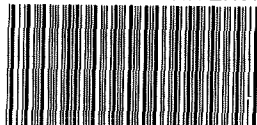


**AN INVESTIGATION INTO THE ROLE OF THE
INTER-GOVERNMENTAL AUTHORITY ON
DEVELOPMENT (IGAD) IN THE RESOLUTION OF
THE SUDAN CONFLICT**

NORTH WEST UNIVERSITY



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**A mini-dissertation submitted to the Faculty of Human and Social
Sciences in part fulfillment of requirements for the Degree of Masters in
Peace Studies and International Relations at the North West University,
South Africa.**

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Date : July 2006

DECLARATION

I, Gladys Manyi ASHU hereby declare that the mini-dissertation titled “An Investigation into the Role of the Inter-Governmental Authority on Development (IGAD) in the Resolution of the Sudan Conflict” has not been previously submitted by me for a degree at this or any other University, that it is my work in design and execution and the material contained herein has been duly acknowledged.

Signed..........

DEDICATION

In loving memory of Pa Tabinchong Elias Tabi, who passed away too soon without seeing his dreams materialize

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ACKNOWLEDGEMENTS

My special appreciation goes to my supervisors Mr. Kale Ewusi and Dr. Manyane for their professional guidance and support at every stage in the preparation of this study.

I am also grateful to Mr. Mubula Ignatius of the Department of Peace Studies and International Relations for all his support in making this work a success and especially to my beloved parents Mr. and Mrs. Ashu John Tabi who did not hesitate in any way in supporting this phase of my career, giving me the strength, courage and confidence that I needed.

I owe the success of this piece to McCauley Junior Ashu and Obenembot Dickson for their understanding, loving care and support and finally, the mercy, guidance and exaltation of the Almighty God kept me going through this critical period of writing this work.

Gladys M. Ashu

ABSTRACT

The Intergovernmental Authority on Development (IGAD) has played a major role in conflict resolution in the Sudan. The strength of the IGAD Peace Initiative particularly has been its clarity in identifying the key issues at the core of the conflict in its Declaration of Principles (DoP). From that time the Sudan People's Liberation Movement/ Army (SPLM/A) and Government of Sudan (GoS), though later, embarked on a path to seek a negotiated settlement to the conflict. Another achievement had been IGAD's ability to help Sudan pool its resources that seemed to provide an answer to the perennial power constraints that bedevil African mediators. It is without doubt that the Machakos protocol signed in July 2002 was a breakthrough for the history of IGAD's conflict resolution in Sudan, because of the acknowledgement, for the first time, of the right of self-determination for the south, and the guarantee of the right to opt for self-determination through a referendum at the end of a six-year interim period. From this time IGAD's mediators became more flexible, the Sudan peace process moved speedily and to the highest level; and between 2002 and 2003, the substantive agreements were signed, leading to the final agreement in 2005. At the same time, the hard-pressed role of the United States cannot be undermined for real progress in the IGAD peace process in Sudan. Furthermore, though IGAD faced a lot of challenges as the parties' willingness to negotiate correlated with their military successes and failures, the organization commitment in the peace process assisted in achieving IGAD's stated objective. Its also worth noting that there was a lack of inclusivity in the IGAD negotiations and the mediators at times were unable to articulate common visions of their roles and sustain adequate attention to their intervention; however, despite several competing mediation

attempts such as the “Joint Libya-Egyptian Initiative” (JLEI), IGAD has provided the by and large undisputed negotiation framework for the Sudan conflict since the mid-nineties. Crucial and worthy as this achievement is that, the IGAD Initiative will engross a continuing involvement in Sudan that would not end until the terms of the peace agreement are fulfilled and the necessary stability is achieved, because only then would there be confidence that peace would be secure. This objective is not realisable unless there are significant and continuing democratic reforms; IGAD must understand that this objective is an integral part of the peace process. Finally, IGAD’s continued engagement with the Joint IGAD Partners and the international community as a whole to provide for support for peacebuilding and reconstruction in Sudan is imperative. If peace is consolidated in the South, it will demonstrate the benefits of negotiated solutions to other parts of Sudan, such as Darfur and the East.

LIST OF ABBREVIATIONS

AACC	All African Conference of Churches
ABC	Abyei Boundary Commission
AEC	Assessment and Evaluation Commission
AU	Africa Union
CBOS	Central Bank of Sudan
CEWARN	Conflict Early Warning and Response Mechanism
CJMC	Ceasefire Joint Military Committee
CPA	Comprehensive Peace Agreement
CPC	Cease-fire Political Commission
DDR	Demobilization, Disarmament, and Reintegration
DoP	Declaration of Principles
DUP	Democratic Unionist Party
ELF	Eritrean Liberation Front
EPLF	Eritrean Peoples' Liberation Front
FFAMC	Fiscal and Financial Accounting Management Commission
GNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of Southern Sudan
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IGADD	Inter-Governmental Authority on Drought and Desertification
INC	Interim National Constitution
IPA	International Peace Academy
IPF	IGAD Partners' Forum
IRIN	UN Integrated Regional Information Networks
ISS	Institute for Security Studies
JAM	Joint Assessment Mission
JDB	Joint Defense Board
JIU	Joint Integration Unit
JIPF	Joint IGAD Partners' Forum
JLEI	Joint Libyan and Egyptian Initiative
JMCO	Joint Monitoring and Coordination Office
JNTT	Joint National Transitional Teams
LRA	Lord Resistance Army
MDTF	Multi-Donor Trust Fund
MOU	Memorandum of Understanding on Cessation of Hostilities
NCKK	National Council of Churches of Kenya

NCP	National Congress Party
NCRC	National Constitutional Review Commission
NDA	National Democratic Alliance
NIF	National Islamic Front
NGO	Nongovernmental Organization
NJSC	National Judicial Service Commission
NPC	National Petroleum Commission
PNC	Popular National Congress
NSA	National Salvation Alliance
NSCC	New Sudan Council of Churches
OAU	Organisation of Africa Unity
SAF	Sudan Armed Forces
SLM/A	Sudan Liberation Movement/Army
SPLM/A	Sudan People's Liberation Movement/Army
SSDF	Southern Sudan Defense Force
SSIA	Sudan Independence Army
SUNA	Sudan News Agency
TABC	Technical Ad hoc Border Committee
TMC	Transitional Military Council
TPLF	Tigray Peoples' Liberation Front
UN	United Nations
UPDF	Uganda People's Defence Force
US	United States
USAID	U.S. Agency for International Development
USAP	Union of Sudan African Parties
UNHCR	United Nations High Commission for Refugees
UNMIS	United Nations Mission in Sudan
WNBF	West Nile Bank Front

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Sudan is Africa's largest country, with a total area of 2,505,800 sq km (967,500 sq mi) and is divided on ethnic, religious and ideological grounds. The country is bounded to the north by Egypt, northeast by the Red Sea, east by Eritrea and Ethiopia, south by Kenya, Uganda and DR Congo, west by the Central African Republic and Chad, and northwest by Libya. Sudan gained its independence from Egypt and the United Kingdom in 1956. Despite being the largest country in Africa and having considerable natural resources, it is among the world's poorest countries. Sudan's economy was almost exclusively agricultural until the start of significant oil production in 1999 (Holt & Daly, 2000).

The northern and western regions of Sudan had been ruled since the 17th century by Arab sultanates, and in 1821, this area was invaded by the Turkish ruler of Egypt, Mohamed Ali Pasha. From then on the North developed an even more Arab culture and came to be controlled by a class of Arab merchant traders called the Jellaba, whose activities in the South consisted of raids to kidnap "natives" for the international trade in African slaves.

In 1881 Sudanese Islamic leader Mohammed Ahmed ibn Abdallah declared himself Mahdi (the expected one) and began a religious crusade to unify the tribes in western and central Sudan. Due to the dissatisfaction resulting from Turko-Egyptian exploitation and maladministration, the Mahdi led a nationalist revolt culminating in the fall of Khartoum in 1885 and the end of Turko-Egyptian rule. The Mahdi died shortly thereafter, but his

state survived. His followers took on the name "Ansars" (the followers) which they continue to use today and are associated with the single largest political grouping, the Umma Party, led by a descendant of the Mahdi, Sadiq al Mahdi (Eprile, 1974).

By the late 1800's, Great Britain began taking great interest in Arab states, and this included Egypt and the Sudan. Meanwhile in 1882, the British occupied Egypt and lead Egyptian troops to march against the Mahdi. Britain also tried to stem the slave trade out of Sudan, but as this was one of the primary sources of wealth in Northern Sudan the termination of this system by Britain caused an economic crisis in the North and resulted in the Mahdist uprising. The Mahdist were defeated and Sudan was invaded. It was proclaimed a condominium in 1899 under British-Egyptian administration (Douglas, 2003).

Sudan was then ruled jointly by Britain and Egypt from 1899 to 1955. Under the condominium, Sudan was administered by a governor-general, appointed by Egypt with the consent of Great Britain. While nominally administered jointly by Egypt and Britain, Britain exercised control, formulated policies, and supplied most of the top administrators. The Sudanese continued to oppose colonial rule, and the Egyptians resented their subordinate role to the British (Powell, 2003).

In 1924 the British instituted a policy of isolating the southern Sudan by administering it separately from the north. During this time the North was given preferential treatment in terms of resources and development. One of the ways that the British/Egyptian forces

gained control in the North was by giving political and administrative power to the leaders of various Arab Muslim sects in the North and providing development assistance. The British promoted the power of Sayyid Ali al-Mirghani, head of the Khatmiyya sect and Sayyid Abd al-Rahman al-Mahdi, head of the Ansar sect. The Ansar sect essentially became the Umma party, and Khatmiyya became the Democratic Unionist Party (Holt & Daly, 2000)..

Little of these efforts were made in the South, which maintained a tribal structure and received very little assistance with development of infrastructure or an educational system. In addition, the British encouraged missionaries to go into the South to convert the native tribes that followed traditional African religions. As a result, many Southerners are Christian and the rest mostly still follow traditional animist religions. The almost entirely Arab Muslim North was left alone and remains Muslim today. The result was to emphasize the differences between northerners and southerners (Douglas, 2003).

In order to ensure the effectiveness of separate administration, the British imperial regime enacted the "Closed District Ordinance Act in 1920 and promulgated the Passport and Permit Ordinance Act in 1922. In essence, these ordinances strictly chartered the course for complete separation in educational, socio-economic and political development. The immigration policy between the North and the South was consolidated by the issuance of Passports and Permits to the Arab and Muslim traders from the North to conduct trade in the South (Eprile, 1974; Holt & Daly, 2000).

Meanwhile, mounting Egyptian nationalism in the period after World War I culminated in 1924 in the assassination on the streets of Cairo of Sir Lee Stack, Governor - General of the Sudan; British reaction resulted in the expulsion of all Egyptian officials from the Sudan. After the Anglo-Egyptian "entente" of 1936 a few Egyptians were allowed to return to the country in minor posts. But the signing of the 1936 agreement stimulated Sudanese nationalists who objected both to the return of the Egyptians and to the fact that other nations were deciding their destiny. Expression of this feeling was seen in the formation of the Graduates' Congress, under the leadership of Ismail al-Azhari (Holt & Daly, 2000; Douglas, 2003).

By 1945, two political parties had emerged. The National Unionist Party (NUP) led by al-Azhari, demanded union of the Sudan and Egypt; it had the support of Sayed Sir Ali al-Mirghani, head of a powerful religious sect. The Umma Party, backed by Sayed Sir Abdur-Rahman al-Mahdi demanded unqualified independence and no links with Egypt.

In February 1953, Britain and Egypt signed an accord ending the condominium arrangement and agreeing to grant Sudan self-government within three years. The agreement also provided for a senate for the Sudan, a Council of Ministers, and a House of Representatives and elections to be supervised by an international commission (Douglas, 2003; Powell, 2003).

The elections, which were held during November and December 1953, resulted in victory for the NUP, and its leader, Ismail al-Azhari, became the Sudan's first Prime Minister in

January 1954. The replacement of British and Egyptian officers in the Sudanese civil service by Sudanese nationals followed rapidly (Powell, 2003).

In December 1955, the Parliament voted unanimously that the Sudan should become a fully independent sovereign state. British and Egyptian troops left the country on January 1, 1956; and Sudan achieved independence under a provisional constitution - a five-man Council of State was appointed to take over the powers of the governor general until a new constitution was agreed. The provisional constitution was silent on two crucial issues for southern leaders - the secular or Islamic character of the state and its federal or unitary structure. However, 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 launched 17 years of civil war. The civil war was fought between the government of Sudan and the southern liberation/guerrilla movement, which called itself Anya Nya (guerilla army) (Young, 2003).

In November 1958 a bloodless army coup led by General Ibrahim Abboud toppled the Government of al-Azhari. On his assuming power, General Abboud ruled through a thirteen-member army junta and suspended democracy in the name of "honesty and integrity". He pursued a policy of Arabization and Islamization in the south that strengthened southern opposition. But he was overthrown in 1964 and a civilian caretaker government assumed control. Southern leaders eventually divided into two factions, those who advocated a federal solution and those who argued for self-determination, a euphemism for secession since it was assumed the south would vote for independence if

given the choice. In 1966, Sadiq al-Mahdi, president of the Umma party, took over as Prime Minister. Internally the security situation in the southern Sudan continued to cause anxiety; successive Prime Ministers visited the South but neither threats nor blandishments succeeded in curbing the rebels (Machar, 1995; Heather, 2003).

Until 1969, there was a succession of governments that proved unable either to agree on a permanent constitution or to cope with problems of factionalism, economic stagnation, and ethnic dissidence. These regimes were dominated by "Arab" Muslims who asserted their Arab-Islamic agenda and refused any kind of self-determination for southern Sudan. (Eprile, 1974).

In May 1969, a group of communist and socialist officers led by Colonel Muhammad Nimeiri, seized power. A month after coming to power, Nimeiri proclaimed socialism (instead of Islamism) for the country and outlined a policy of granting autonomy to the south. Nimeiri in turn was the target of a coup attempt by communist members of the government. It failed and Nimeiri ordered a massive purge of communists. This alienated the Soviet Union, which withdrew its support. As a result, during this period, 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 regions like Equatoria Province and the armed forces launched a major offensive against the rebel camps there in October 1970 (Machar, 1995; Douglas, 2003).

