first one to be signed; others before it had collapsed and fighting ensued thereafter. The process to be outlined in the final peace agreement would have to take in account some of the salient points raised in this area, but as indicated each case warrants special attention as dynamics differ from one country to another.

Though one believes that each case is unique, the UN developed the integrated mission as it entered Kosovo in 1999. It has since been adapted to East Timor and the Democratic Republic of Congo, thus Sudan can learn from other countries what is best in their situation.

Murphy (2003) defines sectarianism as follows “...*Sectarianism constituted an organic presence in different regions, affirming fixed and permanent economic interests. These interests appeared in the ownership, by the heads of the sects, of enormous tracts of land organised into major agricultural projects, employing thousands and providing livelihood for thousands of others... They became Loyal followers by necessity, not voluntarily, a large human reserve that could be moved in any direction, even against their own interests.*” He further define marginalisation as “*the silencing of lived experiences in discourses constructed through legislation and policies created by the dominant culture which either*

*“commatizes or negates” the political, economic, historical and social realities of those living in the margins of society”*

Sustainable peace can not exist under any sectarian-based political entity, be it Christian or Islamic. Sustainable peace can not exist in a house, and for that matter, a country, divided against itself, and at worse, at war with itself. It is equally true to say that a country where a considerable part of its population, lives as slaves, second or third class citizens, can not enjoy everlasting peace.

It is therefore natural, that Sudan couldn't experience sustainable peace since Colonial era, due to existence of dominant minority sectarian Arab Islamic ruling nation, controlling political and economic power and using that great power to achieve its sectarian aspirations, as described above, in a country with established multi-racial, multi-cultural, multi-religious, and multi-linguistic national groupings (England: 2003).

Sustainable democracy may be used here to refer to a democratic system of governance, where representatives democratically elected, form a national government, to govern and preside over state's programmes of action, which respect and incorporate aspirations of all nationalities and communities, regardless of race, colour, creed and region.

Democratic system of governance is based on secular democratic constitution, which adheres and respects among others, basic human rights, freedom of press, freedom of choice or self-determination, multi-party activities, and due process of law. Furthermore, democratic governments respect the principle of separation of powers between the main organs of state, namely executive, legislature, and judiciary, and must equally be accountable, transparent and democratic in their daily operations.

However, sectarian political systems, or parties, are usually autocratic, and feudalistic in theory and practice. For their political ideas are based on the divine power of God. And because, of their undemocratic tendencies, they reject any democratic processes, institutions, and due process of law, unless it is beneficial to their sectarian interests. The sectarian Arab Islamic political system, likewise, is autocratic and feudally oriented. And its political ideology is based on oriental despotism, or divine power of God. And it is for this reason that

most governments in the Middle East and North Africa are either under family based monarchies or autocratic rule (Murphy: 2003).

The Sudanese case falls within the sectarian Islamic or oriental despotic system of governance, described above. For in Sudan, Minority Sectarian Arab Settlers, and the Arabised Africans, representing only 39 % of the whole population, and who inherited political and economic power from the Anglo-Egyptian Arab Colonial regime, in 1956, had continued to impose undemocratically unjust policies, on the whole country.

All the attempts by the above-mentioned minority ruling nation, to use the Western Liberal Democratic institutions to promote and maintain its policies in the Sudan had failed several times. For example three sectarian Arab Islamic parties had succeeded in winning democratic general elections in four or more different general elections and after gaining majority members in the Parliament or Constituent Assembly, had subsequently formed the Governments either as a single party or coalition governments. But all the regimes failed to govern the country properly, justly and democratically, and instead they corrupted all democratic institutions and structures in the process (Doyle: 2004).

### **1.7 Scope of study**

The study would mainly focus on the peace protocols signed between 2002 and 2004 which amount to seven. What actually leads to the failure and what are the impediments that are there and curtail the implementation of peace agreement, there has been a problem of implementation of peace agreements in other countries, their experience would be consulted to a limited extent.

## **1.8 Hypothesis**

The involvement of IGAD and other international actors appears to have led to the signing of a series of protocols which have culminated into the signing of the final peace agreement in Sudan

## **1.9 Research design methodology**

Researchers' points out that are mainly two kinds of research methods, which are quantitative research and qualitative research. The quantitative research strategy differs inherently from the qualitative research design in that it does not usually provide the researcher with systematic plan or a fixed recipe to follow. In quantitative research, the design determines the researchers' choices and actions, while in the qualitative research the researcher's choices and actions will determine the design or strategy.

Unlike experiments and surveys, in which the elements of the research design hypothesis formation, measurement, and sampling are specified before data collection, design elements in qualitative research usually, are worked out during the course of study. A qualitative approach has the potential to supplement and reorient the movement from theory in negotiation to reality in implementing the peace agreement. It is for this fact that I considered and prefers to use qualitative research method over qualitative research method.

### *Data collection techniques*

This research would heavily rely on the interviews, the interview schedule would be developed and from the interview, a decision would be made as to whether the questionnaires are necessary to further gather information. More emphasis is to interview specialised people like in the department of foreign affairs, Sudan embassy personnel, South African Institute for security studies and expert at the Centre for African Renaissance Studies (CARS). This centre is approached by the South African president for capacity building in the Southern Sudan following the signing of peace protocols that are bringing to life a new state in Africa.

Though the research would lean heavily towards interviews, other methods of data collection would be explored to feel the gap that might be left. As the topic deals with the implementation of peace agreement case studies may be used as well to gather data on how other countries in the similar situation dealt with this situation. SABC Africa had extensively covered crisis over Africa and studying their material would be necessary to help this study. Furthermore, historical records and transcriptions of conversations would be used.

#### *The use of documents*

Documents such as magazines articles, newspaper and media reports, and information available on the internet will be collected and integrated with the data obtained. The data from all the available sources that were used during the research process will be integrated and collated, to conclude the data collection stage.

#### *Data analysis*

According to Steiner Kvale (1996), the analysis of the interview may be part of generalising a theory, as well as an application or testing theories. Mouton (2001) describes data analysis as follows: “data analysis begins while the interview is still underway. This preliminary analysis tells how to redesign questions to focus us on central themes as you continue interviews”. Since there are different views how to sustain peace and successfully implement peace accords as eluded in the literature review, contradictory information gathered would still allow verification process to take place. In the main, data would be analysed using the approach of Rubin and Rubin.

### **1.10 Ethical consideration**

According to Kvale (1996), with a foreknowledge of moral issues that typically arise at the various stages of an interview investigation, the researcher can make reflected choices while designing a study and watch for critical of sensitive issues that may turn-up during the inquiry. Ethical codes and theories seldom provide definite answers to the normative choices to be made during research project

I will in this research uphold basic ethical issues; for example, I will inform anyone who is participating in the study that it is voluntary and I will as well disclose in advance, what the study is all about. In the same breath, I am aware of the danger that people might not be sincere, provide the information they think is necessary, and not necessarily true. Kvale, (1996) states that on a principal level the requirements of information for and consent from the research subject are sound and reasonable. Lastly, I will guarantee confidentiality to the participants, meaning their identity will not be disclosed in this way I will be advancing their freedom to voluntarily disclose more information.

### **1.11 Significance of the Study**

The study is valuable in the sense that it investigated the causes and the subsequent resolution of the Sudanese conflict, thereby shedding some information in the processes undertaken by all actors to reach acceptable and implementable peace agreement. The political stability in Sudan will contribute immensely to the economic development of the region with its oil deposits and other minerals discovered in the country. The economic stability of the region in turn will promote economic independence of Africa and reduce its dependence on the first world countries.

The study will further contribute to international and local peace research institutions, research in general, policy makers in department of foreign affairs, defence and to academic institutions in designing their course work. The study further provides the undisputable work undertaken by IGAD, which most thought as an impossible mission.

The study will benefit amongst others: students interested and pursuing studies in peace, international relations, political studies and other related disciplines.

## **1.12 Organisation of the final report**

1.10.1 Chapter one: It entails the background to the study; statement of the problem; Aims and objectives of the study, Literature Review, Hypothesis, Significance of the Study; Scope of the study; methodology and ethical considerations

1.10.2 Chapter two: Deals with the Historical background of the Ethno-religious conflict in Sudan.

1. 10.3 Chapter three: uncovers the significance of the protocols that preceded the final peace agreement.

1.10.4 Chapter four: Deals with the role played by African States and other international government in the Sudan peace settlement

1.10.5 Chapter five: Are the Conclusions and Recommendations

## CHAPTER 2

### 2.1 The historical background of Sudan's ethnic-religious conflict:

#### 2.1.1 Introduction:

It is fundamentally important to trace with diligence the historical background of conflict in Sudan. This attempt in this chapter will assist with sufficient knowledge as to why it took so long for Sudan to have a peace settlement. Sudan, like many other African countries, consists of numerous ethnic groups. Unlike most states, however, have two distinct discussions: the North, which is largely Arab and Muslim, and the South, which consists predominantly of black nilotic people, some of whom are members of the indigenous faiths and others who are Christians (McCall: 1997).

Lyons, (1992) indicates that the British policy during the Anglo-Egyptian condominium (1899 – 1955) intensified the rift because Britain established separate administrations for the two areas and forbade Northerners to enter the South. This is the point at which the first foundation of future conflict between the two areas was laid. Jamal, (1998) concurs that in the 1990s, many Southerners continued to fear being ruled by Northerners, who lacked familiarity with their beliefs and ethnic traditions and sought to impose Northern institutions on them.

In 1820 Muhammad Ali, who ruled Egypt on behalf of the Ottomans, sent 4 000 troops to Sudan to clear the area of Mamluks. The invasion resulted in Ottoman-Egyptian rule of Sudan from 1821 to 1885; the rule was accompanied by the introduction of secular courts and large bureaucracy. The 1880s saw the rise of the Madhist movement, consisting of disciples of Muhammad Ahmad as Sayyid Abd Allah, a Sudanese who proclaimed himself the Madhi or "*guided one*"; and launched a jihad against the Ottoman rulers (Johnson: 1998).

Britain perceived the Madhists as threat to stability in the region and sent first Charles George Gordon and then Herbert Kitchener to Sudan to assert British control. Larry, (1995)

states that the British conquest has led to the establishment of the Anglo-Egyptian condominium and, initially, to military rule of Sudan, followed by civilian administration. Britain largely ignored Southern Sudan until after World War I.

Russel, (1997) states that in 1899 the British and the French concluded an agreement in Europe which made the French pull out of South Sudan handing over its portion of South Sudan to the same authorities who were already in control of North Sudan. A similar event took place in 1910 when the Belgians withdrew from the Lado enclave after an agreement was concluded after 1896 stipulating that the enclave was to be handed over to the British after the death of King Leopold. The withdrawal of the French and Belgians from South Sudan ceded the territory to the British. McCall, (1997) indicates that owing to the geographical, political, historical and cultural difference between North and South Sudan, the British devised a system of separate administration for the two parts of the country. This action thus fuelled and cemented tension between the north and south Sudanese. The British further consolidate their intensions by passing the passports and permits ordinance in 1922. This ordinance required the use of passports for travellers shuttling between the two parts of the country of North and South. The demands by most Southerners to secede therefore are not far fetched. The immigration policy was further strengthened by permits and trade order enacted in 1925. This law required North Sudanese to obtain permits to conduct trade in South Sudan (Adar: 1998).

After the establishment of the condominium rule, the British continued to consolidate its position in North Sudan by creating the necessary administrative and political structures for the State of North Sudan. Then, who will thus blame some section of the community members in the South of Sudan who are persistently calling for the independence of the South. Deng, (1995) further indicates that in an effort to prepare the North Sudan for self-rule, the North Sudan Advisory Council Ordinance was enacted in 1943. The ordinance covered all the six North Sudan provinces: comprising of Khartoum, Kordofan, Danfur, Eastern, Northern and Blue Nile provinces. This council was empowered to advise the condominium authority on how to administer North Sudan in certain specific areas. The ordinance had no application or relevance to the territory of South Sudan (Alier: 1998).