Already lacking support from the Muslim parties Nimeiri had chased from power, he could no longer count on the communist faction. Having alienated the right and the left, Nimeiri turned to the south as a way of expanding his limited powerbase. He then

pursued peace initiatives with Sudan's hostile neighbors, Ethiopia and Uganda, signing agreements that committed each signatory to withdraw support for the other's rebel movements. He then initiated negotiations with the southern rebels and signed an agreement in Addis Ababa in 1972 with Major-General Lagu, the Leader of the Anya-Nya rebels in the south. The ecumenical movement, particularly the All Africa Conference of Churches and the World Council of Churches, played a major role in helping to broker this agreement. This agreement provided for relative autonomy and self-government for the South. Half a million people died as a result of the war and Southern support helped him put down two coup attempts, one initiated by officers from the western regions of Darfur and Kordofan who wanted for their region the same privileges granted to the south (Machar,1995; Klein, 1999; Douglas, 2003; Powell, 2003).

However, the Addis Ababa Agreement had no support from either the secularist or Islamic northern parties. Nimeiri concluded that their lack of support was more threatening to his regime than lack of support from the south so he announced a policy of national reconciliation with all the religious opposition forces. These parties did not feel bound to observe an agreement they perceived as an obstacle to furthering an Islamist state. The scales against the peace agreement were tipped in 1979 when Chevron (an American oil company) discovered oil in the south. Northern pressure built to abrogate those provisions of the peace treaty granting financial autonomy to the south. Ultimately in 1983, Nimeiri abolished the southern region, declared Arabic the official language of the south (instead of English) and transferred control of southern armed forces to the central government. This was effectively a unilateral abrogation of the 1972 peace treaty.

The second Sudan civil war effectively began in January 1983 when southern soldiers mutinied rather than follow orders transferring them to the north. The civil war was between the Government of Sudan (GoS) forces in the North and the forces of the Sudan People's Liberation Movement/Army (SPLM/A) in the South (Deng & Gifford, 1987; Machar, 1995; Holt & Daly, 2000).

President Jaafer Mohammed al-Nimeiri announced in September 1983 that the penal code had been revised in order to link it "organically and spiritually" with Islamic Law (Sharia). Theft, adultery, murder and related offences would henceforth be judged according to the Koran, and alcohol and gambling were both prohibited. Amputations for theft and public lashings for alcohol possession became common. Southerners and other non-Muslims living in the north were also subjected to these punishments (Deng & Gifford, 1987; Machar, 1995).

However, in 1985, President Nimeiri attempted to move towards peace but the regime was overthrown in a bloodless military coup while he was out of the country. This was due to a popular uprising in Khartoum provoked by a collapsing economy, the war in the south, and political repression. Gen. Suwar al-Dahab then headed a transitional government. One of its first acts was to suspend the 1983 constitution and disband Nimeiri's Sudan Socialist Union. Elections were held in April 1986, and a civilian government took over after the April 1986 elections (Lesch, 1999).

There were tentative moves towards negotiating peace with the south. The incoming Transitional Military Council (TMC) appealed to the SPLM/A and its leader, Dr John

Garang, to join the government and resolve their grievances peacefully. However, the TMC was not prepared to accept the SPLM/A as a national party with an agenda for reconstructing the entire country, nor did it agree to the movement's demands to freeze the Sharia laws introduced by Nimeiri or to end defence agreements with Arab countries and hold a constitutional conference. As a result fighting resumed (Deng & Gifford, 1987; Machar, 1995.).

Another peacemaking effort took place in a meeting between the National Salvation Alliance (NSA - 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 but these recommendations were not realized (Adar, 2000).

Further, the DUP leader, Osman Al-Mirghani and SPLM/A leader, John Garang reached an agreement in November 1988, which affirmed all the SPLM/A's demands, including the holding of a constitutional conference. However, faced with dissent in his DUP ruling party, and the opposition of the 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 (Adar, 2000).

The agreement was strongly opposed by the NIF, which then left the government. As arrangements for the constitutional conference proceeded, an Islamic army faction, led by General Umar-al-Bashir mounted a coup and installed the National Islamic Front (NIF) in 1989. This action not only dealt a deathblow to the DUP–SPLM/A accord, but effectively ended internal Sudanese efforts at peace making, subsequent peace initiatives were then to be dominated by outsiders (Kuol, 1999; Young, 2003; Gallucci, 2004).

The new government's commitment to the Islamic cause intensified the north-south conflict - Bashir strengthened ties with Libya, Iran, and Iraq; reinforced Islamic law; banned opposition parties; and continued to pursue the war with the south, diverting relief aid from the famine-stricken south to the Muslim north (Ted, 2002).

Meanwhile, the period of the 1990s saw a growing sense of alienation in the western and eastern regions of Sudan from the Arab centre. The rulers in Khartoum were seen as less and less responsive to the concerns and grievances of both Muslim and non-Muslim populations across the country. Alienation from the "Arab" center caused various groups to grow sympathetic to the southern rebels led by the SPLM/A under John Garang, and in some cases, prompted them to fight alongside it (Machar, 1995; Kuol, 1999).

Bashir's policy toward the south was to pursue the war against the rebels while trying to manipulate them by highlighting tribal divisions. But this policy resulted in the rebels' uniting under the leadership of Colonel John Garang. During this period, the rebels also

enjoyed support from Ethiopia, Eritrea, and Uganda. The Bashir Government's "Pan-Islamic" foreign policy, which provided support for neighboring radical Islamist groups, was partly responsible for this support for the rebels (Deng & Gifford, 1987).

But the 1991 split within the SPLM/A that led to the defection of Dr Riek Machar and his Nuer (an ethnic group in the South) followers, who called themselves the South Sudan Independence Army (SSIA) and began fighting the SPLA; and the overthrow of the regime of Mengistu Haile Mariam in Ethiopia—the SPLM/A's foremost foreign supporter—in the same year seriously weakened the SPLM/A. The most disruptive of these conflicts was that of the Dinka and the Nuer, the largest and second largest ethnic groups in the south respectively. The GoS used such conflicts to its advantage often playing one group against the other in a divide and conquer scheme. That convergence of events led the GoS to increasingly look to a military victory, and not peace negotiations, to bring the conflict to an end (Young, 2003).

Out of fear that the SPLM/A was on the verge of collapse due to the split, 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 Garang, an increasingly confident GoS delegation advocated majority rule, which, it held, meant that the constitution should be based on Sharia, although the south could be exempted 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. The

GoS rejected secularism and would not approve of the proposed referendum; the talks stalled and Jihad (holy war) was declared in the Nuba Mountains (a province in south Sudan (Hoile, 2002; Young, 2003).

Still in 1992, Bashir established the National Congress Party (NCP). He became chairman, while Turabi (the ideological islamist of the regime) became secretary general. GoS successes in recapturing key towns in Eastern Equatoria led to major displacement camps along the Ugandan and Sudan border and into Kenya (Kakuma). GoS continued offensive while SPLM/A is mainly engaged fighting Southern factions in Eastern Equatoria. Khartoum intensified its aerial bombardment causing much concern to NGOs and civilians (Kuol, 1999).

In 1993, President Babangida called for a second round of talks at Abuja by which time the SPLM/A became weaker militarily. With very little change, Khartoum proposed power-sharing and balanced development, rejected secession, proposed a constitution that did not refer to Islam as the state religion and exempted the south from certain provisions of Sharia. The SPLM/A rejected Khartoum's federalist approach and called for confederation and a secular, democratic 'New Sudan' -- this apparently means a Sudan freed from the dominance of Islamic sectarian politics, and where underdeveloped regions have a greater say in their own administration, greater control over their own resources, and a greater share in the nation's governance. If this objective was not achievable, the SPLM/A said, then the south and the "marginalised territories" (the Nuba Mountains and southern Blue Nile) should have a vote on confederation or separation. There were also differences over socio-economic arrangements and policies, and the

duration of the interim period before new constitutional arrangements would be brought into play, but the critical issues of the separation of state and religion and self-determination proved decisive in causing the collapse of the negotiations (Deng, 1999).

The Bashir government then combined internal political repression with international Islamist activism. It supported radical Islamist groups in Algeria and supported Iraq's invasion of Kuwait. Khartoum was established as a base for militant Islamist groups: radical movements and terrorist organizations like Osama Bin Laden's Al Qaeda were provided a safe haven and logistical aid in return for financial support; though Bin Laden was expelled in 1996 from Sudan, and he moved his organization to Afghanistan, the US had Sudan's name on the list of states which supports terrorism in 1993 and in 1996, the United Nations (UN) imposed sanctions on Sudan for alleged connections to the assassination attempt on Egyptian President Hosni Mubarak (Ted, 2002).

In 1994, Inter-Governmental Authority on Drought and Desertification (IGADD), the forerunner of today's IGAD took the initiative in peace for Sudan. The IGADD initiative promulgated the Declaration of principles (DoP) that aimed to identify the essential elements necessary to a just and comprehensive peace settlement; i.e., the relationship between religion and the state, powersharing, wealthsharing, and the right of self-determination for the south. The Sudanese Government did not sign the DoP until 1997 after major battle field losses to the SPLA (Holt & Daly, 2000).

A coalition of internal and exiled opposition parties in the north and the south created the National Democratic Alliance (NDA) in 1995 as an anti-government umbrella group. This development opened a northeastern front to the civil war, making it more than

before a center-periphery rather than simply a north-south conflict. The SPLA, DUP, and Umma Parties were the key groups forming the NDA, along with several smaller parties and northern ethnic groups (Holt & Daly, 2000).

The government in 1997 signed a series of agreements with rebel factions, led by former Garang Lieutenant Riek Machar, under the banner of “Peace from Within”. These included the Khartoum, Nuba Mountains, and Fashoda agreements that ended military conflict between the government and significant rebel factions. Many of those leaders then moved to Khartoum where they assumed marginal roles in the central government, or collaborated with the government in military engagements against the SPLM/A. These three agreements paralleled the terms and conditions of the IGAD (in 1996 IGADD was renamed IGAD) agreement, calling for a degree of autonomy for the south and the right of self-determination (Adar, 2000).

However, civil war continued through the 1990s, by which time it had resulted in million deaths (mostly from war-related starvation and disease) and the economy crippled. Sudan was cited by the UN Human Rights Commission for human-rights violations (including alleged widespread slavery and forced labor), condemned for supporting terrorism abroad, and accused by human-rights groups of “ethnic cleansing” in its offensive against the south (Human Rights Watch, October 2003).

By 1998 IGAD replenished peace talks led by Kenyan Presidential envoy Lazarus Sumbeiywo ended with uncertainty in Nairobi. They agreed on a supervised referendum, on self-determination excluding areas of Abyei, Southern Blue Nile and Southern Kordofan (provinces in the South). As a result, a cease-fire was declared in July 1998, in

order to allow food shipments to be delivered, but there were violations as humanitarian assistance to Nuba Mountains was later excluded from access. Moreover, the outbreak of the Ethiopian–Eritrean war in May 1998 markedly decreased the regional pressure on the government of Sudan and the IGAD Peace Initiative began to falter. In July 1999, peace talks in Nairobi, Kenya, broke down as the warring sides failed to renew the cease-fire (Klein, 1999). And in February 2000, because of unacceptable demands made upon them by the SPLA, eleven international non-governmental aid organizations were forced to leave southern Sudan. These NGOs included CARE, Oxfam, Save the Children and Medecins Sans Frontieres (Adar, 2000).

In July 2000, was the Joint Libyan/Egyptian Initiative (JLEI) on the Sudan. The JLEI formulated its own DoP calling for the establishment of an interim government, powersharing, constitutional reform, and new elections. However, it neglected to address issues of the relationship between religion and the state and failed to mention the right of self-determination. It was viewed more at aiming a resolution among northern political parties and protecting the perceived security interests of Egypt in favour of the unity of the Sudan (Young, 2003).

Then came peacemaking effort between President el-Bashir and the NDA in 2000 in Asmara (Eritrea). 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. This effort nonetheless confirmed that 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 depended on a marked improvement in the bilateral relations between Sudan and Eritrea. The Government of Sudan increased its efforts at strengthening its relationship with neighbouring Arab countries (Adar, 2000).

By mid-2001, prospects for peace in Sudan were not forth coming. A few days before the September 11, 2001, terrorist attacks in New York and Washington, the Bush Administration named former Senator John Danforth as its Presidential Envoy for Peace in the Sudan. His role was to explore the prospects that the U.S. could play a useful role in the search for a just end to the civil war, and enhance the delivery of humanitarian aid to reduce the suffering of the Sudanese people stemming from the effects of civil war. The terrorist attacks dramatically impacted the bilateral relationship between the United States and the Khartoum Government (Young, 2003).

Renewed Nigeria's effort of 2001 at peacemaking in Sudan came to naught. In the same year, IGAD negotiations in Nairobi (Kenya) saw both president el-Bashir and the leader of SPLA Garang participate, but there was no result. However, in 2002 a Nairobi Declaration Agreement was signed between Riek Machar (SPDF) and John Garang (SPLM/A) which reunited the two rebel groups that had fought each other since 1991 (Gary, 2005).

IGAD Peace negotiations then resumed on a more serious level in 2002 with the signing of the *Machakos Protocol*. President Omar el-Bashir and the leader of SPLA, John

Garang, met for the first time face to face, thanks to the Ugandan President Yoweri Museveni (*Machakos Peace Process*, 20 February 2004).

Non-African initiatives include those led by former United States president Jimmy Carter in 1989; calls by the Intergovernmental Authority on Development (IGAD) Partners Forum (IPF) – the Troika (US, Norway and Britain) and Italy; negotiations in Switzerland in 2002 convened by the United States (Young, 2003).

According to Paul Goldsmith, mediation efforts before now have tended towards a ‘quick-fix’ approach emphasising immediate cessation of hostilities without necessarily addressing the core issues of the conflict. This incomplete approach produced half-hearted ‘partial ceasefires’ by the major belligerents – and the war continues. He continued that, there was a sense of fatigue on the part of western nations in the face of the endless Sudan conflict (Goldsmith *et al.*, 2001).

Though IGAD’s initiative in resolving the conflict began in 1993, the signing of the *Machakos Protocol* in July 2002 marked a historic turning point towards a just and lasting peace for Sudan. This protocol brought about a cessation of hostilities and provided for among other things the recognition of the right of self-determination for Southern Sudan, religious freedom and a referendum on the right to self-determination for the South. This was followed by further protocols such as the *Security Arrangements* in September 2003, *Wealth Sharing* in January 2004, and three other protocols involving the Abyei, Nuba Mountains and Southern Blue Nile, and *Power Sharing* in May 2004.