Harker (2001) indicates that instead of establishing an advisory council for South Sudan similar to that of North Sudan, the resolutions of the administrative conference held in Khartoum in 1946 surprisingly advocated the colonization of South Sudan by North Sudan. This unexpected outcome revealed the conspiracy between British and the Northern Sudanese supported by Egypt to hand over South Sudan to North Sudan as a colonial territory. Certainly, this plan provoked bitter reaction from the South Sudanese and their sympathizers. Harker, (2001) further states that the betrayal of South Sudan by the British was finally concluded in the infamous Juba conference of 1947. Precisely the conference was convened to inform the chiefs of South Sudan of the irreversible decision to hand over South Sudan to the new colonial masters from North Sudan. This unpalatable decision was crowned by the promulgation and establishment of the Sudan Legislative Assembly in 1948.

The deliberate hand over of South Sudan to North Sudan by the British was one of the greatest oversights ever made in the diplomacy of the British colonial history. Russel, (1997) is of the view that if British had felt South Sudan was not yet ready to become an independent state by itself then, they should have either handed over its administration to an international body like the UN instead of North Sudan or should have left North Sudan get independence separately as they did with North Rhodesia. Alier, (1998) asserts that independence for Sudan meant nothing for South Sudan but a change of masters as the North Sudanese took over the colonial state. The North Sudanese elites failed to evoke policies that would have consolidated natural unity and stability. As a result, the Sudan has been plunged into continuous state of political, constitutional, economical and military crisis. Various government and regimes in Khartoum waged war and denied the South Sudanese equality, social justice, freedom and effective participation in the running of the state.

de Mabior, (1996) state that the North – South relations since independence has been characterized by the following:

- Political marginalization of the South through under representation, discrimination and restrictions that did not permit South Sudanese to occupy certain important constitutional posts.

- Deliberate retardation and neglect of socio-economic development of South Sudan as all socio-economic development projects are concentrated in North Sudan.
- Cultural subjugation through imposition of Arabic culture and Islamic values on the people of South Sudan in a deliberate attempt to destroy the African culture and heritage.
- The crisis of national identity is a creation of North Sudan which defines the Sudanese identity in the Arab and Islamic terms.
- Heaton, (1998) further alludes to the following incidences that can be viewed as part of the attitude change by the Southerners towards the Central government.
  - Yei, Maridi and Kodok Massacres in 1964.
  - Juba, Wan Tatir, Warajwok, Bor, Akobo Massacres in 1965.
  - Dahaein Massacre 1987/88 in which 3 000 South Sudanese were killed.
  - Wau Massacre in 1987 in which more than 100 people were killed.
  - Jebelien Massacre in 1989/90 in which more than 2 000 South Sudanese were killed by government.

### **2.1.2 The southern political problem:**

The hostilities of Southerners towards the Northern Arab majority surfaced violently when Southern army units mutinied in August 1955 to protest their transfer to garrisons under Northern officers (Deng:1995). The rebellious troops killed several hundred Northerners, including government officials, army officers, and merchants. The Central government

quickly suppressed the revolt and eventually executed seventy Southerners for sedition. But this harsh reaction failed to pacify the South, as some of the mutineers escaped to remote areas and organized resistance to the Arab-dominated government of Sudan. By the late 1960s, the war had resulted in deaths of about 500 000 people several hundred thousand more Southerners hid in the forests or escaped to refugee camps in neighbouring countries (Harris: 1998).

McCall, (1997) states that by the 1969 the rebels had developed foreign contacts to obtain weapons and supplies Israel, for example trained Anya Nya recruits and supplied weapons via Ethiopia and Uganda to the rebels. Anya Nya also purchased arms from among Southern Sudanese exile communities in the Middle East, Western Europe, and North America. The rebels also captured areas, equipment, and supplies from government troops. Adar, (1998) further argues that militarily, Anya Nya controlled much of the country side while government forces occupied region's major towns. The rebel units operated at will form remote camps; however they were too small and scattered to be highly effective in any single area.

Government operations against the rebels declined after 1969 coup. However, when negotiations failed to result in a settlement, Khartoum increased troop strength in the South to about 12 000 in 1969 (Alier: 1998). Carment, (1998) however, assets that although the Soviet Union had concluded a US\$ 100 million to US\$ 150 million arms agreement with Sudan in August 1968. The consignment included T-55 tanks, armoured personnel carries, and aircrafts, the nation failed to deliver any equipment to Khartoum by May 1969. This in my view contributed immensely to the government slowed pace in suppressing and dealing with the Anya Aya rebel troops in the South. It was not mainly because of the change of attitude or preference of peace that curtained Khartoum pressure on the rebels but merely lack of weapons to do so.

By the end of 1969, however, the Soviet Union had shipped unknown qualities of 85mm antiaircraft guns, sixteen MiG 21s, and five Antonov-24 transport aircraft (Monnet:1998). The ministry for Southern Affairs sought to restore normal life to those parts of the southern

provinces under government control. But there was little or no security in Equatoria Province and the armed forces launched a major offensive against the rebel camps there in October 1970 (Gounesville:1995). In 1971 Joseph Lagu, who had become the leader of Southern forces opposed to Khartoum, proclaimed the creation of the Southern Sudan Liberation Movement (SSLM). Anya Nya leaders united behind him, and nearly all exiled Southern politicians supported the SSLM. Although the SSLM created a governing infrastructure throughout many areas of Southern Sudan, real power remained with Major General Lagu, the leader of the Anya Nya rebels in the South.

Rone, (1997) states that although SSLM leaders proposed the settlement, Lagu approved its terms and both sides agreed to a cease-fire. The national government issued a decree legalising the agreement and creating an international armistice commission to ensure the well-being of returning Southern refugees. Khartoum also announced an amnesty, retroactive to 1995. The two sides signed the Addis Ababa accords on March 27 1972, which was therefore celebrated as the National Unity Day. This was the greatest ever attempt by any Khartoum administration to come so close to restore peace and promote unity amongst all Sudanese South and North. Like any other attempt which is not based in any social principles and without resisting its original stance on religion the deal was bound to fail out state. An agreement of 1972 which brought relative peace and stability to the South was unilaterally abrogated by General Nimeiry in 1983 (Heaton: 1998).

The civil war resumed in 1983 when president Numeiry imposed Sharia law, and has resulted in the death of more than 1,5 million Sudanese since through 1997. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), a body created by the Sudan People's Liberation Army (SPLA). The SPLA was formed in 1983 when Lieutenant Colonel John Garang of the SPAF was sent to quell a muting in Bor of 500 Southern troops who were resisting orders to be rotated to the North (Danforth:2002). Instead of ending the muting, Garang encouraged mutinies in other garrisons and set himself at the head of the rebellion against the Khartoum government.

The action by Garang was well calculated and saw the opportunity to take advantage of the situation. A well educated person as describe by Adar (1998), Garang, a Dinka born into a Christian family, had studied at Grinnel College, Iowa and later returned to the United States to take a company commanders` course at Fort Benning, Georgia, and again to earn advanced economics degree at Iowa State University. Danorth, (2002) indicates that by 1986 the SPLA was estimated to have 12,500 adherents organized into twelve battalions and equipped with small arms and few mortars.

By 1989 the SPLA`s strength had reached 20,000 to 30,000, by, 1990 it was estimated at 50,000 to 60,000. It is this figure that then dictates that the SPLA was growing from strength to strength; hence it became the power to be reckoned with in the resisting of the oppression of the Sudan government on the Southern people. Ross, (1999) states that in order to counter the SPLA; the government armed various non Arab Southern ethnic groups as militants as early as 1985. In addition, in October 1989 the government seated a new paramilitary body, the Popular Defence Forces (PDF) to promote the Islamist aims of the government and the National Islamic Front (NIF). Doornbos, (1999) however notes that although the government prominently featured the PDF`s participation in 1990 to 1992 campaign in the South, informed observers believed their role lacked military significance.

It should be noted that conflict was not entirely the matter of north-south conflict. The government in Khartoum also proves adept at manipulating factional and ethnic discussions in south politics. In quick succession in the early 1980s Numeiry intervened in election for the Southern Regional Assembly, dissolved it twice, playing southern factions off one another, and eventually placed his own figurehead in power (Hirris: 1998).

Alier, (1998) argues that the government has continued to its relatively successful strategy of manipulating local conflicts in the transition zone and co-opting local militia. Khartoum has exploited traditional competition amongst, and political fragmentation within and between, the local Baggara, Nuer and Dinka ethnic groups of Western Upper Nile. The alignment of these forces has shifted radically throughout the decade, but government`s distribution of arms and ammunition has been critical to its divide and rule strategy (Adar: 1998).

Karl, (1997) captures the view of the southerners, as one quipped “the media and other observers of Sudanese scene consistently assert that we have been fighting the northern-dominated government. On the contrary, it is us who are being fought. We are merely resisting the threat of extinction.

The 1991 split in the SPLA was basically along ethnic lines; human rights watch has stated that “*the Nuer and Dinka, the two largest tribes in the south, were on opposite sides of the war since 1991 when the Sudan People’s Liberation Movement/Army (SPLMA) split*”. The largely Dinka, mostly southern SPLA is the main rebel organization, although there has been significant fragmentation and rivalry, within the south. The SPLA had split roughly along ethnic lines, with most Dinka remaining in the SPLM/A and most Nuer breaking away to form a separate faction called the South Sudan Independent Movement/Army (SSIM/A) (Reno: 1999).

Swanson, (2002) states that the war was fought largely in the south, with devastating consequences for the southern Sudanese because the various factions use guerrilla war tactics and target civilians, and because the factions are split along ethnic lines, rivalry and discord amongst southern Sudanese non-combatants flourish in the south. In fact, factional fighting in the south is responsible for some deaths than direct clashes between Sudanese government forces and Southern rebels. These major differences were promoted by government in a hope to alleviate pressure from the SPLA, as demonstrated by government as it signed agreements with some of the rebel groups, and incorporate its leaders in government positions (Clarke: 2001).

In view of the original civil war, internal security was major concern of the Bashir government. As reportedly has been the object of coup attempts in 1990, 1991 and 1992 (Rone: 1997). In this regard, the government faced problems of several fronts. Fluehr-Lobban, (1997) indicates that there was the put right dissidence or rebellion of several Southern ethnic groups. There was also the creation in January 1991 of an opposition abroad

in the form of a government in exile. Although the actual concentration was in the south and indeed it was the Southerners who felt oppression as the battle field was in their soil. The north had crucial activities as well. Harir and Tvedt, (1998) noted that there was also increasing opposition in the north on the part of those who favoured a secular state, including professional persons, trade union leaders, and other modernisers.

### **2.1.3. The role of religion in the conflict:**

It is hard to describe the racial composition of the Sudanese population. Wonda, (1998) asserts that most writers divide the country to an Arab-Muslim North and African-Christian South. He argues that the laws of statistical inference indicates and recognises it as far generalization. Since the majority of the northern are Muslims, the conclusions is drawn that they are therefore Arabs. What makes northern Sudan Arab is not really racial heritage but religious affiliation and psychological preference. Levy, (1999) concurs that the current conflict in Sudan has its roots in the early history of the demographic dynamics of the first century that introduced immigrants from the Arabian Peninsula on the African continent. The evangelical objectives of the spreading Islam went hand in hand with the slave trading and military conquest. It will then be incomplete assessment of Sudanese conflict without exploring the role of religion in this study.

Reno, (1999) states that the struggle for political authority and economic resources has been closely tide to communal tensions between north and south. Since religion has been so significant in defining communal identity, issues such as racial discrimination and the disparity in wealth and power between north and south have been seen by many as inseparable from religion. Religion therefore plays a critical role in the conflict and some use it so violently to further exploit religious differences in south in general. The potency of religion within this context is derived from both its influence on ethnic identity and the close link between nationalization and religious beliefs.

The predominantly Muslim north has historically perceived Sudan as a single country composed of one people divided by colonial powers (Collier:1999). Northern policies have subsequently sought to re-unite the country through a process of Arabisation and Islamisation. Such policies however have generated antagonism among the southern population whose indigenous cultural values combined with Christianity to create a common identity. Swanson (2002) states that because government policy since independence has by large disregarded Sudan's multi-religious charter and the south's contrasting identity, conflict and civil war has remained endemic.