The agreements reached in the last three protocols were the most contentious and difficult to reach.

Enormous pressure was placed on both parties by the IGAD countries under the leadership of Kenya, and the “friends” of IGAD – Norway, Italy, Britain and the United States of America. The conflict ended upon the signing of a *Comprehensive Peace Agreement* (CPA) in January 2005 between the government and SPLM/A (ISS, April 2005).

Although the CPA was signed between the government of Sudan and representative(s) of the Southern people, it has a broader objective, which addresses concerns beyond the north-south problem. It is therefore seen by the people of Sudan and the international community as an opportunity that could open the way to resolve other conflicts in the country, namely the conflict in Darfur and Eastern Sudan. Hence, the CPA is looked upon as having a potential to change Sudan’s future and lay the foundations for democracy and economic growth.

1.2 Rationale of the Study

As the researcher is from the Central African region whose country is undergoing similar latent conflict situations as witnessed in Southern Sudan, I believe the conflict in the Sudan is an important political crisis worth studying. Also having future career ambitions of specializing on regional organizations and their role in conflict prevention, management resolution and peacebuilding, this research will provide me with the tools in

understanding the strategy of such organs. Thus, looking at the mediation role played by the IGAD in the Sudan conflict will be an entry point to meet this objective.

1.3 Statement of the Problem

The civil war in Sudan has been one of Africa's longest and most intractable conflicts and one which for so many years has threatened to break-up this vast country of many racial, ethnic, cultural, religious, political and economic differences. Though the conflict has shown a clear evidence of African colonization - conquest and pattern of occupation by Britain - which has left untold problems after independence, it is one in which Africans try to solve their own problems - through their concept of African Renaissance.

In studying the IGAD's role in the Sudan, it is crucial to understand the local and regional political dynamics at the time. Hence, the research problem is based on the following questions: **what are the root causes of the Sudan conflict? What were the internal and external factors that led to the process of IGAD negotiation? What role has IGAD actually played in the Sudanese conflict? Overall, will the IGAD's peace initiative guarantee sustainable peace in Sudan?**

1.4 Aim of the Research

To investigate the role of IGAD in resolving the conflict in Sudan.

1.5 Significance of the Research

The study will highlight the importance of Africans applying or solving African problems by using African solutions. It will also show the importance of a regional organisation's legitimacy such as IGAD in intervening in conflicts in member states and will provide

new knowledge and approaches to different organisations involved in conflict resolution and management in various conflict areas in Africa.

It will further initiate debates on the ethno-religious conflict resolution thereby contributing to local, national, continental and international peace research institutions. This will in turn help students interested and pursuing studies in Peace, Political Science, International Relations and other related disciplines.

1.6 Theoretical Framework

Conceptualizing the Sudanese conflict and understanding it within a theoretical context is a difficult task and one is hard pressed to find a single analytic lens from which the conflict can be adequately examined and understood.

Nonetheless, the study operated within the following theories, beginning with *Intergovernmentalism* as advocated by Andrew Moravcsik (1993).

In its most basic form, intergovernmentalism explains interstate cooperation and especially regional or subregional integration (e.g. IGAD) as a function of the alignment of state interests and preferences coupled with power. IGAD was the lead agency in the Sudan peace process because it was a conflict that required regional ownership of the problem. IGAD took upon itself the responsibility to assure peace and stability in its region, in addition to other political, economic and developmental objectives. It has

demonstrated that it can play an important and, in some cases, a central role in dealing with conflicts for a number of reasons.

Further, IGAD has the proximity, and at the same time the sense of balance that allows it to politically define the nature of the conflict. Political and geographical proximity allows the organization to realize the effects and repercussions of a given conflict, and, if necessary, to seek support from extra-regional sources to bring the dispute to an end.

Credibility is what intergovernmentalism brings to conflict resolution. Generally, it is seen to be fair and knowledgeable, and can therefore co-author and spearhead peace efforts. Its initiative can receive the backing of extraregional organizations both at pan African, and non-African levels due to the trust placed upon it. In this regard IGAD had the support of the donor community. IGAD was regional enough to imply a serious, deep engagement by the member governments in the conflicts, and also international enough to attract African and international attention to the peace processes. IGAD Partners (IPF) provided political support and financial assistance to IGAD. Consequently, IGAD and its partners invested into Sudan's peace process for the realization of a just and honourable peace in the Sudan.

Second, is the theory of *Marxism*. Karl Marx believed that social change is what was needed for a better society, and to get social change there must be class conflict. Marx's major concern of social change was economic change. His most well known work dealt with class conflict, the opposition between the capitalists and the working class. The

capitalists are also known as the bourgeoisie. They are the ones that are responsible for controlling the land, factories, etc. The working class, which is also known as the proletariat represents the workers that are being exploited by the bourgeoisie (Viotti & Kauppi, 1987).

In Sudan, the leaders represent the bourgeoisies, who control the country's resources, satisfy their greed and develop their places of origin. Consequently, the northern part of Sudan, from which virtually all national elites originate, is the most developed. The western, eastern and southern parts of the country representing the working class or proletariat have lagged behind.

As Marx would have it say, a conflict is bound to arise as a result of these class differences leading to the rise of a classless society where there would be the existence of neither an upper nor lower class (Morgenthau, 1948).

In Sudan this uneven development of the country generated a backlash from marginalized Sudanese peoples, which has led to conflicts in the south, the east and the western regions. Though the conflict has not lead to a classless society, it has however brought some sought of equality in the Sudanese society in terms of wealth and power sharing.

Lastly, is the *New War* theory, which argues that contemporary types of warfare are distinct from the classic modern forms of warfare based on nation-states (Kaldor, 1999). New wars are part of a globalised war economy underpinned by transnational ethnicities, globalised arms markets and internationalised Western-global interventions. The new

type of warfare is a predatory social condition which damages the economies of neighbouring regions as well as the zone of conflict itself, spreading refugees, identity-based politics and illegal trade.

The Sudan conflict incorporates the core elements of modern conflict: religion, 'tribalism,' ethnicity, nationalism, and resource capture and control. Constructed ethnic and religious affiliations split along the lines of North versus South have been powerful tools for elites on both sides of the conflict to cement identities, exclude others, and justify actions taken in pursuit of economic profit and control of land and oil wealth. The nature and size of Sudan's problems have frequently overflowed into neighbouring countries and brought misery and insecurity to the region. Four million people were uprooted and some 600,000 sought shelter beyond Sudan's borders as refugees.

New War is also characterised by new forms of violence (the systematic murder of 'others', forced population expulsion and rendering areas uninhabitable) carried out by new militaries (the decaying remnants of state armies, paramilitary groups, self-defence units, mercenaries and international troops) funded by remittances, diaspora fund-raising, external government assistance and the diversion of international humanitarian aid.

Whereas 80 percent of war victims early last century were military personnel, it is estimated that 80 per cent of victims in contemporary wars are civilians. As the Khartoum regime support opposition elements in countries throughout the region, the war was consistently supported and fuelled by the interventions of neighboring states. More

than two million people, mostly civilian, died. Four million southerners were estimated to be living as IDPs in the north (Peterson, 2002).

According to Kaldor (1999), this new form of warfare is a political rather than a military challenge, involving the breakdown of legitimacy and the need for a new cosmopolitan politics to reconstruct affected communities and societies. The 21-year conflict devastated a significant part of Sudan and deprived the rest of stability, growth and development. The main conclusion is that the “the Sudan civil wars” exhibit characteristics which conform to modern or new wars.

1.7 Literature Review

The end of the Cold War created new and unforeseen opportunities for Africa and African subregional organisations to resolve some of the continent’s problems. There has been amazing positive development especially in the security field. This robust commitment by African leaders to maintaining peace, preventing and resolving conflict, a feature that was entirely absent from the African political scene until recently has been enshrined in the new African Union, which has aggressively pursued diplomatic and peacekeeping responses to the continent’s political crises and in January 2004 established a Peace and Security Council empowered to intervene militarily in trouble spots, drawing on a planned African Stand-by Force. The commitment has also been captured in the New Partnership for Africa’s Development, which pledges to build Africa’s capacity for prevention, management, and resolution of conflict, including peacemaking and peace enforcement measures (World Report 2003).

This enhanced capacity within Africa to provide diplomatic and peacekeeping interventions into pre- and post-conflict situations is a significant new tool for reducing warfare. The underside African initiatives in conflict resolution demonstrate the promise of Africans' organisations as peacemakers, despite their principal role of fostering economic co-operation, integration and development. Due to an overriding interest in their neighbourhood's stability and their actual or potential leverage with disputants, African regional organisations may be uniquely qualified to launch preventive diplomacy efforts and to effect change in attitudes that leads to viable and sustainable negotiated settlements in cases of civil war in Africa (Alao, 2001).

Martin (1998) asserts that, at the subregional level, regional hegemons have often acted as facilitators in some conflict management and resolution exercises. Key in this regard is the leadership of Africa's most powerful states—South Africa and Nigeria. South Africa has taken the lead in successful diplomatic initiatives in the DR Congo and Burundi, while Nigeria has assumed the role of regional policeman for troubled West Africa.

In the post-cold war era, the Liberian crisis provided the first test case of Africa's assumption of responsibility for conflict management and resolution, and the Economic Community of West African States (ECOWAS) was the first sub-regional organisation to manage the dispute.

Alao (2001) highlights that since 1990, the ECOWAS states have made a substantial contribution to restoring peace in Liberia. Troops have been provided (mostly by Nigeria

and Ghana) and innumerable mediation sessions have been assembled in an effort to find a formula for peace among Liberia's several warring factions. Since the initial period of success, ECOWAS Cease-fire Monitoring Group (ECOMOG) has experienced many obstacles to achieving its mandate, including internal dissent among contributing states and military setbacks on the ground. Peace-making efforts were repeatedly stalled, and the civil war remained stalemated until the general elections of July 1997, which brought Charles Taylor to power through the ballot box rather than through the barrel of a gun.

Sesay (1998) states that on 12 February 1998, an ECOMOG contingent composed exclusively of Nigerian troops toppled the military junta of Major Koroma and re-instated Ahmad Tejan Kabbah as president of Sierra Leone. The ECOWAS meeting of ministers of Yamoussoukro (12 March 1998) agreed to treat ECOMOG as the embryo of a future West African peacekeeping force. Thus, in spite of its initial failures and setbacks, the ECOMOG experience remains an important example of both the constraints and opportunities of regional peacekeeping and peace-making initiatives in Africa.

The strong interest of neighbourly mediators in achieving stability was also behind the example of conflict resolution when members of SADC launched an effort to reverse the decision by Lesotho's monarch and military to oust the elected parliament.

Coning (1998) affirms that former South African president Nelson Mandela and Zimbabwean leader Robert Mugabe led efforts to calm the situation in Lesotho and to keep a nascent democratization process there on track. Similarly, southern African

regional leaders were extensively involved in the UN/OAU mediated talks in Lusaka (Zambia) to broker a new peace in Angola.

These talks, which were successful, produced a detailed settlement in late 1994 along with a commitment by regional actors, especially South Africa, to participate in a newly invigorated two year UN peace-keeping operation in Angola. The SADC Organ on Politics, Security and Defence established in 1996 clearly spells out the various political and security functions of the organisation, notably preventive diplomacy, conflict resolution, peace-keeping and collective security (Tapfumantei, 1999).

The sub-regional organisation of the Greater Horn of Africa comprised of states in the Horn of Africa hosted and facilitated negotiating sessions between the Sudanese government in Khartoum and the rebel forces from Southern Sudan to try and end the country's devastating civil war alongside the conflict in Somalia (IGAD Strategy, 2003).

Beginning with the latter, Friedhelm Mensing (2001) highlights that since the collapse of the state in 1991 there have been some 13 interventions to seek a resolution of the several conflicts in Somalia. Intergovernmental Authority on Development (IGAD) set in motion its own Peace Process in 1997. It gave its backing to the Arta Conference in 2000, although the hosting and mediation was provided by the Djibouti Government, which led to the formation of the Somali Transitional National Government (TNG).

IGAD made a strategic break-through in 2002 with the start of the Somali National Reconciliation Conference (SNRC), which has been the most inclusive forum in the last decade. The Eldoret Declaration signed on 27 October 2002 provided for a Cessation of Hostilities and for the specification of Structures and Principles of the Somalia National Reconciliation Process, in particular the creation of federal governance structures and commitment to the principle of decentralization (Terlinden, 2004).

As interventions from outside the region, the UN and US initiatives aimed at ending Somalia's civil war had scarcely a chance of success. Frequently, they were seen by the warring parties as undesired interference. It was only when IGAD invited the hostile sides to a national Somalian peace conference in March 1998 that the path to normalisation and peace was paved (Mensing, 2001).

With regards to Sudan, Prendergast (1999) asserts that starting from 1994, IGAD mediators assumed the role of arbitrators and presented the Sudanese parties with a Declaration of Principles (DoP). The DoP included a number of provisions related to human rights, and also held that the unity of Sudan be given priority - provided that the social and political system was secular and democratic, and resources were equitably shared.

With external backing, IGAD assumed much more sustained and effective mediating roles - mediated the *Machakos Protocol (20 July 2002)*, the *Memorandum of Understanding on Cessation of Hostilities (15 October 2002)*, the *Agreement on Security*

Arrangements during the Interim (25 September 2003), the Protocol on wealth-sharing (7 January 2004), the Protocol on Power-sharing (26 May 2004), the Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States (26 May 2004), and the Protocol on the resolution of conflict in Abyei (26 May 2004). (ISS, April 2005; UNMIS, November 2005).

As seen above, these breakthrough agreements were made in 2003 at the highest-level mediation between Dr Ali Osman Taha, first Vice President of Sudan and Dr John Garang de Mabior, Chairman of the SPLM/A, culminating in their commitment to a *Comprehensive Peace Agreement (CPA)* signed in January 2005. The CPA includes protocols on state and religion, self-determination, power sharing, wealth sharing, security, a ceasefire agreement, the status of the border areas of Abyei, Nuba Mountains and Blue Nile, and a separate set of modalities for implementation.

According to the Institute of Security Studies (1998), institutionally, IGAD was seen as ill-suited to serve as mediator, but considerable attention and effort were paid to bolstering the organisation's capability. IGAD was later seen as the best vehicle to break the Sudanese impasse because the mediating neighbouring states led by Kenya have a vested interest in regional stability.

Though IGAD has been seen as the best vehicle to break the Sudanese stalemate, the fact that conflict continues in Sudan such as in Darfur and eastern Sudan, is a cause for concern. Furthermore, the CPA's exclusion of other parties made it much less than its

“comprehensive” title promised. The failure to include other parties and armed groups, and the fact that the government would only negotiate with the SPLM/A after two decades of armed rebellion, has caused marginalized people elsewhere in Sudan to take up arms as a means towards power sharing otherwise denied to them. The question here is, will the IGAD’s initiative guarantee the sustainability of peace in the Sudan?

1.8 Hypotheses /Assumptions

The study is based on the following hypotheses:

- Armed conflicts in Sudan have socio-economic, religious, ethnicity and political background.
- Other peace efforts prior to IGAD were less successful.
- IGAD played an important role in resolving the conflict in the Sudan.
- The IGAD’s peace initiative may guarantee sustainable peace in the Sudan.

1.9 Research Design and Methodology

This is a documentary research that examines the historical process of the conflict in Sudan and the role played by the IGAD in its resolution. There is greater reliance on existing materials, documents, books, journals etc.

1.10 Limitations of the Study

Due to the nature of the research, timeframe, and financial constraints, much of the work depended on secondary sources of information and did not involve human subjects through fieldwork, interviews or surveys etc. It is also regrettable that the research did not

go deep into the specifics of the past or current conflicts, such as the Darfur conflict, and the existing tensions in the East. However, this research should be considered as part of an input to ongoing attempts by regional organisations towards contributing to the existing and future researches on the conflict and prospective peace.

1.11 Ethical Considerations

Given the particular nature of this research work and its heavy dependence of secondary sources, it was anticipated that research ethics issues such as confidentiality or informed consent did not arise. If and when they do, particular consideration was given to proper referencing in line with the North West University (NWU) Code for Ethics in Research. In other words the researcher did take into consideration the ethics of social science research, such as plagiarism throughout the research process.

CHAPTER TWO

THE ROOT CAUSES OF THE SUDAN CONFLICT

2.1 Introduction and Background

Sudan is inhabited by many diverse ethnic groupings comprising of many social, religious and cultural identities. Thus the war between northern and southern Sudan has generally been interpreted as a typical ethno-religious conflict emanating from differences between Muslims and Christians, or Arabs and Africans. To understand the turmoil of violence and dislocation, the root cause of the conflict is important to look at.

The root causes of the conflict in Sudan are multifaceted. Some aspects of the conflict are embedded in the frame of history, race, political, social, economics, cultural and religion. It is impractical to deal in depth with all aspects of the conflict in this work. However, concerted efforts are necessary to present each one of them. They are based on the followings paradigms:

2.2 A Legacy of Post Colonialism

Sudan did not have a true history as a nation-state prior to its independence. Elsewhere in Africa, conflicts which also have their roots in the unrealistic state boundaries inherited from the colonial era, and the combination in one country of incompatible or hostile ethnic groups, are widespread. Sudan is torn apart by the struggle between the chiefly Arab, Muslim north and the black African, Christian south. During the Turko-Egyptian

rule, the Arabs at times had control of various regions of the South, and considered it virtually a satellite, but it was never actually one state, and particularly was not regarded as so by the South (Jok, 2001).

The condominium government of Britain and Egypt created in the South an entirely separate system of administration from the North, leaving the administration of the South almost entirely to the chiefs and sheikhs of small villages and ethnic African tribes. The North was administered in the British colonial pattern developed in Egypt and the Middle East. On the other hand, the South was ruled through indirect rule that was the predominant pattern of imperial Britain policy in its former colonies since it was devised by Lord Henry Luggard in the Northern Emirates of modern Nigeria in 1898 (Deng, 1995a; splmtoday, 2005).

The British colonial government further enacted a Language Policy Act at the Raja Language Conference of 1928. In the south, English, Dinka, Bari, Nuer, Latuko, Shilluk and Azande were official languages, while in the north Arabic and English were used as official languages. Islam was discouraged in the south, where Christian missionaries were permitted to work. Colonial governors of south Sudan attended colonial conferences in East Africa, not Khartoum, and the British hoped to add south Sudan to their East African colonies (Powell, 2003).

In essence, the Permit ordinances (discussed in background) and the language policy were designed as instruments for maintaining the South apart from the Arab and Muslim North as separate political entities. In fact, colonial governors in the South had nothing to

do with Khartoum. Most of their political and private dealings were conducted via East Africa because of better communications between the South and East Africa as well as ethnic and cultural affinity (Holt & Daly, 2000).

During the 1930's and 40's, when nationalist sentiments grew in the North, and in 1947, the southern chiefs agreed at the Juba Conference to cooperate with the northern nationalists to pursue independence from British/Egyptian rule. The withdrawal of the colonial powers was accomplished peacefully, but as the British withdrew and administrative control was "Sudanized," the administrative posts vacated by the British were taken almost entirely by northerners, partly because the education system in the South was so poor that there were few from the South with the training to take on these posts (Deng & Gifford, 1987).

Many southerners felt betrayed by the British because they were largely excluded from the new government. The language of the new government was Arabic, but the bureaucrats and politicians from southern Sudan had, for the most part, been trained in English. Of the eight hundred (800) new governmental positions vacated by the British in 1953, only four (4) were given to southerners. To the South, however, it appeared that "'Sudanisation' was tantamount to 'Northernisation'" (Eprile, 1974).

In almost sixty years of British rule in Sudan, Southerners were denied equal access to education, advancement in the civil services, the military and the police forces and were socially discriminated against by virtue of their skin colour. In fact, South Sudanese

experience under British rule was no different from that of any Africans in the former British, French, Belgian, German and Portuguese colonies in sub-Saharan Africa. Southerners were educated and trained in British East Africa and Southern Africa. The educational syllabi were separate from the North but equal to those in East Africa (Machar, 1995; Douglas, 2003).

Thus, British colonial rulers cultivated an elite group of urban, educated civil servants, who inherited in 1956 the arrogance of power that the British displayed every day during colonial rule. These elites wanted to make a Sudan which was urban, Muslim, and Arabic-speaking. This class was very small, and since authority was based in the North, Northern Sudanese dominated it. For over 50 years since independence they have largely succeeded, despite internecine feuds (Douglas, 2003).

The political structure in the south was also not as organized as in the north, so political groupings and parties from the south were not represented at the various conferences and talks that established the modern state of Sudan. As a result, many southerners do not consider Sudan to be a legitimate state. In addition to this problem, many southerners harbored resentment and fear of excessive northern control because of the long history of slave raids by northerners into the South, and the continuing problem with enslavement of black Africans by Arab Muslims in the Sudan (Holt & Daly, 2000).

It is without a doubt that the conflict that took place in the South is a struggle for the right of self-determination, democracy, social justice, freedom and liberty for the people of South Sudan. Despite political and ideological differences amongst Southerners in terms

of methodology of approach, it is also equally true that they are united in the common cause. The legacy of colonialism had drawn the lines for separate existence between the North and the South on the Nile Valley (Eprile, 1974).

Ultimately, the lack or absence of political and constitutional safeguards, arbitrary unification between the North and the South was a prelude to the outburst on 18th August 1955 of Torit Garrison mutiny and it is worth noting that the imposition of the Passport and Permits Ordinance Act in 1922 between the North and the South had strengthened and preserved Southern identity and its very existence of South Sudan cultures and heritage.

2.3 Islamization of Sudan

The establishment of an Islamic state in a multicultural and multi-religious society coupled with forced Islamization and Arabization of Christians and traditional African religion believers as well as other religious groupings, is an ambitious phenomenon that has created a clash of civilizations. Even its proponents have conceded that, such a profound agenda could have a tragic backlash and unattainable in its social and philosophical construction. An extract from Warburg, (1994) “The Sharia in Sudan: Implementation and Repercussions” reads:

The superimposition of the Sharia to become the law of the land in September 1983; the annulment of secular democratic institutions and replacing them with sectarian system based on Islamic precepts; have immensely contributed to the continuous mistrust and irreversible institutional paralysis in the country and as such overshadowed any shredded notions of unity in diversity in a united Sudan.

As part of an Islamisation campaign, in 1983, President Nimeiri declared his intention to transform Sudan into a Muslim Arab state, divided the south into three regions and instituted Sharia law. This was controversial even among Muslim groups. After questioning Nimeiri's credentials to Islamised Sudan's society, Ansar leader Sadiq al-Mahdi was placed under house arrest (Petterson, 1999).

Still in 1983, with a state of emergency in place to ensure that Sharia was applied more broadly, most constitutionally guaranteed rights were suspended. In the north, emergency courts, later known as "decisive justice courts", were established, with summary jurisdiction over criminal cases. During the state of emergency amputations for theft and public lashings for alcohol possession were common practices. Non-Muslims and Southerners living in the north were also subjected to these punishments. These events, and other longstanding grievances, in part led to a resumption of the civil war (Douglas, 2003).

President Nimeiri announced the end of the state of emergency and dismantled the emergency courts in September 1983 but soon promulgated a new judiciary act, which continued many of the practices of the emergency courts. Despite Nimeiri's public assurances that the rights of non-Muslims would be respected, southerners and other non-Muslims remained deeply suspicious (Heather, 2003).

The new military government under General al-Bashir – the National Islamic Front (NIF) banned trade unions, political parties, and other "non-religious" institutions. A new penal

code, the Criminal Act of 1991 instituted harsh punishments nationwide, including amputations and stoning. Although the southern states were officially exempt from these Islamic prohibitions and penalties, the 1991 act provides for a possible future application of Islamic Law (Sharia) in the south. In 1993, the government transferred all non-Muslim judges from the south to the north, replacing them with Muslim judges (Machar, 1995; Gary, 2005).

The introduction of Public Order Police to enforce Sharia law resulted in the arrest and treatment under Sharia law of southerners and other non-Muslims living in the north. The rise to power of the Islamists changed the then-hopeful course of Sudanese history. The Islamists summarily executed opponents and used secret torture chambers in “ghost houses” to ensure political survival (Holt & Daly, 2000; splmtoday; 2005).

The root causes of the conflict are therefore focused on the Afro-Arab schism. The war was triggered by the superimposition of forced Arabization and Islamization through the state apparatus. It is worth mentioning that all the successive governments in the country have perpetuated diabolical policies of forced Arabization and Islamization of the country, including the non-Arab and the non-Muslim South thus, relegated the non-Muslim population to the status of second-class citizens in the land of their birthright.

2.4 Natural Resources

Another factor which had incited the Sudanese war had been the natural resources of Sudan, particularly in the south. Whereas, the north is on the edge of the Sahara desert,

South Sudan is one of the richest and the most fertile land on the Nile Valley. It is rich in oil, raw material and strategic critical mineral resources, agriculture and animal resources. Thus, when Sudan is euphorically described as the 'breadbasket' of Africa and the Middle East, South Sudan could contribute significantly in realizing such an excited prophetic dream. The northern desire to control these resources, and the southern desire to maintain control of them, contributed to the war. Although most warriors on opposite sides of the conflict divide still perceive the war as one about ethnicity, culture and religion, the Sudan conflict is also about land, water and oil (Verney 1998; Manby 1999).

Beginning with oil, in April 1981, Chevron, an American Oil Company, announced the discovery of commercial deposits of oil in the Unity Field in its southwestern concession. Recoverable reserves from Unity and the adjacent Heglig fields were officially estimated at about 236 million barrels. Confirmed oil reserves, for the whole of the Sudan, are estimated at 2,000 million barrels: enough to cover its projected energy needs for ten years (*Financial Times*, 1998; *International Crisis Group*, 2002).

Original plans to process the oil locally were deferred in September 1982; instead, with Chevron's encouragement, the Nimeiri government opted for the construction of a refinery and export terminal south of Port Sudan, linked to the oil fields by a 1,400 km pipeline. This sudden reversal alerted people in the South to the probable intentions of Nimeiri and his backers among the Jellaba (Arab merchants). One of the first acts of the Sudanese People Liberation Movement/Army (SPLM/A) was to attack Chevron's oil field operations, forcing the company to suspend work in February 1984 (Rone, 1998).

Rone (1998) asserts that the NIF coup of 1989 against the democratically elected government can be said to have been carried out with an eye on the potential oil wealth of the Sudan as the financial pillar for their regime in the Sudan and the means to spread the Islamist revolution in Africa and the rest of the world. A few months after the coup, NIF businessmen established a company in the Bahamas to trade in Sudan oil that was later sold to Pakistani-Canadians.

In the early 1990s, the NIF conducted a scorched earth policy in the Nuba Mountains. The Islamist regime did not only destroyed Churches but also Mosques, killed and displaced Muslims and Christians from large areas in the Mountains. It became obvious later that the regime was deliberately depopulating a huge corridor through the Mountains in order to safeguard the pipelines that were to be laid through that corridor. The same scorched earth policy was later implemented with utter ruthlessness in western Upper Nile, where the worst atrocities of the whole civil war were being perpetuated. (Africa Watch, 2002)

With regards to land and water, the digging of the Jonglei Canal to redirect the waters of the White Nile was a significant cause of the renewed outbreak of civil war in 1983. The project to drain the Sudd marshes at Jonglei was pushed by both the North Sudanese and the Egyptians. The argument in favour of the canal was that water would be saved from evaporation if it were concentrated, but the canal would also route this water up north away from the southern tribal peoples who live in the Sudd region. The 450,000 Dinka, Shilluk and Nuer who were directly affected feared the drastic changes the Canal would bring to their way of life. They also feared that this would open up the entire Sudd region

for mechanized farming, which would inevitably push the locals out in favour of large schemes (Eltigani, 1995).

Rumours that Egyptian farmers would be sent to the canal area sparked student riots in Juba in November 1974. There was justifiable mistrust of the project from Southerners who saw the North and Egypt benefiting while their own lives were irreversibly changed, and not for the better. By drying out the swamps and taking away the "grass curtain", the canal would open up the entire Sudd area for mechanised farming, the domain of the Jellaba, and also allow the north to move military equipment and troops into the South with greater ease. Thus the project's giant earth-excavating machine, the biggest in the world, was one of the SPLM/A's earliest targets, much to the changing of the governments of Sudan and Egypt (Suliman, 1995).