Kok, (1997) argues that southern opposition groups have consistently opposed the north's efforts of forced unity, and have argued for either complete separation from the north or a secular political structure compiled with a restructuring of Sudanese national identity. Significantly, freedom of religion and greater regional autonomy has been the foundations of several negotiated agreements reached between northern and southern parties (which were either abrogated or left unimplemented), most notably the Addis Ababa accords of 1972 (Nimblock: 1994).

Kok, (1997) further argues that the current government of Sudan, situated the northern capital of Khartoum, has attempted to forcibly Islamise non Arabs and non Muslims in this religiously and ethnically diverse country since seizing power in 1989 through implementing a harsh form of Islamic religious law called Sharia. The present government in Khartoum has enacted a policy of targeting groups for destruction who politically oppose this extreme form of sharia, some groups of which are Muslims as well. The government intentionally and repeatedly bombed sites such as schools, churches, hospitals and refugee camps, targeting black African Christians and those traditional beliefs, and harmoniously inter-religiously tolerant groups such as the Nuba people, of which some are Muslims and some are Christians (Rone: 1996).

The Sudanese government and its militias also carry out "scorched-earth" campaigns against the south that in addition to enslaving women and children, kill men, kidnap, forcibly convert boys and induct them into the regime's military (Clarke:2001). The government of Sudan is

the only one in the world today engaged in chattel slavery. The practice of abduction and slavery had died out for most part in Sudan until its revival in the 1980's during the present civil war by pro-government forces operating under Sudanese government authority targeting primarily southern civilians (Gagnon & Ryle: 2001). The approach is primarily condoned by the fact that most southerners are either Christians or indigenous believers though there is some sections in the south who are also Muslims and Arab. This approach religiously fuelled tension between those who lived relatively in peace in the south irrespective of their religion.

In 2001, the heaviest conflict areas have been Bahr el Ghazal province in the south Sudan, the north east area of the Sudan-Eritrea border, the Nuba Mountain region in Central Sudan, eastern Equatoria province in the extreme south east corner of Sudan (Hutchinson: 2000). These areas have a high number of Christians and indigenous African beliefs. Stiensen, (2002) indicates that from the government perspective, the period between 1983 and 1989 was reported as unrest, or limited violence rather than a civil war. Full-blown civil war would have only resumed after the 1989 *coup d'état* placing Colonel Umar Barhor at the head of the Sudanese state.

Rone, (1996) is of the view that by declaring the civil war a Jihad or holy war, the Sudanese government added a religious aspect to a conflict that was previously primarily a matter of race and power. Ross (1999) concurs with Rone that the declaration of a Jihad also facilitated the recruitment of forces and justifies even the most brutal acts committed against the people of southern Sudan, who are predominantly Christians or traditional believers. The application of certain punishments stipulated under Sharia law also provides scope for the abuse of rights. The liberal theory as espoused in the theoretical perspective or framework articulates civil rights as its cornerstone. The application of Sharia law to those Christians in the south is a clear violation of civil rights to those who do not subscribe to the same religion. To collaborate this view, Cornell (1998) state a *'Christian woman, Abok Alfa Akok, was sentenced to death by stoning following a flawed judicial process in the criminal court in Nyala City, southern Darfur for having committed adultery. He further argues that the entire court proceedings were concluded in Arabic. Abok does not speak Arabic was not provided*

*with translator. Her co-accused, a Muslim man whom she later insisted had raped her, denied the charges and was released after Abok failed to produce four witnesses'.*

Collier, (2001) argues that the Sharia frenzy reached its crescendo with the imposition of a state of emergency and the execution of Mahammed Ahmed Taha. The memories of Sudanese citizens of this period are very traumatic and bleak. Since then the word sharia does not conjure emotive Islamic images of political community living in the bosom of divine order and favour, but rather generate images of extreme brutality and humiliation.

(Martin: 2002).

Karl (1997) indicates that the period from 1985 to 1989 was dominated by the escalation of the civil war, on the other hand. The Islamists in the new NIF incarnation stated their political fortunes on the defence of sharia as an irreversible gain.

The June 1989 coup was a turning point for the Islamists. When they took power by force, the Islamists did not just institute a regime lacking in legitimacy, but they also committed themselves to continue the use of force that kept intensifying and expanding (Wondu: 1998). Reno (1999) further indicates that this led to a radical change in the nature of the movement from a civilian movement to a militarized movement. In justifying its existence and trying to invest itself with legitimacy, the regime made the conflict in the South its rallying point. Reno further eludes to the point that what should be noted is that the restoration of sharia since September 1983 has not been a success story. The failure of sharia is part of the broader failure, namely, the failure of Islamists Model as if an Islamic revival (Clarke: 2001). Religion therefore can be placed at the center stage of the conflict in Sudan. Religion as some countries has been used as a unifying factor, in Sudan it has emerged strongly as a deciding factor and fast driven by the states and its agencies.

#### **2.1.4 Ecological, land dispossession and economic marginalisation of the southern Sudanese:**

The studies explore the interaction between people and their environment in Sudan and illustrate how cultural systems have shaped the north-south divide. Baldwin, (1998) notes

that ecologically, the northern part of Sudan is classified in the semi-arid Sahel region, tending northwards into the Sahara desert. The southern ecology on the other hand is more identical to the tropical eastern African zone, with a rich diversity of natural resources and arable characteristics. Johnson, (1998) states that ecological diversity of the south has acted as a decentralizing factor, and partly contributed to the region's historical marginalization by the north. It should also be noted that while the north had been unified over time by its common Islamic culture, culture diversity in the south had played more destructive role, driving it towards more conflicts and ethnic divisions.

The ecological diversity in the south has acted as a total disaster for the southern movement. These ecological dynamics more noted by Karl (1997) as he said:

*"The north has a united front, which is kept together by Islam. The south has this asymmetrical system that brings people apart."*

These dynamics to the Sudanese conflict have further been reinforced by ethnic competition along the banks of the Nile, the world's largest river, which passes through the country. As a result of the marginalization and predation by the north, south Sudan runs a subsistence economy and lack basic infrastructure, which its resources continue to be used to develop the north (Baldwin: 1998). Karl, (1997) further points out that:

*"We have a highly centralized north and a resource-rich, but deeply divided south. The result is a highly predative relationship between the north and the south."*

The discovery of oil has assumed critical importance in the Sudanese conflict, adding a new dynamic that had even more severe humanitarian consequences with civilians forcefully removed from their homes to pave way for oil exploration. The oil factor also became the new foremost economical dimension in the Sudanese conflict, as oil proceeds go into government's war machinery. The predatory relationship has expanded into a new phase characterized by oil exploitation, bringing in a new spin to the conflict, characterized by international capital (Johnson: 1998). The environmental impact of oil exploration has also emerged as a major source of conflict between the Khartoum government and local communist in the south.

Karl, (1997) is of the view that oil revenues have added new impetus to the civil war. Prior to oil coming on line, the warring parties had more or less fought each other to a standstill. Oil revenues change this. The government has significantly increased its military expenditure. In the view of a research, the control of oil by the state has two objectives and benefits; firstly, they will be able to continue development in the north. And secondly, will be on a good financial footing to sustain the war and better positioned to bargain for a negotiated settlement. This view is collaborated by Danorth (2002) as he states that:

*“From the opposition's perspective, control over oil has since helped Khartoum's Muslim government gain resources for sustaining war efforts against the southern Sudanese factions.”*

Verney, (1999) states that it is unrealistic for external partners in the oil department scheme to maintain that the oil project is in any way distinct from NIF's war efforts. The drive for oil has become a central factor in the civil war. This view is shared by Harker (2000) that “one of the bloodiest longest running of Africa's wars is being fuelled by oil ...oil developed, exploited and financed by foreign oil companies is both the justification and the means for a larger, more brutal war.”

Gerhart Baum (United Nations special rapporteur –2002) noted that while recognizing that oil exploitation has become increasingly important for economic development of the country, reiterates his strong belief that the right to development cannot justify the disregard of either human rights. The special rapporteur believes that oil exploitation is closely to the conflict which, although it contains a religious component, is mainly a war for control of resources and, thus, power.

Oil has become central to understanding of war in Sudan, as evidenced in the above quotations. Verney (1999) is of the view that delivery of the first tauter load of crude oil to Port Sudan in August 1999 marks an important event in Sudan's half-century conflict. Oil transformed the basic parameters of north-south violence since the potential for oil development entered political calculations in the middle of 1970. With the onset of a large-

scale production over the past three years, the oil rent has created a new structures of profit, power and political control that have reshaped the capabilities of, and incentives for, key actors in the conflict (Reno:1999).

Though the parallels with other conflicts can be overstated, recent events in Sudan have much uncommon with the modes of political and military conflict, perverted development and pathological state-building associated with investment in the petroleum sectors of weak and war-ton states (Collier: 1999). Chabal, (1999) states that any sophisticated analysis of the oil-conflict nexus should be attuned to the multiple roles that oil plays and the contradictory sets of incentives it has inserted into the war's political economy. Oil and extractive investment more generally, are at the forefront of the forms of investment associated with violent conflicts and underdevelopment. Thus, Sudan takes its place alongside other prominent conflict complexes in which the links between oil and gas industry and violence are unmistakable: Colombia, Aceh (Indonesia), Burma, Chechnya, Nigeria and Angola (Danorth: 2002).

Part of the explanation for the coincidence of oil investment and conflict in such cases is simply the shift towards increased production in areas of protected instability. Oil in Sudan may indeed raise the stakes in a rather vicious protracted conflict, but inevitable; that many of the most promising geological prospects are found in conflict zones or countries with lamentable human rights profiles (Danorth: 2002)

There is clearly more to the relationship between oil investment, conflict and underdevelopment, however Keck, (1998) states that Sudan was at peace when oil was discovered in 1978. Examining therefore events that unfolded after oil was discovered, suggests how deeply is oil implicated in a more fundamental conflict over access to state power in Sudan. The introduction of new players, resources and agendas with the discovery of oil shifted the parameters of north-south conflict in Sudan.

It gave rise to new configurations of power amongst factions in both the north and south (Yoh: 2000). The distribution issues raised by imminent oil revenue streams initiated new modes of uncompromising political conflict. These resulted in the incitement of separatist

sentiments in the south and manoeuvring by the northern elites to gain exclusive control over the prospective oil rent. Kok, (1997) observes that:

*"Since oil, like all strategic resources, is a resource of power, it logically becomes an important element in the conflict".*

Adar, (1998) is of the view that not only was the initial union of north and south in Sudan premised on southern poverty, so too was the Addis Ababa agreement that provided the framework for the country's relative peace (1972-1983). Harker, (2001) indicates that with the discovery of oil in the south, the central government in Khartoum stood to lose out on significant monies. The geographic location of Sudan's oil fields, falling as they do along fault lines between north and south in the traditionally unstable transition zone, pose real challenges in terms of securing operation from attacks (Reno: 1999).

The oil economy in Sudan generates a contradictory set of incentives in relation to peace. Conflict in the south has been an obstacle to the development of petroleum industry. The exploitation of southern oil fields has a political function beyond financing lavish lifestyles and commercial advancement for connected actors in the north (Collier: 2001). Ross, (1999) states that rather than being distinct from a northern political and ideological project with a long history, oil has become a new means by which to pursue this end. The control of oil by the Khartoum government signifies the hegemony the government has over wealth and the economy in general. It is this control that has prolonged conflict in Sudan and had resulted in untold sorrows of many in the southern parts of Sudan. It is against this view that Harker, (2000) stated that:

*"We can only conclude that Sudan is a place of extraordinary suffering and continuing human rights violations, even though some forward progress can be recorded, and the oil operations in which multilateral companies are involved add more suffering".*

## CHAPTER 3

### 3.1 The significance of the peace protocols that preceded the final peace Agreement:

#### 3.1.1 Introduction

Alier, (1998) states that it is now widely accepted that war in Sudan has been going on far too long and cost too much. It must be stopped. It is therefore against this move that all parties in Sudan saw a need to engage in negotiations as a means to end one of the Africa's largest bloody intrastate wars. Out of this endeavour a series of protocols and accords to end the war had been signed, some implemented and some for various reasons violated and undermined. This study however, as stated in chapter one will limit itself to protocols signed between 2002 and 2004.