Eltigani (1995) and Sulliman (1995) affirms that, the land available to traditional farmers was dwindled due to allocation of huge tracts to large-scale mechanised farming owned by absentee landlords. For example, 9 million hectares were owned by 8,000 families, while 4 million hectares belonged to 4 million traditional farmers. The huge expansion of large-scale mechanised farming which constantly consumed new land, spread into southern Kordofan and the northern parts of Upper Nile province. The owners of the mechanised farms, having exhausted vast tracts of the north, pushed persistently southwards into the area inhabited by the Nilotic tribes, the major cattle economies of the South. Having seen how the Nuba were squeezed off their land in southern Kordofan, the local people were hostile to this incursion, and their response was the same.

2.5 Gross Uneven Development

The overall situation was further compounded by uneven distribution of resource endowment. Resources were unevenly distributed and shared.

To begin with, this uneven development has been seen through the denial of access of the south into the system. For many years the South has suffered from being denied access to the bureaucracy, the civil service and the institutions for higher learning. It was treated as an internally colonized region. This internally colonial status remained as it was and got worse in the aftermath of the NIF military coup d'état in 1989. Since then access to equal opportunities to higher institutions, professional schools and military and police academies for Southerners have not significantly changed compared to what they were in the past when the Northern traditional political parties were in power. For instance, by 2002, the South has three (3) Universities (the University of Bahr-el-Ghazel, the University of Juba and the University of Upper Nile). Most of these universities were staffed by Northerners with a small staff of Southerners. They are located in Khartoum except the University of Upper Nile located in Malakal (Douglas, 2003).

Second, this uneven development is seen through the lack of power sharing. The North-South conflict began with Sudanization policy between 1953-55 in which more than 800 posts held by expatriates were to be Sudanized, and only four posts of junior category were allocated to the South. Without any doubt, the unequal distribution of posts became a landmark of monopolization of political power by the North and as a result sparked the 'nucleus' of the North-South conflict in Sudan (Gary, 2005).

The past successive governments in Khartoum had brokered and signed too many agreements with the South but constantly dishonoured them. They made no concrete attempts to authentically and adequately incorporate the South into the mainstream of the political power and wealth sharing and as a consequence they all disastrously failed (Douglas, 2005; splmtoday; 2005).

For instance, the Sudan Peace Agreement signed in 1997 addressed and resolved in theory the issue of power and wealth sharing. It dealt with political, constitutional and legal matters for Southern citizens participation in the federal government and federally supported institutions. However, none of the above mentioned were implemented. The outcome of the lack of implementation of the agreement led to fighting between the splinter group of South Sudan Independence Movement/Army (SSIM/A) led by Dr. Riek Machar whose political wing became the South Sudan Liberation Movement (SSLM) and the main rebel group SPLM/A (Hutchinson, 2000; Holt & Daly, 2000; splmtoday; 2005).

Furthermore, the agreement put forward balanced representation of Southerners in all federal institutions. The agreement stipulated that participation should be based on values of efficiency, qualifications, honesty, justice, responsibility and equality amongst all citizens without discrimination. Although many Southern citizens did enjoy participation in the political and constitutional posts in numbers commensurate and proportionate to the population as demanded of the interim period, they were still exempted in certain key ministries and bureaus. For instance, the Ministry of Defence, the Ministry of Interior, the Ministry of Justice, the Office of the Attorney General, the Ministry of Agriculture, the

Ministry of Foreign trade, the Ministry of Finance and the Ministry of Foreign Affairs, including their affiliates, Southerners were grossly under-represented. There were also no Southerners appointed Under-secretary in any of the ministries. This vivid explication on the lack of power sharing showed the NIF regime totally failed in providing avenues for political power sharing and polarized religion as one of the cornerstone of the North-South debacle (Lesch, 1999; Holt & Daly, 2000).

With regards to wealth sharing, historically, it has been problematic as the political power sharing. The Sudan Peace Agreement categorically stated that the federal government shall lay down a comprehensive economic and social plan to develop the country in general and to bridge the gap between the various states in particular such that within a definite period, parity in provision of basic needs should be reached. Additionally, the said agreement calls for the economy of Sudan to be based on free market economy (*laissez-faire*) or capitalism. In fact, none of the aforementioned was implemented. The GoS was reluctant to undertake any serious economic development projects agreed in the South. The only major economic development project that it undertook was the oil in Bentinu, Unity State. The project, however, was not intended to benefit the South, but rather the North. (Holt & Daly, 2000; Douglas, 2003).

Gary (2005) states that, in Sudan wealth has been accumulated and concentrated in the hands of a clique, oligarchy and families that have ruled the country. Most importantly, the NIF regime mortgaged all the wealth outside of the country particularly to Saudi

Arabia, Malaysia, Indonesia and other Islamic states in the Gulf Region. The NIF virtually privatized the state economy to its own ruling cadres (Gary, 2005).

CHAPTER THREE

THE ROLE OF IGAD IN THE SUDAN CONFLICT

3.1 Introduction and Background

With the end of Cold War and the realisation that the great powers were no longer strategically interested in Africa and as a result would not come to Africa's rescue, African organisations gradually began to take responsibility for the resolution of their conflicts, albeit at various levels. At the continental level, the sole organization is the African Union (AU) and subregional initiatives such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Inter-Governmental Authority on Development (IGAD) have initiated concrete strategies to prevent, respond to and resolve some of Africa's security-related problems.

The Intergovernmental Authority on Drought and Desertification (IGADD) forerunner of IGAD was established in 1986 with a view to promote a coordinated approach to issues of drought and desertification. With headquarter in Djibouti, its membership consisted of six states: Kenya, Uganda, Ethiopia, Sudan, Djibouti and Somalia. Eritrea joined after its independence in 1993. Despite the organisation's narrow initial focus, IGADD summits provided venues for meetings between member states to address other issues of mutual concern. By 1994 the members of IGADD had come to the realisation that the developmental problems of the region extended beyond the consequences of drought.

They decided to revitalise the organisation into a fully-fledged regional political, economic, development, trade and security entity similar to SADC and ECOWAS (IPA, September 2002; IGAD Strategy, 2003).

Indeed, in that same year the organization began what was to be a long involvement in attempts to help resolve Sudan's protracted civil war. Almost as a logical consequence of this diplomatic initiative, an extraordinary summit was convened in Addis Ababa, Ethiopia, in April 1995 to discuss ways to revitalise the organisation and expand its activities into related spheres (Terlinden, 2004; ISS, April 2005).

On 21 March 1996 another extraordinary summit was held, in Nairobi, at which it was decided to reconstitute the organisation as the Intergovernmental Authority on Development (IGAD). An amended charter was signed, outlining the new tasks and alterations to the organisation's structures. The new IGAD was launched in Djibouti on 25 and 26 November 1996. Great emphasis was placed on the need for peace and security as an essential prerequisite for development. Three priority areas were identified: Conflict Prevention, Management and Resolution and Humanitarian Affairs; Infrastructure Development; and Food Security and Environment. Particular mention was made of the need to reactivate peace and security initiatives in southern Sudan and Somalia (Terlinden, 2004; ISS, April 2005).

3.2 Factors leading to IGAD's Peace Initiative in Sudan

3.2.1 Factors within the region

Before the restructuring of IGADD in 1996, the task of resolving conflicts in the Horn Of Africa (HOA) were enormous. The HOF remains one of the most volatile regions on the continent, where internal civil wars have led to the total collapse of Somalia, the secession of Eritrea from Ethiopia, the border war between Eritrea and Ethiopia, the conflict between the Northern and Southern Sudanese as well as the Sudan National Islamic Front (NIF) aggressive foreign policy designed to spread political Islam to the far corners of the region. According to one scholar, conflict in the region, as in other parts of Africa, has lead to what has been called "conflict triangulation" (Lyons 1996:88).

To begin with, Uganda served as a base and arms conduit for the Southern Sudanese Anya Nya rebels in the 1960s during the first Sudanese civil war and played the same role for the SPLM/A. The SPLM/A also receives military support from Zimbabwe, Namibia, Kenya, Ethiopia, Israel and the United States. But the SPLM/A's main source of arms was the international market, with some of its arms coming from those captured by its forces from the Sudanese army (Adar, 1998).

Conversely, Sudan supports Joseph Kony's Lord's Resistance Army (LRA) and the West Nile Bank Front (WNBF) which are fighting Yoweri Kaguta Museveni's Uganda People's Defence Force (UPDF). Sudan also provided a base as well as material and logistical support to the Eritrean People's Liberation Front (EPLF) and the Tigray

People's Liberation Front (TPLF) of Ethiopia during their struggle against Ethiopian regimes. This helped in bringing down the Mengistu regime in 1991. While Sudan harboured the EPLF and TPLF, Ethiopia gave the SPLM/A safe havens for its military operations against Khartoum (Lyons, 1995; Anyang' Nyong'o, 1991).

Whereas the US gave Sudan massive military support, particularly during the reign of President Nimeiri (1969-1985), Sudan received military aid from China, Russia, Yugoslavia, Iran, Iraq and Libya in the 90s. China has since 1994 been the principle supplier of arms to Sudan, with Sudan offering China oil concessions. The conservative Islamic Gulf states, for example, Kuwait, Saudi Arabia and the United Arab Emirates, support the SPLM/A because of their fear of the rise of Islamic fundamentalism in Sudan. Sudan was the only Sub-Saharan African country that supported Iraq during the 1991 Gulf War (Adar, 1998:46; Holt & Daly, 2000).

Furthermore, Sudan supports dissidents to subvert neighbouring states and other militias operating in the continent such as the Islamic Group (Egypt), Islamic Salvation Front (ISF, Algeria), Islamic Oromo Front (IOF, Ethiopia), Somali National Alliance (SNA), Ethiopian Islamic Opposition (EIO), Al-Ittihad al-Islamiya (Islamic Union, Somalia), Tunisian Islamic Front (TIF) and other Islamic groups in Kenya, Niger, Gambia and Senegal. These groups are trained in areas such as Damazin, Equatoria, and Hamesh Koreb near Eritrea (Adar, 1998; Terlinden, 2004).

All these threads of concerns were to become more alarming to the neighbors with the rising reports about Sudan becoming the hot bed of Islamic activism. For instance, Egypt was concerned with the growing Islamic fundamentalism in Sudan which spills over into its territory. According to some observers, it is certainly because of Sudan's unhappiness with the Egyptian pro-Western stance that Khartoum was alleged to have planned the assassination of Hosni Mubarak during the 1995 Organisation of African Unity (OAU) meeting in Addis Ababa, Ethiopia (*Africa Confidential* July 7,1995:1).

Meanwhile the attempted assassination of Mubarak led Egypt to join Ethiopia in co-sponsoring a Security Council resolution with strong US support for an embargo against Sudan. Relations between Asmara and Khartoum were destroyed as Eritrea broke off relations with Khartoum, complained to the UN, ejected the Government of Sudan from its Asmara embassy, and gave increasing support to the NDA, a loose grouping of northern opposition parties linked to the SPLM/A, which attempted to launch an armed struggle from bases in Eritrea and Ethiopia. The attempted assassination of Mubarak in turn led Ethiopia to open its borders to the Sudanese opposition, who were given military training, while territory captured by the Ethiopian army was subsequently turned over to the rebels (Terlinden, 2004).

Apart from Egypt other countries which were targeted by the Sudanese NIF included Ethiopia, Kenya, Somalia and Eritrea, with the latter fighting against the Eritrean Islamic jihad (*Africa Confidential* June 9,1995:2-3).



The Horn of Africa is also marked by fragile inter-state relations, violent intra-state conflicts, major military conflicts and recurring massive humanitarian crises. Examples of inter-state conflicts are the 1977-78 Ethiopian-Somali and the 1998-2000 Ethiopian-Eritrean wars. When IGADD was founded in 1986, Ethiopia entered the fourth decade of the Eritrean war of independence. President Museveni had just taken over power in Kampala in the wake of the Ugandan civil war, the situation in Somalia was marked by increasing internal violence and disintegration of the state, and the war between SPLA and the government in Sudan was rekindled three years before with disastrous impacts for the population in Southern Sudan (Terlinden, 2004).

The original founders of IGADD concerned with the perpetual conflict and humanitarian situations in the region, with its 133 million people at that time, recognised that sustainable economic development of the Horn of Africa was contingent upon peace and security. Regional co-operation therefore becomes a necessity, particularly in areas where the “security of the state and its rulers are threatened” (Clapham 1996:120). For example, it was the 1973-74 famine which led to the collapse of Emperor Haile Sellasie and instigated unrest in Sudan. Similarly, the 1984-85 famine contributed to the downfall of Nimeiri and weakened Mengistu Haile Mariam’s regime paving the way for its collapse (Adar, 1998).

These conflicts in the IGAD region have resulted in millions of deaths, refugees and massive displacements of peoples with all its humanitarian consequences. The civil war in Sudan has killed more people than any other war since World War II. It has killed

more people than the conflicts in Bosnia, Kosovo, Somalia, Afghanistan, and Chechnya combined. It has claimed the lives of more than 60,000, 5,000, 1,200, and 180 people per year, per month, per week and per day, respectively. Over 80% of Southern Sudanese are internally displaced. More than 100,000 died of famine in 1998 alone (Fisher-Thompson 1999; Winter 1999; IGAD Strategy, 2003; Terlinden, 2004).

According to the United States Agency for International Development (USAID), in 1990, for example, there were over 2 million refugees in the area. Together with internally displaced people the total number of refugees in the IGAD region reached 5 million in 1994 (USAID 1994). By 1991 there were nearly 1 million Ethiopians who had fled their country due to the civil war and famine. The UNHCR repatriated 31,617 (1995), 62,000 (between 1993 and 1996) and 4,400 (1997) Ethiopian refugees from Djibouti, Sudan and Kenya respectively (UNHCR 1997). And in 2003 there were 2.4 million refugees estimated in the sub-region (IGAD Strategy, 2003).

On the other hand Ethiopia received more than 338,000 refugees early in 1997, of whom 285,000, 35,500, 8,000 and 8,600 were Somalis, Sudanese, Djiboutians and Kenyans, respectively. The 1991 overthrow of Siad Barre and the continued intra-clan and sub-clan “battle of territorial control” forced more than 900,000 Somalis to flee their country, mainly to the neighbouring countries of IGAD member states. By the time Eritrea seceded from Ethiopia in 1993, over 900,000 Eritreans had fled their country. (Prendergast & Menkhaus 1999).

The UNHCR spent over \$260 million between 1994 to 1995 to repatriate the Eritreans, mainly from Sudan (UNHCR 1998). The refugee problem in the IGAD region is not only a function of the perpetual civil wars, but also a product of the environmental and economic factors which contribute to the complexity of the situation (Adar, 1998).

Moreover, the Horn of Africa has been the victim of the cold war rivalry and tension. The legacy of the cold war has carried over even today. One of the adverse consequences of the rivalry has been the massive in-flow of arms, which has continued to cause death and destruction in virtually all IGAD Member States. Besides the widely publicized conflict between Eritrea and Ethiopia and the intrastate conflicts in Sudan and Somalia, there are many localized conflicts as well as a relatively high and intensive incidence of violent border conflicts in pastoral areas. Some of the root causes of civil strife in the region include the competition over scarce resources, ethnic rivalry and, at times, negative cultural practices like livestock rustling (Strategy, 2003).

The nation of Sudan in particular was caught in a vicious circle of civil war and inhuman practices, slavery, racism, religious hatred and turmoil, isolation, economic exploitation, food shortages and starvation, and pervasive destruction and devastation of the southern region, its infrastructure, resources and people. These were some of the internal challenges that led to IGAD undertaking conflict resolution in Sudan.

3.2.2 External Factors

Nearly two-dozen wars erupted in Africa since the end of the Cold War and have been disastrous on every count. Human Rights Watch (2003) asserts that around eight million Africans have died of war-related causes since 1991 while another 3.3 million were refugees and 13.5 million internally displaced. The vast majority of egregious human rights abuses in Africa, including genocide, have taken place in a context of war and accompanying collapse of rule of law.

At the United Nations (UN) at the end of the Cold War neither the Secretariat nor the Security Council were able or willing to resolve these burgeoning conflicts in Africa. The one UN success in Africa in the post cold war period, the peace operation in Mozambique, was overshadowed by the UN's failure in Angola in 1992. Then the dramatic United States/UN failure in Somalia in 1993-5 rendered the international system helpless in the face of the emerging crisis in central Africa (Sessay, 1998).

The permanent members of the UN Security Council stood by and watched, with negligence as the Hutu nationalist government went about the systematic slaughter of hundreds of thousands of minority Tutsis in Rwanda in 1994 and then launched a delayed international humanitarian intervention in eastern Zaire that assisted the genocidaires and helped to spark the war in Zaire. Thus, the UN has not been able to react effectively to the imperative to intervene in African states in the throes of complex emergencies. In many post-Cold War crises, it has not been able to enforce international humanitarian

law, to ensure stability, or to provide security for the provision of humanitarian assistance for those in dire need (Porteous, 2004).

Moreover, civil wars are widely blamed for Africa's continued economic underdevelopment, constituting what one study calls "development in reverse" (Collier, 2003:13). They frighten off both local and international investment, redirect most foreign aid away from development and toward emergency relief, damage or destroy critical infrastructure, and contribute to the collapse of rule of law, which is seen as vital to economic development. Africa's civil wars have come to be viewed as a threat to global security. The consequences of these conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity and peace for its people (*US National Security Strategy*, September 17, 2002).

Almost all of the conflicts that occurred in Africa at different stages, required early warning and early action in terms of the use of mediation, conciliation and good offices. In some cases, preventive deployment would have been required in support of diplomatic efforts. Because Africa no longer had a strategic relevance to the great powers, many of the African conflicts that found free expression in the post-Cold War dispensation did not enjoy extra-African responses, and escalated freely in the absence of superpower rivalry. The great powers were no longer prepared to intervene in African conflicts. If any intervention or resolution attempts would occur, they had to come from within the continent (Olonisakin, 2000).

It is within this perspective that African organizations such as the IGAD have taken the responsibility for the resolution of their conflicts, to assure peace and stability in their region. They have recognized the grave threats to their security and are well aware of the Security Council's reluctance to become meaningfully involved in conflicts on their region and continent. Towards this end, they have shown a greater willingness to prepare for and undertake diplomatic and military actions.

This initiative also came as a result of remarkable shift toward mediation of domestic conflicts, consistent with the OAU/AU's recent shift to considering domestic conflicts a legitimate concern. This shift has been reinforced by the involvement of regional organizations in West and southern Africa in mediation of civil conflict in their respective regions, though they were basically formed to boost economic cooperation among the member states (World Report, 2003).

3.3 The IGAD Peace Initiative in Sudan

Since the Sudan People's Liberation Movement/Army (SPLM/A) insurrection broke out in 1983, there have been several attempts to resolve the conflict peacefully but unfortunately without any apparent success.

The IGAD Peace Initiative was the first peace initiative in the history of the Sudanese conflict that came up with the correct diagnosis of the causes of the war. The countries of IGAD had a clear interest in containing Sudan's civil war and stopping the spread of political Islam. It has been viewed by many as offering the best chance of bringing peace to Africa's largest country.

IGAD initiated a peace initiative to resolve conflict in southern Sudan in 1993, even before the revitalisation of the Authority and the assumption of a specific political and humanitarian function. This was when Sudan requested the organisation to assist in the peace process with the Southern rebels. The Authority hosted and facilitated negotiating sessions between the Sudanese government in Khartoum and the rebel forces from southern Sudan in an attempt to end the civil war (Terlinden, 2004).

A Standing Committee of those member states with common borders with Sudan (Eritrea, Ethiopia, Kenya and Uganda) was set up and a unit to serve the Peace Initiative established in Nairobi. This committee, chaired by Kenyan President Daniel arap Moi, brought IGADD into the limelight and revitalised the organization, changing its name to in 1996 and the creation within it of a department for conflict management. Article 18 of the agreement establishing IGAD states that member states shall act collectively to preserve peace, security and stability, which are essential prerequisites for economic development (IGAD, March 21 1996; ISS, April 2005).

Early on in the process, in 1994, a defining Declaration of Principles (DoP) was framed and eventually subscribed to the belligerent Parties as a basis for negotiations. It identifies the essential elements necessary to a just and comprehensive peace settlement; i.e., the relationship between religion and the state, powersharing, wealthsharing, and the right of self-determination for the south (Deng, 1995b).

While the SPLM/A fully endorsed the DoP, the GoS predictably could not accept the South's right to self-determination. They maintained instead that any form of a referendum must take cognisance that the status of the Southerners is inseparable from the rest of Sudan. There was also dispute over the question of the separation of state and religion (ISS, April 2005).

According to Adar (2000), the government of Sudan was fearful that the implementation of the IGAD Declaration of Principles *in toto* might open up a Pandora's box for the rest of the country, particularly the Nuba Mountains and the Southern Blue Nile.

The given situation did not offer IGAD any chance to reach a breakthrough with its numerous attempts on mediation. The positions of the belligerents were clear and apparently incompatible. The peace talks were officially adjourned, but according to one observer, effectively, they have collapsed (Young, 2003).

In response to the failure, the SPLM/A and the government turned their energies to fighting political and military battles. For IGAD, this was a bitter pill to swallow, but as the stalemate continues, IGAD too turned its attention to gaining western material and political support and this eventually took the form of the IGAD Partners' Forum (IPF) (Adar, 2000).

By 1997 IGAD convened an extraordinary summit to revive the peace process. This meeting led to several positive developments, four of which are particularly significant.

First, the IGAD Partners Forum (IPF), composed of Norway, Britain, the United States (Troika), including Italy and the European Union (EU), agreed to fund the peace process. Second, the parties to the conflict committed themselves to the self-determination of the South within an (unspecified) interim period, supervised by international observers. Third, both sides agreed to facilitate the free and unimpeded flow of humanitarian assistance to areas affected by famine. Fourth, it was agreed that the boundaries of southern Sudan would be set at those existing on 1 January 1956. However, the parties disagreed over the interpretation of the DoP, stalling the implementation of the peace accord (IPA, 2002).

The IGAD DoP received a boost following its endorsement by the National Democratic Alliance (NDA), which is comprised of, among others, the SPLM/A, the Umma Party, the Democratic Unionist Party (DUP), the Sudanese Communist Party (SCP), and the Legitimate Command led by Gen. Faithi Ahmed Ali, who were fighting against the NIF government of Bashir. Since then, the Government of Sudan became under pressure from the northern and southern opposition movements to accept IGAD's DoP (Adar, 2000).

Also, most of the International Governmental Organisations (IGOs) and Non-governmental Organisations (NGOs) operating in the Horn of Africa and Sudan in particular endorsed the 1994 DoP promulgated by IGAD, thereby internationalizing and legitimising its role. During their meeting with the UN Security Council members at their mission in Sweden, in November 1998, CARE International, Oxfam, Doctors without Borders, and Save the Children called on the UN to “generate a forceful and positive

lobby for peace” and to “reinforce and complement the IGAD process” (*Horn of Africa Bulletin* Nov-Dec 1998:25-26).

The IGAD peace process in Sudan further received support from churches concerned with the humanitarian situation in the country and the Horn of Africa in general. At the end of their meeting in Nairobi, Kenya, church leaders from the Great Lakes and the Horn of Africa regions representing among others, the All African Conference of Churches (AACC), the National Council of Churches of Kenya (NCCCK), and the New Sudan Council of Churches (NSCC) as well as observers from the SPLM/A and the Sudan Government declared their “recognition of IGAD as the primary forum for peace in Sudan based on the Declaration of Principles” (*Horn of Africa Bulletin* Mar-April 1998:27).

Despite objections, in 1997 al-Bashir finally signed the peace process document incorporating the IGAD Declaration of Principles, his regime maintains that the document is not legally binding on his government (Deng, 1999:6).

The outbreak of the Ethiopian–Eritrean war in May 1998 markedly decreased the regional pressure on the government of Sudan and the IGAD Peace Initiative began to weaken (Young, 2003; Terlinden, 2004).

However, to ensure continued engagement with the parties to the conflict, IGAD leaders established a secretariat for the Sudan peace process, referred to as the Nairobi Secretariat

in 1999. Seeking to engage at both political and technical levels, the Secretariat created two committees: a political committee that seeks to reach a political settlement, and a transitional committee to deal with interim arrangements prior to the exercise of self-determination by southern Sudan (IPA, 2002).

In spite of these initial steps, the ability of the Nairobi Secretariat to resolve the Sudan conflict was limited by several constraints. Among the greatest challenges was the lack of expertise within the committees to interpret the technical details of areas of agreement and points of difference in the DoP, the lack of resources as the Nairobi Secretariat received limited support from IGAD Secretariat in Djibouti and poor coordination between the IGAD Secretariat in Djibouti and the Nairobi Secretariat (IPA, 2002).

Despite the shortcomings, IGAD's peace initiative was the only one during the last twenty-one years of civil war that became the sole meaningful in the last few years.

With the aid of US special envoy Senator Danforth, appointed in 2001, increased US involvement made clear to both Khartoum and the SPLM/A that the peace process could not be pursued in the same manner as before especially as Sudan was identified as one of seven countries on the US State Department list of state sponsors of terrorism (Young, 2003; Terlinden, 2004).

Danforth consequently 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 (Danforth, 2002).

According to the ISS (2004), 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.

The USA had already demonstrated their willingness to undertake military action when, in 1998, reacting to assaults at their embassies in Tanzania and Kenya with cruise missile attacks on a Sudanese medical factory for alleged production of weapons of mass destruction. Suddenly, Sudan gained top priority on the agenda of US Foreign and Security Policy. The El-Bashir government, subjected to American economic sanctions since 1997, responded with diplomatic wisdom to the attacks on New York and Washington, immediately and clearly condemning them as terror acts. The Sudanese state, isolated before, then received unexpected recognition and a more friendly, if ambivalent, attention in the establishment of the United States' international Anti-Terror Alliance (Terlinden, 2004).

In October 2002, the US diplomacy exerted massive pressure on the Sudanese government, most of all through the “Sudan Peace Act”. It provides President Bush with 100 million US\$ per year, for the period of 2003-05, to prepare the areas not controlled by the Sudanese government for peace. On the other side, the highly indebted GoS was menaced by a denial of further loans, additional economic sanctions, and reduction of diplomatic relations, if President Bush does not certify its good will for negotiation every six months (Terlinden, 2004).

Despite 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 (Young, 2003).

Early on the process Kenyan President Moi had appointed Lieutenant-General Lazarus Sumbeiywo as special envoy to Sudan. The first round of talks held under this arrangement began in February 2000. Talks in Machakos, Kenya resulted in the GoS and the SPLM/A signing the *Machakos Protocol* on July 20, 2002. This surprising breakthrough protocol, spelled out a basic formula for a future Sudan, provides for a six-month “pre-interim period” during which hostilities should cease and a formal ceasefire should be established. During a subsequent six year “interim period”, the ceasefire should be maintained and Sharia law should not be applied in the south during that period (IGAD, July 2002; *IRIN News*, 22 July 2002; *Africa Report* N°51, 17 September 2002).

The agreement was hailed by most observers as the critical turning point in the peace process. In the weeks that followed, everybody thought that all else would henceforth be plain sailing. But during the recess, fierce fighting started between the SPLA and militia loyal to the government. When the SPLA liberated Kapoeta for the second time, ten years since it was lost during the Abuja talks in 1992, the GoS responded by assembling a massive concentration of troops and armour in Torit with the clear intention of mounting an offensive against SPLA strong holds in Eastern Equatoria. The GoS needed a military argument in favour of a ceasefire (Wondu, 2004).

A second round of talks was held in Machakos during August-September 2002, which attempted to negotiate a ceasefire. However, the talks broke down on 3 September when the Khartoum government recalled its delegation for “consultation” over the SPLA capture of the strategic town of Torit. The triumph of July Machakos therefore dimmed. However, talks resumed in Machakos and on 15 October 2002, a *Memorandum of Understanding on Cessation of Hostilities* (MOU) was signed for the duration of talks. The MOU provided for a cease-fire in all arenas, and refraining from attacks on civilians and both Parties gave commitments to notify troop movements and locations, and allowed a Verification and Monitoring Team to investigate alleged attacks (*Africa Report* N°65, 7 July 2003; Terlinden, 2004).

No one could have guessed that despite the achievements of Machakos and the cessation of hostilities after the Torit debacle, twelve months would pass before a comprehensive agreement would be concluded. Meetings held at Lake Bogoria and Mount Kenya

yielded no results. The decision was then taken that the mediators, with the support of their technical teams should draft a comprehensive agreement for the parties to consider. The logic was that all that could be said had been said. The parties had presented numerous written and verbal representations on all the outstanding issues. It was time for the mediators to transform themselves to arbiters (Wondu, 2004).