In order for a peace agreement to endure, the overriding determinant is the extent to which the parties to the conflict continue to be motivated to avoid a return to bloodshed. According to John, (1997) if the parties are motivated to avoid this worst outcome, the settlement is more likely to hold, if any one of them thinks that violence will reap greater rewards than playing the democratic game, the settlement will fail.

Interim devices such as power-sharing arrangements may be essential to keep the conflicting parties committed to democracy during the crucial early months and years of a settlement, but it is no substitute for an ongoing commitment to democratic values in the long term (de Figueiredo: 1999). Dale, (2000) is of a view that during the design of the settlement, the selection of appropriate institutions or mechanisms will be essential for that settlement to be both viable and sustainable in the long term. A small review of how this was built in the final peace accord would worth mentioning in the protocols. An agreement has got little value if it cannot be properly implemented and sustained. The final peace agreement thus provides a testifying stage for all involved in the conflict in Sudan. Fearon, (1995) asserts that more harm may be done to the process if an agreement reached does not hold, than if it were never reached in the first place. The consequent failure may result in the breakdown of trust and the apportioning of blame between parties. The ownership of and commitment to the democratic

peace process by the parties involved is thus crucial in sustaining a settlement (Gartzke: 1999).

It is imperative at this stage to reflect briefly on key incidents that shaped and contributed to the protocols in general prior to 2002. The collapse of the Abuja negotiations was quickly followed by allegations of cease-fire violations from both the government and the rebel functions followed by a massive offence by the SPLA on government troops during June 1993 (Lake: 1993). In mid 1995 due to the initiatives of president Jimmy Carter a two-month cease-fire was instituted. De Figueiredo, (2000) states that on 23 June a conference took place in Asmara of groups and parties opposed to the government. Hostilities continued through 1996 to 1997. In early 1997 the government was reported to be seeking assistance from Egypt, after its forces suffered a series of defeats at the hands of an alliance of various rebel forces. In early 1998 Sudan was no nearer to solutions to its problems. Within the Sudanese government, there were some moves to accept the principle of self-determination, although doubts remained as to what exactly was meant by it as to how it could be achieved. Thus, the Sudanese government introduced the concept of self-determination into the national constitution for southern Sudan in the Khartoum agreement which is also known as the Sudan Peace Agreement. This agreement was signed by Rick Machar of South Sudan independence movement ( SSIM) and the Khartoum government, like others before it, the agreement, though was never fully implemented (Posen: 1999).

The peace protocols signed between the Sudanese government and the main rebel group in the South, the SPLA, form the basis in which the final agreement will premise. The significance of the protocols cannot be overemphasized as much as its strategic importance in shaping and paving way for the agreement cannot be ignored. Subsequent to the development alluded to earlier; the following occurrences were noted by Hough, (1999). In July 2000, the Libyan and Egyptian point initiative on the Sudan was mooted, calling for the establishment of an interim government, power-sharing, constitutional reforms and new elections. Schultz, (2001) however, points out that southern critics objected to the point initiative because it neglected to address issues of relationship between religion and the state and failed to mention the right of self-determination. In September 2001, former senator John Danforth

was designated presidential envoy for peace in Sudan. His role aimed to explore the prospects that the U.S. could play a useful catalytic role in the search for a just end to the civil war.

### **3.1.2 Machakos protocol 2002**

England, (2003) states that in July 2002, the government of Sudan and the Sudan People's Liberation movement or Army reached a historic agreement on the role of state and religion and the right of southern Sudan to self-determined nation. The agreement, known as the Machos protocol and named after the town in Kenya where peace talks were held, concluded the first round of talks sponsored by the inter-governmental authority on development. The Machakos protocol won the process momentum and international attention and provided the framework for future negotiations (Reiter: 2003)

The Machakos protocol is a deal which each side gained something critical, it granted a self-determination referendum to the southerners, following six and half year interim period, in which they would have the option of remaining with the North or to secede (Sudanow: 2003). Wittman, (2001) indicates that the protocol grated the government the right to keep Islamic sharia law throughout the north, a core agreement position. A compromise at the center of the Machakos protocol was Khartoum's acceptance of a referendum on self-determination in six and half years after a six-month pre-transition period and a six year transition period. The protocol specifically states the alternatives to be presented in the referendum to be to either confirm the unity by voting to adopt the system of government established under the peace agreement; or vote for secession ( Reiter:2003).

Although the government of Sudan had previously accepted self-determination in principle for South Sudan, it had not, until Machakos, signed an agreement to that effect (Swanson: 2002).

Reeves (2004) indicates that in exchange for Khartoum's commitment on self-determination, the SPLA gave up its demand, that of the umbrella national Democratic Alliance (NDA), a

largely northern opposition grouping of which it is a member for a secular Sudan. Instead, according to the provisions of the protocol, the south would be ruled by a secular administration and legislation in the north would remain under Islamic sharia law.

While the SPLA has officially called for unity under the auspices of a reconstructed new Sudan, most Southern Sudanese have long favoured independence and made it difficult for the rebel movement to back away from this commitment, or for various mediating bodies to propose a viable compromise. But if the compromise reached at Machakos appears to involve a trade-off with respect to sharia, it also entails a much longer transitional period than the SPLA had wanted (Tsalik: 2003).

The Machakos protocol provided for the establishment of an assessment and evaluation committee. This body comprises of representatives of the government, SPLA and members of the international community. The main function of the committee was to ascertain whether or not the parties are implementing the agreement during the interim period (Murphy: 2003). Danorth, (2002) is of the view that the findings of this committee and the response to them would potentially have an impact on the outcome of the referendum. He asserts that while the protocol makes clear that the people of South Sudan will participate in the referendum, it does not state whether or not southerners have to be resident in the territory at the time of the vote, and whether or not could participate whilst living in the north, or even outside the country.

With regard to security, the protocol asks that both parties recognize the importance of negotiating to reach a complete cease-fire and formula for security and peace. Stipulations include: international supervision of cease fire, separation of the two sides forces, including militias and aligned fighters; formation of a council for joint military coordination during the interim period; establishment of a unified national army, and the importance of equal treatment of members of both sides (Machakos protocol, 20 July 2002).

This protocol marked an important point in the Sudanese peace process in that it eliminated the major obstacles to negotiations and thus opened way for final agreement on the remaining

issues. Danorth, (2002) indicates that it covered issues related to the position of both sides' military forces, ceasefire, redeployment, joint and integrated units, and the nature and mission of joint forces.

The military forces of Sudan should be composed of both the government's forces and the SPLA. During the interim period, these forces are to remain separate but subject to equal treatment. Joint forces of 24 000 are to be composed of equal numbers from the forces of both sides (Machakos protocol, 20 July 2002). This will be a symbol of national unity and sovereignty during the interim period and will serve as the beginning of a Sudanese army in the future should the country remain united after the referendum. Though the machakos protocol serves as the foundation to all future negotiations, there had been no agreement on the major issues of power-sharing, wealth-sharing, or the contested areas of Abyei, the Nuba mountains, and Southern Blue Nile.

### **3.1.3 Peace and reconciliation**

From August 2002 through May 2003, the parties had held numerous rounds of talks, each confined to a specific issue. In May 2003, the strategy of the IGAD mediators, supported by the international observer countries, shifted to an approach in which all issues could be discussed together, and traded off against one another (Agence France-Presse, 14 July 2003). This manifested itself with the presentation to the parties of the Nakuru document, an attempt by the mediators to break the deadlock by promising compromises on the key outstanding issues.

Immediately following presentation of the Nakuru document, which finally confronted the three key areas of disagreement with the magnitude of compromises required for a final deal, the government explored the possibility of switching venues for the peace talks in order to begin afresh (ICG interview: 2003). The document satisfied SPLA basic demand on power-sharing, security arrangements, and the three areas (Abyei, the Nuba mountains, and Southern Blue Nike) were met. A general feeling among those close to the talks was that most proposals were acceptable to the government, with the key exception of the position on

the national capital district administered by the national Assembly, with provisions for equality of religions and respect for human rights and fundamental freedoms, in order to provide a symbol of national unity. These freedoms are basic tenets of liberalism as espoused in chapter one. Although the same document guaranteed a 51 percent majority in the National Assembly for the National congress Party, the government rejected the proposal on the capital as undermining sharia in Khartoum and, therefore, directly contradicting Machakos protocol (ICG interview: 2003).

After much activity by the internationals but very little movement by the parties, talks resumed in August 2003 in the resort town of Nanyuki, near mount Kenya. The parties stuck to their procedural demands, the SPLA would negotiate only on the basis of the Nakuru document, while the government continued to refuse this (Africa briefing: 2003). What ensued was two weeks of difficult negotiations that achieved little. The procedural disagreement surrounding the Nakuru document proved to be too great to overcome. Moderate success was achieved only in the closing days of the rounds, when the parties agreed to direct negotiations by two teams of two people each, in the presence of General Sumbeiywo, but this was rapidly overtaken by events (Africa Report: 2003).

Kenyan foreign Minister Kalonzo Masyoka visited Cairo. During a meeting with Taha in Khartoum, he offered to host a Taha/Garang summit. Such a meeting was attempted in December 2002 by Nigerian president, but failed to materialize(<http://www.cartercenter.org/peaceprograms/showdoc.sp?> – 31/10/2003). The idea had been floated upon as early as March 2003 and was revived after the deadlock on the Nakuru draft. The SPLA was initially less enthusiastic about a summit. It has traditionally resisted direct involvement of its top leadership in the negotiations out of concern that if these failed, a resumption of war, a step for which their leader was already under pressure will be inevitable. The SPLA feared “no war, no peace” will allow the government to continue to profit from oil revenues and thereby build up its military strength (Cliffe: 2004). With no tangible diplomatic progress since the Machakos protocol, and increasing signs that the government was not serious about a comprehensive peace agreement, a vocal lobby urged SPLA leader to return to the battle field.

Rather than negotiating through the mediators as previously, Garang (leader of the SPLA/M) and Taha (the vice president of Sudan) dealt face to face, without non-Sudanese. The opening session was devoted to a broad discussion touching on all issues and floating several ideas, after which they decided to make security arrangements the first focus (ICG interview: 2003). Within the week they found a framework for the security agreement. Garang proposed creation of integrated units of 21 000 soldiers, half SPLA, half government (SAF) that will be developed in sensitive areas throughout the country. A delegation was sent from Khartoum led by defence minister General Bakri Hassan Salih, to negotiate the details, and immediately began to backtrack. Eventually, however, the parties overcame this obstacle. The first sign that an agreement would be reached was the two –month extension on September 2003 of the cessation of hostilities. The parties also discussed the size of the integrated forces to be deployed in the size of the integrated forces to be deployed in the Nuba Mountains and Southern Blue Nile, as well as in Khartoum (IRIN: 2003).

Negotiations over outstanding security issues took longer than expected. When they began on November 2003 it was hoped they would end within two months. As time passed without an end to disagreements between the two sides, international parties, especially the United States (US) began to intensify their pressure. Mahmoud, (2005) notes that this resulted in the Nairobi declaration of 19 November 2004, in which the two parties promised to reach a final peace agreement by the end of the state of emergency declared in Sudan in 1999 in all areas covered by the ceasefire, agreement in which the security situation allows.

The most serious challenge to the security arrangement, protocol is that many consider it to encourage the separation of the South, in contradiction to the aims of the Machakos protocol (<http://www.siyassa.org.eg> 04/01/2005). What the agreement has done is to change the balance of power in the South, putting the government in a weak position. Raslan, (2003) argues that at the beginning of negotiations, the SPLM was calling for the withdrawal of all government forces from the South during the interim period in order to guarantee implementation of the comprehensive peace agreement. The protocol in fact requires the government to reduce its armed forces in the South from 100 000 personnel to 12 000. At the

same time SPLA forces will be deployed in Nuba Mountains, Southern Blue Nile and in Khartoum, thus giving the SPLM wider troop deployment than it had during the conflict.

Tavolato, (2004) observes that the Naivasha compromise had settled the security arrangements in the Nuba Mountains and Southern Blue Nile but this appeared to involve a trade off for the government's withdrawal of SAF troops from the South. With this behind them, the parties tackled the political status of the three areas head on. Little progress was made on the three areas. The initial SPLA proposal called for Abyei to be annexed immediately to Bahr El-Ghazal, through a presidential order. The SPLA sought a high degree of autonomy for Nuba Mountains, Southern Blue Nile including on the role of religion in the state, as well as referendums to decide their ultimate status ([www.islamonline.net](http://www.islamonline.net),-2005/0102 03/07/2004).

On the other hand the government proposed autonomy for the Nuba Mountains and Southern Blue Nile, with no reference to a referendum or popular consultation, and that Abyei remain in the north but be administered directly by the presidency (Reeves:2004). Discussions on wealth-sharing showed the most promise but fell short of agreement as the statements on the three areas chilled SPLA positions to the extent that the government accused it of backtracking on areas previously settled. Raslan, (2003) argues that the SPLA's demands for separate central banks, and currencies upset both the government and the World Bank and IMF experts involved in facilitating the process.

ICG interviews in October 2003 indicates that Abyei may be the single hardest nut to crack because no foreseeable win-win scenario for both parties. The Nakuru document of early July 2003, which offers the only real proposal to date on each of these areas, proposed a referendum for the Abyeians to choose between joining Bahr El- Ghazal ( in the South), or staying in Western Kordofan ( in the North). The government has consistently rejected any proposals that could conceivably allow Abyei to join the South and thus perhaps secede. The discovery of large oil deposits there is a factor (Reeves: 2004).

Filson, (2003) are of the view that a referendum is the only just solution, held within the historical boundaries, though provisions must be included in any agreement to guarantee the continued grazing rights of the Misseriya pastoralist communities. They further indicates that one way to lessen the 'winner takes all' impression will be for the parties to negotiate a separate agreement on the sharing of oil revenues from oil deposits found n Abyei. Such an agreement from oil revenues should last beyond the interim period, ideally eight or ten years, and be designed to provide substantial benefits to the 'loser' on Abyei's status.

The Nuba Mountains and Southern Blue Nile are less contentions, observes Raslan (2003). The Nakuru draft offered both substantial autonomy, with decision-making powers over a number of key areas such as education and state legal systems, and guaranteed budgetary support from the central government. While the government is willing to accept limited autonomy for these two areas, it has resisted any discussion of self-determination referendums. Khartoum fears the wrong precedent could lead to the country being divided into numerous autonomous ethnic blocks outside its control ([www.sudanmfa.com/09/10/2003](http://www.sudanmfa.com/09/10/2003)).

Wealth-sharing is closely linked to concerns with power-sharing or the discussion of powers between the central and southern administrations, and is also linked to economic rehabilitation and reconstruction for the entire country, but in particular for the South. There has been a broad agreement between the government of Sudan and the Sudan people's Liberation Army (SPLA) on the need for rehabilitations to reach an acceptable settlement for both parties resulted into:

- *Protocol on the Resolution of the Abyei conflict May, 26, 2004.*

Abyei, one of the three contested territories between the North and South, will be accorded special administrative status during the interim period. It will have representation in the legislatures of states on both sides, at the end of the six year interim period, Abyei residents will vote either to maintain special administrative status in the North or to become part of Bahr el Ghazal province in the South; wealth-sharing of oil

revenue from Abyei is to be roughly split between the North and the South, although small percentages of the revenue will be allocated to other states and ethnic groups.

- *Protocol on the Resolution of conflict in Southern Kordofan/ Nuba Mountains and Blue Nile states – My 26 2004.*

This protocol covers the other two contested areas and spells out the rights accorded the populations in those areas. The two states will be represented on the national level in proportion to their population size; on the state level, the National Congress Party (NCP) will comprise of 55 percent of the state executive and the state legislature and the SPLM will comprise 45 percent; the legislature of the two states will evaluate the implementation of the comprehensive agreement, and endorsement of the agreement will result in the final settlement of the conflict (Six main protocols: <http://splmtoday.com> 26/05/2004).

- *Protocol on power-sharing, 26 May 2004.*

This protocol spells out that Sudan will have a National Government, with representation from both sides of the North-South conflict. A separate Government of Southern Sudan, the Southern Sudan constitution and state constitution should comply with the interim National Constitution. There will be one president and two vice presidents, appointed by the president; a bicameral national legislature will be established, with two representatives from each state in the council of states. The National Assembly will be comprised of specific percentages of the National Congress Party. The SPLM/A, and miscellaneous northern and southern political forces, the National Government is to be decentralized, granting more powers to individual states. Elections will be held by the end of the third year of the interim period. The non-Muslims are not subject to Sharia in Khartoum, quotas are set granted rights, including freedom of religion, assembly, suffrage, and equality (<http://www.splmtody-com/myInc/downloads/onabyei.doc> 26/06/2004).

- *Agreement on wealth-sharing during the pre-interim and interim period January 7, 2004.*

This agreement covers the discussion of oil and non- oil revenues, the management of the oil sector, the monetary authority and the reconstruction of the south and other war-torn areas of Sudan. It also establishes a representative and independent National Land Commission between which will be solved by a conference of the two. An independent National Petroleum Commission net oil revenue will be divided evenly with 50 percent allocated to the government of Southern Sudan (GOSS) and 50 percent allocated to the National Government. The National Government is able to collect revenue from personal income taxes, corporate taxes, and custom taxes. The GOSS can collect revenue from personal income taxes, luxury taxes, and business taxes in the Southern Region. 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, and the funds for reconstruction and development will be established (Six main protocols: <http://splmtoday.com> 26/05/2004).

- *Implementation modalities of the protocol on power-sharing December 31, 2004.*

This agreement, as part of the comprehensive peace Agreement, reaffirms the six main protocols and agreements. In addition, it outlines some of the principal duties of the president and vice president, establishing a concrete timeline for when the supplementation of the comprehensive peace agreement will go into effect.

- *Agreement on permanent ceasefire and security arrangements December 31, 2004.*

This agreement, which also reasserts the six protocols and agreements, is divided into three parts: the ceasefire agreement, the armed forces, and the demobilization, disarmament, reintegration and reconciliation of the Sudanese people. The ceasefire portion of the agreement extends the Darfur cease to all of Sudan. It details disengagement and describe the creation of various committees for the purpose of enforcement and oversight. The armed forces segment of the agreement, is a reaffirmation of the September 25, 2003 Agreement on security arrangements.

- *Nairobi declaration June 2004.*

The Nairobi declaration reaffirms the six protocols and agreements the parties had perilously signed, stating that annexes remain to be negotiated with regard to both the permanent ceasefire arrangements and the modalities of the implementation of the comprehensive peace Agreement (<http://www.siyassa.org.eg> 04/01/2005)

The implementation phase will be the true test of the comprehensive peace agreements worth. Reeves, (2004) states that the signing of the agreement, while momentous, is not enough on its own even to ensure lasting peace between the government of Sudan and Southern Sudanese. As the result of extensive consultative process of negotiations, on January 9, 2005, the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) signed a comprehensive peace agreement (the Naivasha Agreement), formally ending over four decades of civil war in Sudan. The comprehensive peace agreement represents the final step in over two years of intensive negotiations since the signing of the Machakos Protocol on July 20, 2002, incorporating 12 previously signed agreements and protocols between the two parties.

### 3.1.4 Decentralisation in Sudan

The Sudan is characterised as a federal country; there is a central government, a number of state governments, and local governments. The peace protocols ending Africa's longest running civil war, which were signed in Naivasha, Kenya in 2004, lay out a set of institutional arrangements that will significantly impact the nature of the federal system in the Sudan. The constitutional, legislative and policy initiatives undertaken over the next several years will greatly impact the nature and character of federalism in the Sudan ([www.islamonline.net](http://www.islamonline.net)-2 January 2005).

Federalism is a structure, a process, and a culture. Federalism is often seen as a political solution to common problems facing a segmented population. Raslan, (2003) indicates that it is an answer to territorial segmentation of society, and it is responsive to cultural autonomy of language, ethnicity, culture, only to the extent that these cultures coincide with geographical boundaries of the territorial communities. The power-sharing protocol

signed in Naivasha, sets out the institutional framework for the Sudan in the interim period and after. The most important feature of the power sharing protocol is the statement that the signatories to the protocol agree, "*decentralization and empowerment of all levels of government are cardinal principles of effective and fair administration of the country*". Section 1.5.1.1 states:

*" There shall be decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, state and local levels of government"* (Filson:2003).

The power sharing protocol makes explicit reference to the devolution of powers to sub national governments. Richard, (2003) is of the view that in the final analysis, the nature of devolution achieved in the Sudan will reflect the outcome of what will be fundamentally a bargaining between the central government and those interested in developing autonomous local self-governments. Yoh, (2003) shares the same argument as Richard as he indicates that the power sharing protocol defines the institutional framework for the interim period and establishment agreed upon human rights and fundamental personal freedom. The feature which is equally prominent in the liberalist theory reflected in chapter one.

A crucial feature of the protocol is the commitment to a decentralized system of government. Institute for Security Studies, (2003) concurs that a framework for such a system needs to be developed in the context of the culture, politics and history of the Sudan. This is particularly important in the context of developing roles and responsibilities for local self-governments in the Sudan. In addition to developing a decentralization strategy, there is a need to invest in local communities so that they have the capacity to undertake their new responsibilities under a system of decentralization. There is a need to strengthen the enabling environment at the community level so that any system of decentralization will realize its full potential.

Filson, (2003) states that the wealth sharing protocol states that one of the guiding principles in the agreement on equitable sharing of common wealth is that "revenue

sharing should reflect a commitment to devolution of power and decentralization of decision – making in regard to development, service delivery and governance.

Specifically, section 8.1 of the protocol says the national wealth shall be shared equitably between different levels of government so as to allow enough resources for each level of government to exercise its constitutional competencies Section 8.10 makes reference to the development of comprehensive equalization criteria to be used in allocating intergovernmental grants (protocol on wealth sharing: January 7, 2004).

The most common argument advanced in favour of decentralization is the attainment of allocative efficiency in the face of different local preferences for local public goods and services. When local government provides public goods and services, tax and benefit packages should reflect the preferences of the community (Tsalik: 2003).

Doyle, (2004) is of the view that decentralization is not without its critics. Some argue that the efficiency argument for decentralization operates entirely within the paradigm of individual preferences. It ignores the possibility of the legitimacy of overriding 'national interest'. It is argued that the efficiency argument for decentralization ignores the possible legitimacy of other values such as equality and social integration.

Raslan, (2003) however, argues that decentralization may compromise national macroeconomic goals. He further alludes to the fact that the benefits of decentralization may not be realized, and efficiency and equity issues made worse, because of the domination of local political elites, corruption, and the lack of an adequate enabling environment at the community level.

Decentralisation faces many challenges in transition countries like the Sudan. For example Payne, (1996) acknowledges that decentralization initiatives have enormous potential, but he is concerned that they must, however, be properly designed and implemented if they are to realize their potential financial benefits. In this context, Martin, (2002) argues that decentralization is an integrated exercise, so that institutional, political, and managerial reforms are essential for successful decentralization.

Danorth, (2002) identifies issues that are important for creating an enabling environment for successful decentralization in transition economies like the Sudan:

- The crucial assumption of population mobility as a means of revealing preferences largely fails in poor countries.
- The information and accounting systems and mechanisms for monitoring public bureaucrats are much weaker in developing countries.
- The general argument for decentralization rests with the efficiency benefits, but in developing countries the policy objectives may be redistributed to benefit the poor.
- There often is only a tenuous link between revenue raising and spending discussions.

The net results according to Reeves, (2004) of the provisions of the wealth sharing protocol is that the government of southern Sudan will be entitled to revenues from a share of revenues collected by the government of national unity (GNU) as spelled out in the section on equalization and allocation. This is critical in the context of section 12 of the wealth sharing protocol that requires all levels of government to comply with generally accepted accounting standards and procedures.