From May 2003 on, with the intention to speed up negotiations, the IGAD Kenyan-led mediator General Sumbeiywo applied a “holistic approach”, meaning that the different issues are no longer negotiated separately but in packages. The mediators issued what they called the Nakuru Framework agreement. The Nakuru draft covered all the outstanding agenda, including power sharing, wealth sharing, security arrangements, the three disputed areas (Abyei, Nuba Mountains, Southern Blue Nile), and ceasefire. The SPLM accepted the Nakuru draft as a reasonable basis for further negotiations. The government rejected it in totality, walked out of the talks and mounted a campaign against the leadership and person of General Sumbeiywo and described the Partners of IGAD as a biased lot. President Omer Beshir proposed that the General should dissolve the draft in water, drink it and go to hell. Beshir then sought a shift of the mediation competence from IGAD to the AU or the Arab League. The peace process was therefore in a crisis. The GoS demanded to change the proposed framework and the inclusion of new peace envoys such as Egypt and South Africa (USAP; July 24 2003; Terlinden, 2004).

According to Union of Sudan African Parties (USAP), the decision taken by the GoS, was tantamount to a slap in the face of IGAD mediators and the facilitators, considering great amount of efforts and resources IGAD and its partners have invested into Sudan's peace process for the realization of a just and honourable peace in the Sudan during their long period at the helm of conflict resolution in the Sudan. USAP concluded that "targeting IGAD at this moment in time is a clear indication that the GoS is out to torpedo the draft peace agreement at the eleventh hour" (USAP; July 24 2003).

Talks however resumed at Mount Kenya in August 2003, but the parties continued their disagreement over the Nakuru Framework. The session adjourned with an agreement to disagree (Wondu, 2004).

Khartoum then came up with the demand that the leader of the SPLM/A, Dr. John Garang should personally participate in the peace talks. At first the SPLM/A rejected the idea because it would mean that the SPLM/A delegation would have no higher authority to refer difficulties to. But in the end, Garang took up the challenge and travelled to Naivasha (Wondu, 2004).

With the personal ambitions of the Sudanese Vice- President Ali Uthman Muhammad Taha; favoured the resumption of talks in September 2003, now on a higher level. Taha and the SPLM leader John Garang then faced each other personally in Kenya. After almost a grueling month of tackle, a further breakthrough was achieved through the *Agreement on Security Arrangements during the Interim* period signed on 25 September 2003. It was planned that SPLA and government forces remain in existence separately,

withdrawing to the South and North respectively, while as a symbol of national unity a “joint/integrated units” (JIU) of 39,000 soldiers composed of equal numbers from each side would be constituted. These units, whose precise structure is still open, shall be deployed in the South, the Nuba Mountains, in Southern Blue Nile, and Khartoum (3,000 men). This crucial provision represented the one area of substantive final agreement that was so far achieved. (*Africa Report* N°73, 11 Dec 2003; *IRIN News*, 26 Sep 2003; Terlinden, 2004).

The agreement raised expectations that a Final Peace Agreement would be signed by the end of the year. The SPLM/SPLA declared the peace process ‘irreversible’ (Terlinden, 2004). When they returned in October 2003 to complete the ‘little’ work remaining, the parties remained unable to move forward on the outstanding issues of power-sharing and the disputed regions of Abyei, Nuba Mountains and southern Blue Nile (Wondu, 2004).

The ceasefire was extended until 31 March 2004 and talks continued between Taha and Garang. At the same time, the IGAD Secretariat prepared a workplan to support reconstruction and peace-building in Sudan after a peace agreement was reached (*Africa Report* N°19, 5 October 2004).

According to the Institute for Security Studies (ISS) talks continued sporadically under intensifying international pressure - United States, Norway, European Union, Ireland, United Nations - until the signing of a framework agreement in June 2004. This framework outlines provisions for *power-sharing*, *wealth-sharing* and *transitional security arrangements*. It also includes special status for the contested areas of the Nuba

Mountains, Abyei and Southern Blue Nile. On 5 June 2004, the relevant parties signed the Nairobi Declaration reconfirming their commitment to the peace process, and to engage fully in the Sudan Peace Process. Following a special meeting of the UN Security Council in Nairobi in November 2004, the Sudanese government and the SPLM/A committed themselves to concluding the final details of the peace agreement by the end of 2004, but most neutral observers thought it unlikely that this deadline would be met (ISS, 2005).

However, the Government of Khartoum and the SPLA did in fact finalise negotiations by the end of 2004. This resulted in the signing of the *Naivasha Agreement* or the *Comprehensive Peace Agreement* (CPA) on 9 January 2005. The CPA was based on final agreement by the parties for the 'implementation modalities' of all Protocols and Agreements since 2002. It drew together all the previous protocols regarding respective issues that the GoS and the SPLM/A had agreed upon (*IRIN News*, January 10 2005; *Africa Report* N°96, 25 July 2005).

On the key points, the *Power Sharing Agreement* provides for a largely autonomous government for Southern Sudan, as well as a share for Southern Sudan in the Government of National Unity (GNU), with a view to making unity attractive to the Southern Sudanese population before it votes in six years on whether to remain unified with the North or to become independent. The Agreement provides the basis for broader participation in government and the civil service, the restructuring of critical national institutions (e.g. the judiciary), and a new national constitution. It also recognizes the

right of the Sudanese to elect their representatives in free and fair mid-term elections at all levels of government, and emphasizes internationally acknowledged human rights and freedoms, including a commitment to a bill of rights and basic freedoms of expression, religion and association.

The *Wealth Sharing Agreement* provides a framework for resource allocation and sustainable decentralization, and establishes comparative underdevelopment and war-affected status as the key criteria for prioritization of public revenue allocations. The Agreement assigns a share of all revenue (including oil) to the South, and grants it the rights to collect additional domestic revenue, solicit external assistance, and have its own banking system within the framework of the Central Bank of Sudan.

The *Security Protocol* outlines a collaborative approach to security issues by providing for two armed forces and joint integrated units that will become the nucleus of a future national army, enabling the parties to gradually scale their forces down. It will also allow the government of Southern Sudan (GoSS) to mobilize resources for the SPLA.

In addition, the particular factors that precipitated conflict in Abyei, Southern Kordofan and Blue Nile (also referred to as the Three Areas) are recognized by special power and wealth sharing arrangements. These include the establishment of State Land Commissions, special provisions on education and security, the right to solicit external aid, consultation rights for the local population, and a unique administrative status for Abyei which allows for the holding of a referendum to decide whether it should belong to

the North or the South (*IRIN News*, January 10 2005; *Africa Report* N°96, 25 July 2005; UNMIS, January 2005; Sullivan, April 2006).

In spite of these commendable achievements, the peace process has regularly been criticised by political analysts and communities within Sudan who believe that the Naivasha process was essentially an exclusive agreement by two dominant military forces, which will not necessarily promise well for the spirit of democracy in Sudan's post-war future. They argued that, the presence in the South of large numbers of government-affiliated militias who were not party to the Naivasha process poses an additional and related security threat (ISS, 2004).

But *Africa Report* viewed that, certainly, the provision for maintaining a separate army in the South as stipulated in the CPA was inserted as a safety guarantee to guard against the failure of the political settlement. In addition, it emphasised that civil society participation in the structuring of new institutions that will directly affect them is fundamental to the success of such bodies (*Africa Report* N°96, 25 July 2005).

CHAPTER FOUR

THE SUSTAINABILITY OF PEACE THROUGH THE CPA

4.1 Introduction

The signing of the comprehensive Sudan peace agreement (CPA) in Nairobi in January 2005 brings to an end the final negotiation phase of the IGAD's Peace Process, which began in 1993, although effectively in 2002 with the signing of the first protocol - Machakos. It sets in motion a six-year interim period during which the provisions of the agreement are to be implemented. Only on the conclusion of that will we know with any certainty whether peace has come to Sudan.

The agreement as already discussed in chapter three, includes protocols on state and religion, self-determination, power sharing, wealth sharing, security, a ceasefire agreement and the status of the border areas of Abyei, Southern Kordofan (Nuba Mountains) and Blue Nile.

To assess whether an agreement of such complexity can bring a lasting peace to Sudan one must first examine the extent that it addresses the causes of the war, and then determine the extent that either side is willing or able to implement it. Viewing the terms of the agreement, which have been presented in the last chapter, though not in-depth, one would not be wrong to say in a greater extent it addresses the root causes of war and instability in Southern Sudan.

However, the implementation process is the main determinant of the agreement, whether it would provide for a sustainable peace in Sudan and give the marginalized regions the political, economic and social status that they always wanted.

There has been progress towards implementing the provisions of the CPA, but a host of issues remain to be resolved that could yet re-ignite conflict. The most contentious obstacles that hinder the full implementation of the CPA include the implementation of the Abyei Boundary Commission's report, the lack of transparency and accuracy in the sharing of oil revenues, the delay in the withdrawal of forces, and the demarcation of the 1956 north-south border.

The status of the CPA implementation and actions of its key two parties in its more than one year are less than encouraging. There have been significant gaps and delays, which can be contributed to the National Congress Party (NCP) lack of commitment to the unity expressed at the centre of the CPA and an SPLM lack of capacity and concentration on the South. This becomes clear when one takes a closer look at the status of implementation within four of the key areas of the CPA – power sharing, wealth sharing and security arrangements including the three transitional areas (Abyei province, Southern Kordofan and Blue Nile).

4.2 The Sphere of Power Sharing

In establishing the political arrangements provided for under the CPA, the Government of National Unity (GNU) was signed into law on 9th July 2005 with the National Congress

Party (NCP) and the Sudan People's Liberation Movement (SPLM) as partners, with Omar El Bashir as President of the GNU and Dr. John Garang de Mabior sworn in as the first Vice President of the Sudan GNU as well as President of the Government of Southern Sudan (GoSS). His tenure did not last long as he died in a plane crash hardly three weeks after the swearing in. Following Dr. Garang's death, Gen. Salva Kiir was sworn in as the First Vice President of the Republic of Sudan and President of the GoSS. However, GNU was only established on September 22 2005. (*Africa Report* N°106, 31 March 2006).

Under the CPA, 52 per cent of the places went to the ruling National Congress Party (NCP), 28 per cent to the SPLM, 14 per cent to other northern parties and 6 per cent to other southern parties. In the following month, following a number of delays, the Government of Southern Sudan was also established. An interim Constitution was agreed and signed on 5 December 2005, in which a Bill of Rights is enshrined. State Governors were appointed, State Legislative Assemblies formed and all state governments established except for Khartoum and Southern Kordofan. Perhaps most importantly, the Constitutional Court was established on 24th December 2005 (*Sudan Tribune*, Feb 12 2006; *Africa Report* N°106, March 31 2006; Sullivan, April 2006).

Different commissions have been set up as stipulated in the CPA. These include; the Assessment and Evaluation Commission (AEC), the National Petroleum Commission (NPC), the Cease-fire Political Commission (CPC), the Fiscal and Financial Allocation

and Monitoring Commission (FFAMC), the Technical Ad hoc Border Committee and the National Judicial Service Commission (UNMIS, May 2006).

The two Multi-Donor Trust Funds (MDTFs) for North and Southern Sudan have been established. On the same breadth, the Board of Directors and two Deputy Governors have been appointed for the Central Bank of Sudan (CBOS). The Bank of Southern Sudan has been established too as a branch of CBOS (UNMIS, May 2006).

English has been accepted as an official language and learning of Arabic is no longer mandatory in formerly northern controlled areas like Juba in the South. The design for a new national currency has been agreed upon and can be expected to be introduced by the end of 2006. The Khartoum State interim constitution for 2006 was also signed on June 5, 2006 (*Sudan Tribune*, May 27 2006).

The major political objective is to hold local, state, legislative and presidential elections by the CPA's deadline of July 2009. Until then, as part of the CPA's drive to 'make unity attractive', the SPLM and the National Congress Party are guaranteed 10 per cent of the seats in Northern and Southern state legislatures (*Africa Report* N°106, March 31 2006).

Thus, nominal steps have been taken toward implementing the CPA. But, even as GNU exists in name, it is missing some key commissions, which have not been formed, have not met, or are not functional. For example, the Human Rights Commission, National Service Commission, National Electoral Commission, National Land Commission,

National Security Commission, Commission for the Protection of the Rights of non-Muslims in the National Capital and the Council for Development and Promotion of National Languages are yet to be established (UNMIS, May 2006; Sullivan, 2006).

Among those which have been announced, some, including the Ceasefire Political Commission, the National Constitutional Review Commission (NCRC) the Assessment and Evaluation Commission (AEC), the NPC and FFAMC are yet to function effectively, although these were announced by the end of 2005 (Sullivan, 2006).

The fact that these commissions are those that deal with the most contentious issues in the peace process, seem that, so far, the GNU has not yet provided the hoped for changes to Sudan's political life or its people.

Further, the composition of the GNU has not reflected the important groups in the political spectrum, such as the Umma Party, the Democratic Unionist Party and the Popular National Congress. The main parties of the GNU are the NCP and the SPLM [which together hold 80 percent of the seats]. The rest are fringe parties, split factions of existing parties or even just individuals (*IRIN News*, Nov. 20 2005).

Moreover, the transformation that is supposed to take place at the national level through power sharing and reform of legislation has yet to occur. The CPA designated three clusters of ministries - sovereignty, economic sector, and services sector - at the national level. The SPLM was to share equitably and qualitatively in each cluster to ensure that

southerners were not handed the least influential and least sought-after ministries, far from the center of power, as has happened in the past.

The SPLM is a junior partner in this government, but according to the CPA, they were supposed to share power and resources in a more equitable manner. In terms of political power and the economic sector, the NCP kept full control over the key ministries, and this is creating a credibility problem. The SPLM and many southerners were very disappointed and lost faith in the intentions of the NCP
(*Khartoum Monitor*, Dec 2005).

In the new government, the NCP retained the key ministries of energy and mining, defence, interior, finance and justice. The SPLM took the foreign affairs ministry, under senior SPLM official Lam Akol, as well as the foreign trade, education and scientific-research, and health ministries. According to Sudan Confidential, Southerners were keen on controlling the energy and mining ministry because it is the key to their revenue, but the NCP refused to relinquish it. First Vice President Salva Kiir in a speech at the Woodrow Wilson International Center in Washington D.C on November 4, 2005 claims that he sought to convince President El Bashir that permitting the SPLM to appoint the energy minister would greatly help “make unity attractive” and make it less likely that southerners would vote for separation in the referendum. He claims that Bashir replied, however, that the southerners were going to vote for separation whether or not they had the energy ministry (Kiir, 2005).