Implementing the peace protocols requires a modification and fine-tuning of the system of decentralization as espoused in the two protocols of power sharing and that of wealth. These protocols stress the need to distribute funds equitably across states and consider many factors in the allocation formula including the tax effort of state and local governments. Decentralization in the view of the researcher will strength the liberal approach of creating a fertile environment to implement and further sustain peace settlement as expressed in the protocols signed.

## CHAPTER 4

### 4.1. The role-played by African states and other non-African states in the Sudan peace settlement:

#### 4.1.1. Introduction

The importance of third parties is widely held (Young 1967; Touval and Zartman 1985; Bercovitch and Rubin 1991). The concept of conflict management by third parties often associated with the idea of equidistance to the parties in the dispute. In an ideal situation, according to widespread notion based on the concept of mediation, third party should, if possible, fulfill two criteria:

- Be neutral, not biased as a result of previous links with any of the parties.
- Be impartial, not show preference for any one of the positions held by the parties in the particular dispute.

Bercovitch, (1996) says, but precisely in the context of ethno-political conflicts, with their many gradations of partiality and their diverse external actors, each with their own, highly partial interests, one has to ask whether these requirements are realistic in relation to actual persons and institutions, and whether they are helpful as regards to the actual matter at hand. Bloomfield, (1997) however, indicate that whatever the case, one precondition is that they should have the intention of playing a de-escalatory, regulatory, and mediating role between the parties to the conflict.

Dartmouth, (1995) suggested that there are two causes why the international or regional actors become involved in ethnic conflicts. One is intervention due to sentimental causes, and the other is intervention in order to gain some sort of benefit. It should be stated that Sudan is no exception with regard to the later assertion. He further point out that naturally, there are many example in which these two causes may both be found in single case of intervention.

The main sentimental cause of intervention are some sort of historical connection with the region in conflict, such as close biological or blood ties (measured by ethnicity, culture or religion) or a humanitarian reasons. The role played by IGAD is more linked to this sentiment; the elaborative view will be done hereinafter. Brown (1996) points out that in the case of external actor's intervention due to close biological ties, the external factor is often a neighbouring country. Just by being in the geographical proximity of the region in conflict, a neighbouring country will have a strong possibility of having such a close ties (IGAD are all neighbouring countries with Sudan). Smith (1995) however, is of the view that a neighbouring country does not often become deeply involved purely from sentimental causes.

It is true that when at least one of the parties in conflict has some sort of close ties with neighbouring country, there is a strong possibility that that country will express interest in the region in conflict, or become involved through verbal statements such as statement of support or of intent to attack, to the country in which that region is located (Brown: 1996). Humanitarian considerations are often given as a reason for intervention. In cases in which the intervention consist of action and not just words, humanitarian were only official because, at least when the party getting involved was a state. In most cases, the real reason behind such intervention was biological closeness with the party in conflict, or instrumental cause. The USA connection with the SPLA and its support had in the past a course for concern (Hanf: 1997).

Bercovitch, (1996) states that instrumental cause, involves economic and political benefits, strategic considerations, prestige and international influence. When an ethnic conflict breaks out in a certain region and the level of fighting increases, states which lie next to that region worry about all that the ethnic conflict would spill over into their own territory (Viorst: 1995). This concern was vehemently raised by Uganda and Ethiopia throughout the Sudanese conflict. Ethnic conflicts in neighbouring territories always have the potential to create refuge problems, as well as economic problems by interfering with existing trade and transportation system and arrangements.

In addition, military problems may be created if one or more of the parties to the ethnic conflict uses the neighbouring country as its base, and the fighting may even spread to that country (Brown: 1996). These have a strong possibility of creating national security problems for the neighbouring country. Furthermore, ethnic conflicts often threaten to develop into an interstate war. The relationship between Ethiopia and Khartoum government had been dented by the allegation that Ethiopia is supportive of rebel (SPLA) initiatives.

Countries, which are geographically distant from the ethnic conflict, face little possibility that the conflict will affect their vital interests, and are difficult to motivate for instrumental cause. Dartmouth, (1995) states that when an external actor becomes involved in an ethnic conflict with the intent of resolving it, the party on whose side it intervenes, the timing of the intervention and the characteristic of the external actor all are important issues. An external actor may become involved in an ethnic conflict by assisting one or both of the parties (IGAD intervention is for both parties).

Some researchers take the position that the influence an external actor has on the parties of an intrastate war is more important than its neutrality (Hanf: 1999). Smith, (1997), further points out that any decision reached through the intervention of an external actor cannot be implemented unless the external has the influence to make the opposing parties abide by the decision, such influence would act as a guarantee. In an ideal situation, the external actor would have equally good relations with the opposing parties.

Scott, (1995) is of the view that what is important about an external actor with respect to conflict resolution is the perception by the opposing parties that the external actors' actions are impartial, rather than the neutral position or status of the external actor. Fisler, (1993) argues that regional actors tend to be more effective third parties than great powers and international organizations in resolving conflicts. This view is attested by the successes IGAD achieved in bringing peace settlement in Sudan, not undermining the support they received from other international actors. This chapter will therefore focus on the role played by afferent actors in the peace process in Sudan and more emphasis will be the role played by the regional actors.

#### **4.1.2. Role of Intergovernmental Authority on Development (IGAD)**

Since 1993, the leaders of Eritrea, Ethiopia, Uganda, and Kenya have pursued a peace initiative for the Sudan under the auspices of the inter-governmental authority on Drought and Development (IGADD), the forerunner of today's IGAD (Bercovitch: 1996). Partly because of the destabilizing impact of the war on neighbouring countries, and in the wake of the failed Nigerian initiative; IGAD established a standing committee on peace in Sudan in early 1994.

Bloomfield, (1997) indicates that in March 1994, Sudanese peace negotiations under the auspices of IGAD were officially launched in the Kenya capital, Nairobi.

The countries of IGAD had a clear interest in containing Sudan's civil war and stopping the spread of political Islam, and with the elevation of President Isaias Atewerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia to power, the organization had two particularly competent and dynamic leaders ready to assume the task (<http://www.irinnews.org/01/04/2005>). Disagreement over the issue of self-determination brought the first round of talks to a rapid end. A second set of negotiations a few weeks later looked as if they would collapse in the same manner after the SPLM/A and the government of Sudan reiterated what were well-argued positions (occasional paper 86: 2004).

In the second set of negotiations, the IGAD mediator presented the belligerents with a Declaration of Principles (DoP). Smith, (1995) states that the DoP include a number of provisions relating to human rights that have never been the subject of much dispute but it also held that the unity of Sudan be given priority, that the social and political system be secular and democratic, and resources be equitably shared. In the absence of agreement on these principles, it suggested that the south would have the right to self-determination through a referendum. While the SPLM/A fully endorsed the DoP, the GoS predictably could not accept the South's right to self-determination nor the activist role of the mediators. Again, the positions of the belligerents were clear and apparently irreconcilable. The peace talks were officially adjourned but, effectively, they had collapse (Scott: 1995).

The events as expressed by Scott above, clearly concurs with the view of Turton, (1997) any decision reached through the intervention of external actor cannot be implemented unless the external actor has the influence to make the opposing parties abide by the decision. Certainly at this stage the IGAD mediators lacked such authority over the belligerent to act with the DoP. In response to the failure, the SPLM/A and the government turned their energies to fighting political and military battles, and positioning themselves for what would be another encounter at the negotiating table (Dartmouth: 1995).

The Khartoum government focused on reaching an internal peace agreement with South Sudan Independence Movement of Rick Machar, and defeating the SPLM/A military, which appeared to be realizable objective in the circumstance. Brown, (1996) indicates that the SPLM/A built up its relations with the NDA, a loose grouping of northern opposition forces, as a means to bring further pressure to bear on the government and gain acceptance from parties, which arguably represented the majority of Sudanese people.

In the meantime, during a stalemate between the belligerent powers, for its part, IGAD turned its attention to gaining western material and political support, and this eventually took the form of IGAD partners' forum (IPF). Scott, (1995) further indicates that IGAD further endeavoured to ensure that efforts would be coordinated and that the international community would not endorse other peace processes. At the same time and in response to what was held to be an Islamist threat to their sovereignty, Ethiopia, Eritrea and Uganda stepped up significantly their military assistance to the SPLM/A, and by the late 1995 were sending their armed forces into Sudan (Horowitz: 1995).

Paris (1997) asserts that in 1997, regional isolation, the military engagement of the neighbouring countries, SPLM/A victories in the field, and a new pragmatism in Khartoum convinced the NIF to return to the bargaining table and to accept the DoP as a basis of negotiations.

However, Turton, (1997) points out that the outbreak of the Ethiopia-Eritrean war in May 1998 markedly decreased regional pressures on the government of Sudan and the IGAD peace initiative began to falter. Without sustained military pressure the IGAD sponsored

talks at Lake Bogoria, Kenya in October 2000 followed the same route to failure as many before it. It was becoming increasingly clear to both the IGAD mediators and the IPF that outside support and pressure, ideally led by us, would be necessary if the peace process was not to come to a complete halt (occasional paper 86: 2004).

Foremost in this light was joint Libyan and Egyptian initiative (JLEI), which was concerned with the lack of northern opposition participation in the IGAD efforts, uneasy at apparent African domination of the peace process. The two states were also upset at the lack of a formalized role for Egypt in the negotiations, given its considerable interest in Sudan. This initiative also reflected opposition by Libya and Egypt to the concept of self-determination for southern Sudan, which was seen as a threat to Cairo's access to the waters of the Nile, which flow through southern Sudan. Kanet, (2000) indicates that Khartoum unreservedly agreed to the JLEI principles, which were expressed in a DoP, and the SPLM/A accepted them in principle, but made clear that it wanted the document revised to include self-determination, secularism and coordination of the JLEI with the IGAD peace process.

Although the JLET largely withered, it represented a strong statement of Egyptian fears about Sudanese self-determination, as well as the need to bring the northern opposition forces into the peace process. It also made clear that the engagement of Libya and particularly Egypt, which has the closest relations with Sudan and the most significant interests in the country and the peace process, should not be overlooked (Licklider: 2000). This view is clearly echoed in the introduction of third actor's involvement being prompted by biological relations.

The intervention by Nigeria and Eritrea signalled a growing lack of confidence with the IGAD peace process. Although peace initiative had some genuine accomplishments, a well thought-out DoP, workable relations with belligerents, an institutional focus in the Sudan secretariat, and international legitimacy, it had become apparent to most analyst and the belligerents by late 2001 that the process needed invigoration, and this could only come through international engagement led by USA (Jentleson: 2001).

The support of the United Kingdom (UK), Norway and Italy, led by the US, breathed life into the faltering IGAD peace process, and their sustained engagement proved critical to the breakthrough of Machakos protocol and the continuing progress since then (<http://www.trinstitute.org>, 2004/06/28). The IGAD mediators and the official observers from Britain, the US, Norway, Italy, the United Nations (UN) and the African Union have all at varying times come under intense pressure to both accept other observers (notably Egypt, the Arab League and France) and broaden the scope of the talks (<http://www.iss.co.za>, 2004/06/30).

Sudanow magazine, (2003) indicates that the final stages of the negotiations, all the participants appeared to become aware that for a peace settlement to achieve acceptance and legitimacy, it needed the support of the Sudanese public. In other words, the democratic imperative is assuming an increasing importance. The mediators made it abundantly clear in the DoP, in the Machakos protocol and in private interviews that they viewed the peace process as a two-step arrangement. The first of which was an agreement between the SPLM/A and the GOS while the second involved bringing other major political interests into the peace process and gaining their assent to the agreement.

Sudanow magazine, (2003) states that most were aware that the 1972 Addis Ababa Agreement was seriously undermined by the fact that just as with the IGAD initiative, it was reached between Anya Nya and the government of Nimeiry, neither of which had formal democratic legitimacy. As a result, leading and democratic-based parties of the north, the Umma party and the DGP, were able to successfully contend that the Addis Ababa Agreements did not have the support of the Sudanese people. The lack of any democratic accountability makes the IGAD initiative an easy target.

The IGAD peace initiative on Sudan appears to be achieving what other efforts and processes have failed to do in more than twenty years, namely reaching a signed peace agreement between the SPLM/A and GOS.

Hampson, (2004) cautions that the exceptions placed on IGAD by the international community, donors and the Sudanese people to successfully oversee the transitional period,

the holding of a vote on self-determination for southern Sudan, and the creation of viable and democratic governments in both south and north Sudan, will be extremely high.

Hampson, (2004) further points out that the strength of IGAD peace initiative, particularly during its later stage, has been its clarity in identifying the key issues at the core of the conflict. The IGAD initiative from the beginning was understood to involve a continuing involvement in Sudan that would not end until the terms of the peace agreement were fulfilled and the necessary stability was achieved. The major reasons for the success of the IGAD peace initiative remain of continuing importance and provide direction and insight. Although there have been many efforts to end Sudan's civil war, only lone initiative, that of IGAD has achieved both regional and international legitimacy. This legitimacy was further strengthened with the signing of a peace agreement (Arabic News, 24 October 2003). Cliffe, (2004) has noted that interventions by the west and the UN often suffer from short-term perspective and a tendency to look for quick fixes, while neighboring countries have the advantages of sustained interest and knowledge of the conflict. Indeed, concern that the Sudan conflict was a security threat to the region was the starting point of the IGAD initiative. The role IGAD in peace settlement in Sudan proved beyond doubt that the regional actors fully supported by the international community could be effective.

#### **4.1.3. Role of other African states**

##### **Nigeria:**

Paris (1997) states that out of fear that the SPLM/A was on the verge of collapse, and because of the importance of the issues of race, religion and self-determination that were at the core of Sudan dispute. Nigerian president Ibrahim Babangida took the lead in holding peace talks in the Nigerian capital, Abuja, in May – June 1992. With a weakened rebel movement represented by factions led by Dr Rick and Dr John, an increasingly confident government of Sudan delegation espoused majority rule.

The government stance in negotiations facilitated by Nigeria was that the constitution should be based on Sharia, although the south could be exempted from the *hudud* (code of Islamic punishment). Sisk (1996) maintains that both factions of the SPLM/A pressed for a secular democratic system and the right of the south to a referendum on self-determination. Khartoum on the other hand rejected secularism and would not countenance the proposed referendum. The talks rapidly collapsed.

Almost a year passed before Babangida called for a second round at Abuja, by which time the SPLM/A was weaker militarily (Lyons and Ahmed: 1995). With very little change, Khartoum proposed power sharing and balanced development, rejected secession, and proposed constitution that did not refer to Islam as the state religion and exempted the south from certain provision of Sharia law. Evans (1993) states that the SPLM/A rejected Khartoum's federalist approach and called for a confederation and a secular democratic 'new Sudan'. The position of the two parties had not shifted much from the initial first round talks.

The SPLM/A maintained that if their objective was not achievable, then the 'marginalized territories' (the Nuba mountains and southern Blue Nile), together with Abiyei, should have vote on confederation or separation (Turton: 1997). According to Gamble and Payne, (1996) there were other differences between the parties, but the critical issues of the separation of state and religion and self-determination proved conclusive in causing the collapse of the negotiations.

In the wake of the failed Nigerian initiative, and perhaps out of fear that the 18,000 US troops in Somalia in the early 1990s could carry a similar operation in Sudan, the GOS proposed that IGAD take over the peace process (Kamet: 2000). Licklider, (2000) points out that out of fear of the imminent collapse of the IGAD peace process and for the same reasons that stimulated its earlier efforts, Nigeria again attempted to promote a peace process. In the event, these efforts came to naught, but they did make clear that the issues at the heart of conflict are religion, race and regional disparities within a state.

Given its status as a giant on the African continent, it was not surprisingly that Nigeria attempted to further the peace process as the IGAD initiative approached collapse late in 2001. They tried by all means to make it clear to Africa the importance of Sudan peace process and not only in terms of security but also economic benefits Africa stands to gain if peace settlement is achieved. The Nigeria endeavors did not yield positive outcome as compared to the IGAD effort but their involvement in shaping the peace process worth mentioning.

#### **Eritrea effort:**

With the NDA based in Eritrea and the latter's major interest in the Sudan peace process, Asmara repeated attempt to initiate negotiations between the NDA and Khartoum. However, Payne (1996) says the weakness of the (non-SPLM/A) NDA forces and international legitimacy given to the IGAD peace process meant that the Eritrea made little progress. Nonetheless, any comprehensive peace agreement must at some point include the opposition northern-armed groups and the interest and grievances that they reflect. Further, the security of the peace of the peace process also depends on a marked improvement in the bilateral relations between Sudan and Eritrea.

Sisk, (1996) states that peace initiatives in the Horn may wither, but have a tendency almost never to be foreclosed. This may well be the case with both the Eritrean efforts and the JLEI. While the critical element of the latter initiative was to pursue peace without a commitment of self-determination, and it has thus been overtaken by events, both it and the Eritrean involvement stressed the need to bring the northern opposition political groups into the peace process and thus strengthen its democratic base.

Kaufman, (1996) indicates that through the effort of Eritrea had not accomplished much, these efforts may yet have a place in the unfolding peace process. Eritrea attempts to make the peace process more inclusive, but they also serve to bring to the fore Sudan's difficult relations with its neighbors; these relations must also be addressed if the process is to be secure and sustained. This view was clearly articulated in the introduction of this chapter that the nature of internal conflict has the bearing on the neighboring states.

The biggest achievement of Eritrea in facilitating peace process was the 1995 Asmara declaration, which served as the basis of the united armed struggle of a collection of northern forces and the SPLM/A under the umbrella of the NDA (Turton: 1997). Although many of the provisions of that agreement have been overtaken by events, and the organization has suffered major setbacks, most notably the departure of the Umma party. Though unity was achieved in the north, the south remained fragmented and the SPLM/A though remained under the NDA continued to negotiate with Khartoum separately.

The aggressive stance of Eritrea and Ethiopia began collapsing on 6 May 1998 war as broke out between the two countries. Indeed, this date marks the transition from Sudan being under assault by the region to moves to achieve more conciliatory relations with neighboring countries (occasional paper 86, March 2004). Eritrea and Ethiopia both appreciated that Sudanese territory could provide a decisive advantage in the conflict. To ensure this did not happen, both countries moved quickly to improve their relations with Khartoum.

Beyond the Asmara declaration, Eritrea played dominant role independently outside the IGAD initiative. Unlike IGAD and Nigeria its efforts were not too significant to immensely influence the outcome of the negotiation between Khartoum and the SPLA/M. Paris (1997) states that Eritrea began to mend its political fences with Sudan, but at the same time pressed for a wide-ranging agreement that included negotiations between the GOS and the Asmara-based NDA to end the civil war.

## **Egypt**

Egypt is aware that any structural changes in Sudan would affect its own national security. Sudan is not only linked to Egypt by the waters of the Nile, it is also its main getaway to an active African role. Should Sudan disintegrate, Egypt, without a doubt, would lose the opportunity it has to redraft its vision for this important role (Esposito: 2004).

Collier, (2003) indicates that Egypt had sought to contribute to the settlement of the Sudanese crisis through a joint initiative with Libya, though this attempt was not successful.

The circumstance that preceded the signing of the Machakos protocol and the surprising announcement of its content raised reservation in Egypt on the official level and came as somewhat of a shock for the public. Many observers in Egypt believe that self-determination will lead to separation regardless of the incentives of unity.

England, (2003) records that Lt General Lazaro Sumbeiywo, IGAD special envoy for the Sudan peace process, had visited Egypt three times in order to achieve some sort of coordination with the Egyptian-Libyan initiative. He asserts that during this visits; Egypt presented a vision centered on exerting efforts to protect the unity of Sudan through a just solution for the south. Egypt's official and unofficial reservations to the Machakos protocol were met with the degree of indifference in Sudan. The Sudanese media asserted that it is up to Sudan alone to find the best solution to its problems, criticizing Egypt for its inadequate support of the Sudanese government (<http://www.siyassa.org-z01/06/2004>).

Egypt maintained its position that secession of the south would not be in Sudan's best interest, but felt its involvement could help prevent the further weakening of the Sudanese government. Tsalik, (2003) points out that Sudanese-Egyptian relations continued to improve as Egypt sought to protect its interests in Sudan supporting unity and as the Sudanese government found in Egyptian support the regional backbone that it lacked. At the same time, Sudanese opposition forces endeavored to strength their relation with Egypt, aware that it would have an influential role during the interim period (Murphy: 2003).

Esposito, (2004) points out that gradually Egypt lost its reservations over the negotiation process resulting from Machakos, even if it continued to refrain from direct or indirect involvement in the negotiations. Its aim was to support unity through continuous dialogue with the Sudanese government and all other Sudanese political factions. The role of Egypt in the negation was mainly to save guard its interest, this narrow view limited the great potential Egypt has in the region.

#### **4.1.4. United States (US) role in Sudan**

Tavalato (2004) states that the international community has remained united behind the regional process led since 1994 by IGAD, and even if Eritrea and Nigeria tried to reach an agreement through their direct mediation, no other alternative has been allowed. One of the key strength of the IGAD initiative has been in including in the peace process international actors such as US, UK, Norway, Switzerland and Italy. In fact, the major change under IGAD mediation has been to include the US mediation in the peace process. The US foreign policy has redirected the international community's eye toward Islamic state like Sudan. As Gallucci, (2004) suggests, due to the international environment, the GOS is adjusting their policies to this new realities which the United States has emerged as a sole remaining superpower.

Galluci, (2004) further points out that Washington is eager to achieve a successful peace process particularly in a Muslim country and by the multilateral initiative rather than the demonstrated willingness to use military force and unilateral actions. In addition, American interest in resolving the conflict increased as the situation in Iraq and US relations with the Middle East in general worsened. The eventual success lies as well on the support of the external actors during the post-conflict period; if the US commitment in the peace process will be transitory this will affect the regional stability.

On September 6, 2001, President George Bush named former Republican senator John Danforth as his special envoy for peace in Sudan. Senator Danforth's mandate was to determine whether the government and the rebel groups in Sudan displayed a genuine commitment to work towards peace, and to recommend what role the United States should play in the peace process (Jentleson: 2001). Danforth's most prominent step so far has been the unveiling of four 'tests of good faith' for the parties to the conflict. These confidence-building measures consisted of

- Allowing humanitarian access to the Nuba mountain region;
- Arranging temporary halts in the fighting elsewhere called zones and days of tranquility;

- Ending the practice of taking prisoners into slavery; and
- Halting aerial bombing of civilians.

Hampson, (2004) indicates that the most important achievement of Senator Danforth's mission as US President Bush's special representative has been the six month, internationally monitored ceasefire in the Nuba mountains up until in Mid – January 2002. Civilians in this region have been among the worst hit by the war. Beyond provision of relief items there is a larger benefit as trade begins to open up and people move back. High-ranking Sudanese officials acknowledge the popular swell of enthusiasm for a larger peace that has greeted the cease-fire.

Mahmoud (2005) further states that besides instilling hopes for a larger peace, the cease-fire has also refined Khartoum view of the Americans. The government has long considered the US partial to the SPLA and questioned its standing to mediate. But the cease-fire negotiations, which were conducted in Switzerland, seem to have changed this perception. One government participant noted, "What encouraged us actually is during the cease-fire negotiations (the American) displayed themselves in an even-handed, efficient mediator. This opens our desire for them to continue" (Gallucci: 2004).

The special report of GSIP consultations (2004), states that the cease-fire resulted from serious negotiations facilitated by the US and Switzerland. The report further indicates that the government learned the difference between a declared agreement and negotiated agreement. This provides limited evidence that the negotiated agreement can hold well than the unilateral commitments that the government has repeatedly made and broken over time.

The agreement suggests that US involvement, if backed with sufficient political will, can be a catalyst for progress on broader issues. Jentleson (2001), states that the Nuba mountains agreement was reached because the US was involved. A Sudanese analyst concurred: "this proves the vital role the US in resolving the Sudan conflict".

The attack of government on civilians in Bieh while awaiting food from the world food program led the US to temporarily suspend its dialogue with the government. Hampson (2004) suggests that debate in Washington about the next steps in the war of terrorism has resulted in the development of options that include military action against the Sudanese government.

ICG report (2002) indicates that the international condemnation proved by the Bieh attack forced the government to accede to one of Danforth's key confidence building proposals: protection of civilians during the war.

International observers are to monitor this agreement. According to the US state department, there will be two teams of monitors, one in the north, one in the south. The arrangement was for one year and renewable. Sudan's under secretary for foreign affairs, Mutrif Siddig, optimistically described the monitoring agreement as in the final analysis, a gradual process for stopping the war.

The tragedy in Beih and international outcry has accelerated the government cooperation on a number of important humanitarian issues. The fact that the government continued to accept Danforth's shows a willingness to move on with negotiations for comprehensive peace (Institute for Security Studies: 2004). Human right watch, (2003) indicates that the greatest threat to the result that Danforth, his team and his European partners have achieved from the follow-on diplomatic effort aimed at resolving the war.

The contribution of the US in the Sudanese peace process undoubtedly proved to be a driving force towards a peace settlement. Their intentions to be active participants in the peace process were signaled by the passing of Sudan Peace Act of October 2002 which stipulates further sanctions if the GOS was found to be not participating in the peace negotiations in good faith. Tavalato, (2004) states that some people have questioned the timing, ethics and one sided American pressure on the GOS, there is little doubt that collectively these measures sent a powerful message to the Khartoum government, and their removal on equally powerful impetus to bring the war to an end.

#### **4.1.5. The role of United Kingdom (UK)**

Britain was the colonial master of Sudan as reflected in both chapter one and two. Her involvement in postcolonial era was thus extremely inevitable. The attainment of peace in Sudan therefore is at her advantage and will. In 1991 the UK stopped its development aid to Sudan. Since then, the UK maintained humanitarian programme at the level of about 7 million per year, depending on the needs of a country. In 2002 and 2003, in line with progress towards peace, UK along with the US and Norway strengthened its engagement in Sudan (<http://www.britishembassy.gov.uk-06/30/2004>).

Cliffe, (1999) states that the Department for International Development (DFID) programme was broaden to include direct support for the peace process and its monitoring mechanisms, confidence building measures such as additional support for the education system and support to get people prepared for peace. To support the peace process, the DFID provided funding for the IGAD secretariat, input into monitoring missions; an experts (for example on demobilization, demilitarisation and reintegration (DDR)) to the talks. UK has supported a mechanism for the SPLM/A and GOS to jointly plan for priorities after peace process through local peace-building initiatives, DDR and support for human rights (Gallucci: 2004).

The UK assisted parties with structures that will assist in the implementation of peace agreement including military, political arrangements and to build the consensus for peace more widely. The approach of the UK to peace process has been different from the approach used by other actors discussed in this chapter. The UK was more on the peripheral as well as technical in supporting the peace process. Their involvement had been supportive to the key mediators like the IGAD and providing them with the technical support dearly needed for successful conclusion of the peace negotiations. This support cannot be sidelined in acknowledging its importance to the whole peace process (mahmound:2005).

It was the combination of the countries of IGAD, together with Britain, Norway, Italy and particularly, the US that proved crucial in making the most significant breakthrough on the Sudan peace front in the years of civil war.

## CHAPTER 5

### 5.1. Conclusion and recommendations

#### 5.1.1. Conclusion:

This research has found out that over the long years of war, there has been a plethora of attempts by various external actors, including from neighboring states (as expressed in the role of IGAD chapter four) concerned donors and other states, as well as the parties themselves, to bring the conflict to an end. The immense complexities of the war and lack of political will prevented its earlier resolution. In 1993, the Heads of states of IGAD became involved in the latest initiative to bring the parties together. This was the beginning of a long process that has led slowly but inexorably to the threshold of a peace accord.

The international community faces a truly daunting task in helping the government of the Sudan and the SPLA to overcome their differences during peace implementation. The final peace agreement is hugely complex, combining agreements on ceasefire and security arrangements, wealth sharing, power sharing and the future administration of three areas in the center of the country. Implementation will radically alter current political realities in the protocols attempt to address the primary causes of the war; some language may be subject to different interpretation.

To implement such a document will require an enormous amount of trust and patience from the parties and on the part of the international community. The research further revealed that external actors both regionally and internationally have keen interest in the implementation of peace. They are not only keen in implementation, chapter four eludes to the fact that their involvement in shaping peace settlement in Sudan cannot be compared to any other endeavor ever made in the country in that way. The stakes are enormous for the Sudanese people (as demonstrated in chapter three) and for the parties, and the long six and half years interim parties are fraught with danger, during which major differences will certainly arise.

While the long work at Naivasha is to be applauded, there has been some concern at the lack of exclusivity within the peace process beyond the two main parties. Chapter two highlights the breakaways from the SPLM/A and formation of other political organization in the south, which later negotiated peace deal on their own with Khartoum government. These parties had not been so active in the peace process while at the other hand SPLM/A is the member of NDA the umbrella organization of all opposition to the Khartoum government. This exclusion can be manipulated by those not satisfied with the outcome of the peace agreement between Khartoum and SPLM/A.

One of the first tests for the agreement will be the parties' capacity to promote its acceptance beyond their immediate constituencies to the wider Sudanese body politic as a viable solution for all Sudanese people. The research has found out that there are bound to be disaffected and spoiler elements that will have no interest in seeing any agreement succeed and will work to reverse the direction in which the parties have pledged to travel. In addition, some external actors may seek to influence the implementation process to parochial advantage. (For example, the research has found out that China did not play any significant role in facilitating peace in Sudan, though it has been doing oil business for some time in Sudan under conflict environment, its role now is uncertain and the research had not found any constructive engagement on the part of China).

It is certain that the international community and the United Nations operation will face testing and difficult times as they assist and work with the parties through the interim periods of peace implementation.

The study has established and captured the fundamental issues at the heart of the conflict, and in particular state and religion, and self-determination. The negotiation facilitated Nigeria and Eritrea could not explicitly capture what was at the core of the parties' demands. The study further points out that the Sharia law, which triggered the war in 1983 was not only the issue but further established that the discovery of oil fields in the south did not only fueled the war but sustained it, as revenue obtained was used to buy good war artillery.

This study has observed with concern the fact that the Addis Ababa agreement was reached between Anya Nya and the then Khartoum government which came to power through coup d'état while the Anya Nya did not have a broad political base and its leader Lagu, signed the agreement much against the majority of Anya Nya leadership. The current government in Khartoum came to power through a coup and negotiated peace with one party in the south (SPLM/A). The signed agreement makes provision for the general elections in every three years, which might have a different view of the peace settlement. If history has to be considered, then the outcome of this will be extremely ghastly to contemplate.

The research has further established that though the SSDF is politically weak, it does have claims to legitimacy based on the Khartoum peace agreement, despite the fact that most of the provisions of that agreement have not been implemented. As a result, its members consider themselves freedom fighters and their dignity has been affronted by being ignored in the peace process and effectively told that they do not have interests that have to be considered in a post-conflict southern Sudan. The SSDF has the capacity, virtually alone among those clamouring to be part of the peace process to quickly and violently undermine the IGAD initiative and spread disorder across the south.

The agreement rests on the core bargain that provides for two simultaneous institutional solutions to Sudan chronic war. At the same time the research indicates that the accord envisions building incentives and new national institutions to pursue the unity of Sudan. A de facto autonomous entity would govern in the south and a national unity government in the north, and the final status of the south would be left undermined until the referendum. The SPLM/A is likely to invest heavily in the southern regional government, and both the north and south could focus exclusively on building truly separate institutions in their regions. The study indicates that many observers believe that self-determination will lead to separation regardless of the incentives for unity as throughout history it is hard to find population that has turned down the opportunity to create an independent state.

The GOS and the SPLM/A are autocratic entities with no democratic tradition. The research has demonstrated that Khartoum government in particular ruled the country along religious

line, which caused a major rift amongst the political parties in the north while the split within the SPLM/A was mainly attributed to the ethnic connotations. Security forces operate with impurity in the north, as does the SPLM military in the south. Serious violations of human rights are well documented in both regions, though the north is considered the worse offender. Freedom of assembly, freedom of speech, and the formation of political parties are stifled in both areas. The authority of traditional leaders has been trampled, and civil society groups muted.

The war took place mostly in the southern Sudan and as such the infrastructure established during the British colonial years had been destroyed by the war. Generally social life in southern Sudan had been seriously undermined and tempered with. The research further established that the south is highly divided along ethnic lines; even the split of SPLM/A was along this lines. It was further recorded that most lethal fighting in the civil war has and Nuer ethnic groups.

The Machakos protocol binds the signatories to a comprehensive solution that replaces war not just peace, but also with the social, political and economic justice, which respects the fundamental human rights of all the Sudanese people.

While northern 'hotspots' such as Darfur and Kassala are not part of the north-south peace agreement, these volatile regions cannot continue to be ignored with justification that the peace agreement is important on its own. The conflict in the two regions could bring down the entire effort if it spreads or gains support among spoilers on either side.

### 5.1.2. Recommendations

It is against these findings that the following recommendations are made:

- To effectively guarantee Sudan's ambitious and complex peace agreement, external powers and organizations as well as the Sudanese players have to remain linked to each other and capable of fixing threats to the settlement. The multilateral model and the UN should be sustained and converted into standing implementation body that will allow key actors (signatories and observers) to engage in regular, face-to-face meetings.
- The 'quick start' programs planned by the international community are an important symbol, but donors should sustain their commitment beyond a multi-year period in order to address Sudan's recommendation priorities effectively.
- International Quick Response Force (QRF) should be deployed as a special element of a large peacekeeping force. It will serve in a reserve capacity, and will be trained and mandated to conduct counter-insurgency operations against militia groups, breakaway military elements operating in contravention of the security agreement.
- International civilian police (CIVPOL) will be needed to train and develop indigenous Sudanese policing capacity.
- The study has established that Sudan for many years had not been in good terms with most of its neighbors notably Uganda and Eritrea, it is therefore recommended that IGAD should continue to give sustained efforts to improve Sudan's relations with its neighbors, and take up the country's bilateral relations with Uganda and Eritrea.
- The agreement reached between the government and SPLM/A ignored other international actors like the SSDF, it is thus recommended that its concerns be

addressed either at the behest of IGAD or through the initiative of the parties to the peace agreement.

- Sudan's political process in both the north and the south should open up to provide a chance for long excluded players to participate in shaping Sudan's future.
- Donors should identify larger amounts of reconstruction to meet infrastructural back-locks in the southern Sudan. They should also focus immediately on building institutions and capacity in the south that can manage and account for revenue streams.
- IGAD should assist both parties to develop mechanisms to review government structures. These mechanisms should be aimed at liberating government structures to be more democratic. The civil organizations (support for watchdog groups specializing in human rights, anti corruption, independent news reporting) should be strengthened and popularized to ease burden from formal government structures. IGAD and its partners should offer solid inducements and impose penalties on both parties if governance reforms are not implemented.
- Regardless of the ultimate outcome of the referendum unity or separation, reconstruction efforts should be geared toward ensuring greater connection among Sudanese. Reconstructions efforts could also be used to reinforce the Machakos protocol's promise of an open constitutional process.
- The international actors and civil structures in the south should encourage expanded intra-south dialogue along the lines of New Sudan Council of Churches (NSCC). The NSCC grassroots peace processes in the southern Sudan have successfully ended a number of long and violent intra-south conflicts. Provided with the necessary support and guidance can play a pivotal role at a larger stage in promoting peace at grassroots level in the south.

- The study had deliberately avoided reference to the Darfur problem as it falls outside its scope; however, literature had repeatedly indicated that conflict in that area has the potential to undermine the peace settlement reached in Sudan. IGAD, African Union (AU), US and other friends of Sudan should swiftly and expeditiously develop a comprehensive peace plan to end conflict in that region. Otherwise the much celebrated peace deal will have no meaning.

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