If the NCP is convinced that southerners will vote for separation regardless, then it is much less likely to provide resources to help develop the south or otherwise facilitate southern integration into the national government in the interim period. Others say that this statement, and the actions of the NCP in denying the south a large portion of the oil

revenue suggest that the NCP party intends to use its majority in government to extract as much wealth as it can from the south prior to the referendum (*Sudan Confidential*, Dec 2005).

The NCP's continued control over both the ministry of finance as well as the ministry of energy and mining had resulted in a lack of external oversight or verification of oil revenues. Without control of the bureaucracies and records in these two key economic ministries, there is no way for the SPLM to untangle the snarl of concession contracts, royalty contracts, construction and maintenance expenses, and other essential elements of the larger oil revenue picture. According to some observers "Southern Sudan will receive only what Khartoum chooses to share" (Reeves, 2005).

According to IRIN News (November 20 2005), the dispute on the ministry of energy and mining tested the relationship between the NCP and the SPLM and showed how delicate the relation is. Nhial Deng Nhial, who headed the SPLM team in talks over the sharing of national ministries, reportedly took the loss of the ministry of energy and mining as a personal defeat but accepted a position in the southern government.

Some observers claimed that the lack of SPLM/A senior officials, who are considered to be unionist, in the GNU reflects a lack of trust between both parties of the peace agreement. The North has a long history of failing to live up to promises made in previous peace agreements, such as the Addis Ababa agreement of 1972 and Khartoum agreement of 1992 (Machar, 1995). Others fear that the terms of the CPA have left the

GNU largely under the control of the NCP and the security establishment that stands behind it. If this is so, it is difficult to envisage the GNU marking a dramatic break with the past. Some analysts viewed that, “this new government is still run by a single authoritarian narrowly-based Islamist party, the NCP, and has not become a new hybrid government in which marginalized Sudanese meaningfully participate and where equality among the country’s 35 million people prevails” (*IRIN News*, 15 Nov 2005).

The NCP is still firmly in charge. Besides retaining the key ministries, the party dominated the presidency and its advisory council. The NCP is able to exert a degree of control over ministries they had handed over to the SPLM through so-called "shadow bureaucracies" (Reeves, 2005). In some cases, newly appointed SPLM ministers saw their authority undermined. The responsibility for civil aviation was taken away from the SPLM minister of transport [Kuol Manyang Ajok] by presidential decree (*IRIN News*, December 12 2005).

On the other hand, some successfully executed aspects of the CPA appears to be putting the regional government of the south into southern ex-rebel hands and having NCP-appointed personnel in the south recognise the superior authority of the SPLM civilian authorities. Human Rights Watch (October 2005) states that, former rebels and their supporters from the diaspora have established residence in Juba (capital of South Sudan) and taken up work in government offices there: they are clearly in charge. Not only the SPLM is present: several other southern political parties are represented in the Southern Sudan Parliament pursuant to the CPA.

According to residents, since the SPLM's official appearance in Juba in May 2005, the previous climate of repression of southern culture, religion and everyday life in Juba has loosened. A curfew was lifted and people could move more freely about the town. Security and military intelligence are invisible for the time being, and gatherings of citizens, spontaneous or planned, takes place without restrictions (Human Rights Watch, October 2005).

However, at present a number of factors are hindering the SPLM's ability to seek full participation as a partner in the national political agenda, with which it should be engaged as a partner in national government. These include factors that tie its attention overwhelmingly to Southern Sudan, such as the challenge of building a functioning administration in the face of unforeseen financial constraints and the need to balance various group interests, and ongoing security problems (Jooma, M. 2005; *Africa Report* N°106, March 31 2006).

Under the power-sharing agreement, the NCP has the right to one of the ten governorships of the southern states. It chose the state of Upper Nile (capital Malakal), where there is great oil potential (blocks 3 and 7) and where Chinese companies have been building a second pipeline to export oil from the south. Insecurity and a lack of civilian protection prevails in that state because many government-sponsored ethnic militias of southern origin are still in place and claiming control over their areas, to the exclusion of the SPLM. The largest of them, the militia headed by Brig. Gen. Gordon Kong, chose in January 2006 to be incorporated into the Khartoum government forces,

rejecting the agreement reached by Brig. Gen. Paulino Matiep of Western Upper Nile for the entire militia (South Sudan Defence Forces, SSDF) to be incorporated into the Southern Sudan army, the successor under the CPA of the SPLM's armed wing, the SPLA (UNMIS, January 2006).

Beside, the security challenges, which is discuss in greater detail under security arrangement, the Government of Southern Sudan (GoSS) is seen to exists in name only. Getting the basic structure functioning is taking time. While this is hindered by very weak infrastructure and communications on the ground, delays in key decisions and very limited capacity have prevented basic government functions and institutions from becoming operational.

Though ministries have been appointed, many lack offices or even desks and basic supplies. They are even said to be unqualified civil servants as most of them have spent many years of their lives in the bushes fighting against the Khartoum government -- whereas the NCP has an army of seasoned politicians who have governed Sudan for so many years, their SPLM counterparts are often commanders who have spent two decades in the bush, cut off from the world. During the years of war the South's most educated people were targeted and forced to flee. Attracting qualified Southerners back to help out with setting up a new government remains a major challenge (Sullivan, April 2006).

Equity issues and feelings of exclusion also cloud the situation. The U.S. Agency for International Development (USAID) funded focus groups conducted by the National

Democratic Institute, southern Sudanese expressed broad support for SPLM, but some groups said they do not yet feel that the SPLM speaks for them. They complained that when the government of southern Sudan was announced, it made most southerners very unhappy. The SPLM promised 25 percent of the seats to women, but only two ministers out of 20 were female. Although the CPA reserves 15 percent of the posts for other southern political parties, only one of the six southern parties - the South Sudan Democratic Front - was awarded a ministry [Martin Elia Lomuro became the minister of agriculture and forestry]. All six southern parties are represented in the government of national unity and in the parliaments in Khartoum and Juba, but apart from this one minister, they are not represented in the southern government ((USAID, October 2005; *IRIN News*, March 2 2006).

In addition, the GoSS is viewed as not properly balanced, members of the Dinka community, which accounts for no more than 25 percent of the southern population, took almost 45 percent of the seats. In the south, people look to their ethnic group for political support. "Apart from the Dinka and the Zande [an ethnic group from Equatoria], all the tribes are complaining" (*Khartoum Monitor*, Nov 2005).

The SPLM Nuer caucus in the southern Sudan legislative assembly sent an open letter to southern president Kiir in November 2005, complaining about the "ongoing marginalisation" of the Nuer community, which is the second largest ethnic group in the south. The caucus noted that there was only one Nuer in the GNU among SPLM ministers: Timothy Tot Chol as state minister of industry. In the GoSS there were two

Nuer ministers: vice-president Riek Machar and John Luk Jok, who was appointed minister of culture, youth and sports. The Nuer MPs said the distribution of power did not relate to the SPLM's vision and goals, which advocated for justice and equal representation for all ethnic groups (*Khartoum Monitor*, Nov 2005).

If groups in one region perceive that they are being marginalized, they may resort to armed insurrection to draw attention to their grievances and derail the current implementation process. A sense of inclusion and equitable treatment is critical to winning the support of those groups.

It is due to some of these problems that in May 2006, the Minister for International Cooperation and Development of the Government of Southern Sudan (GoSS), Nhial Deng Nhial resigned from his post. He resigned in protest against corruption in the GoSS and the lack of progress by the government in accomplishing projects on the ground for the people of the south despite enough time elapsing since the SPLM had taken over power from the National Congress following the signing of the peace agreement in January 2005 (*IRIN News*, May 30 2006; *Sudan Tribune*, June 12 2006).

Although undeniable progress has been made in terms of power sharing arrangements of the CPA, these successes have significant gaps and delays in meeting key deadlines. Ultimately, both governments are to blame for these delays.

The NCP delays in the process of restructuring the national civil service to make it more representative and professional. It has left its new governing partners out of many discussions such as its reluctance to involve the SPLM in such national issues as discussing Darfur and the preparations for hosting Africa's leaders at the African Union Summit in Khartoum in January 2006 (Sullivan, 2006).

Moreover, first Vice President Salva Kiir has complained that some Ministers and officials in GNU are interfering and establishing direct contacts with the Southern Sudan state government. He remarks that "the CPA is clear and categorical on inter-governmental linkages, that the GNU can only access the state government in the South through the GoSS" (*Sudan Tribune*, May 27 2006). This may not be surprising given the party's history as an elite group which has managed to keep control over a large population for some 17 years, despite challenges from other northern parties.

Conversely, the SPLM does not seem to commit to the notion of unity expressed in the spirit of the CPA. It's rather interested in consolidating power in the South. This is not surprising given the history of SPLM as a loose-knit group of varying tribes held together only by their shared suffering and exploitation under the North and the goal of a separate South (Sullivan, 2006). The strong hand of John Garang, who held the SPLA since it was formed in 1983, and his ambiguously interpreted vision of a New Sudan played a key role in uniting opposition to the government and bringing about the CPA. With his death in July 2005, so died effectively the illusion of a South committed to a unified Sudan. Since Garang's passing, there has been a re-shift of the most qualified SPLM politicians to the

South as the SPLM attention has increasingly been concentrated on the South and the issues which concern it most (Young, 2005).

4.3 The Sphere of Wealth Sharing

The signing of the peace agreement between the North and South created high expectations for what peace will bring. This was made abundantly clear in USAID-funded focus groups involving southern Sudanese. These groups expressed little hesitation about ultimately returning to war if their claim for equitable access to services is denied.

The wealth-sharing provisions in the CPA stipulate that the south should share in revenue from oil produced there. The Joint Assessment Mission (JAM) in March 2005 estimated, based on the government budget, that half of the oil revenue derived from Southern Sudan to be allocated under the CPA to the regional Southern Sudan government would be closer to US\$1.2 billion for the year 2005 with other reports suggesting that 2005 oil revenue to Southern Sudan might come in at the lower amount of US\$700,000 (UNMIS, January 2006).

The US\$1.2 billion was budgeted for accordingly, but the NCP-appointed finance minister reported at the beginning of February 2006 that total oil revenue was US\$744.8 million of which less than half was due to the Southern Sudan government. The shortfall

on the amount initially projected is especially notable since oil prices rose in 2005 (Kiir, 2005).

Although the total amount transferred by the central government to the Southern Sudan government was not disclosed, reports indicate that the oil revenue transfer to that government did not exceed US\$350-400 million -- one-third of what was expected (UNMIS, January 2006).

Latest report in this year (May 2006) indicated that the 2006 GoSS budget amounts to US\$1.7 billion, which would be raised from Government revenues and grants. A total of US\$1.3 billion will derive from oil revenues, 393 million dollars from donor grants, and 6 million dollars from grants by the GNU. The SPLA has been allocated 40% of the total budget, out of which 25% would be funded from the oil revenues (UNMIS, May 2006).

As of May 2006, US\$ 212 million payment has been made of all the dues owed to the Government of Southern Sudan from oil revenues in the first quarter of this year. US\$162 million was disbursed in the period between January and March and the remaining amounting to 33.4m dollars, were disbursed in April (*Sudan Tribune*, May 31 2006).

There has, however, reportedly been disagreements between the GoSS and the GNU over boundaries, particularly in the oil producing areas, as well as reservations over the figures of oil production and the rights to sign oil contracts and the status of existing oil contracts. The discrepancy arises mainly from the NCP's claim that the valuable Heglig oilfield lies outside the south, while the southern government claims otherwise. The

parties agreed that the boundary is to be that drawn by the British prior to decolonization in 1956, but they have never agreed on where that 1956 boundary is or on which side of it Heglig falls. Heglig is part of concession blocks 1, 2 and 4 that the Canadian company Talisman Energy, Inc. controversially developed from 1998 until 2003, when it sold its consortium interest to the Indian state oil company, Oil and Natural Gas Corporation (ONGC). The Chinese National Petroleum Company, Petronas (the Malaysian state oil company) and Sudapet (the Sudanese government's oil company) remain partners in this consortium (Human Rights Watch, October 2005).

Resolution of this issue has been held back by delays in establishing the Border Commission which should determine where the boundaries of the south are located and sub-committees intended to study the details of the National Petroleum Commission's internal regulations to look at the oil price, predicted production for 2006, and division of revenues between the GNU and GoSS. The work of the National Petroleum Commission (NPC), in part, is being impeded by disagreement over its competence, particularly whether it should function as an advisory body or a decision-making body. There are also disagreements over the establishment of the Secretariat, whether it should be part of the Ministry of Energy and Mining or be independent (UNMIS, May 2006).

With regards to oil contracts, the Joint National Transitional Teams (JNTT) has since confirmed that data has been collected but not yet passed to the GoSS because the NPC has not yet been functioning. The GoSS was to establish a Technical Team to review existing contracts within 30 days of signature of the CPA, though there is no provision

for renegotiating such contracts. The Team has not been established due to staffing constraints within the GoSS and the GoSS has reportedly requested the Government of Norway to make available technical assistance as provided for in the CPA. Further, no action has yet been taken on compensation of victims of oil contracts provided for in the wealth-sharing agreement (*Africa Report* N°106, March 31 2006; UNMIS, May 2006).

As with power sharing, concrete steps have been made toward implementation of the wealth sharing arrangements of the CPA, but these successes have also been qualified by gaps and delays. The largest gap is the failure to establish a functional Petroleum Commission with a more transparent view of the oil revenues to be split and the failure to establish the boundary commission that will allow for a reasonable division between north and south in oil-rich Upper Nile Province.

The NCP carries the blame for not living up to its end of the bargain. This demonstrates revenue from the oil and energy sector is not visibly benefiting development of the South. The Southern Sudan government budget depends on its share of oil revenue, therefore with limited resources, the southern regional government cannot pay for a police department nor can it implement plans to improve social services and build infrastructure.

In conclusion, developments since the formation of the GNU have not been positive concerning the oil. More than a year has passed since the signing of the peace agreement and no one knows yet exactly how much oil Sudan produces a day. The lack of knowledge of how much oil is produced leads to the lack of knowledge of how much

money the oil generates for the country. With regards to the SPLM, its lack of capacity has been a major problem.

4.4 The Sphere of Security Arrangements

With regards to security arrangements in the CPA, concrete steps have also been made. Under the terms of the CPA, covering the territorial jurisdiction of the Ceasefire Agreement, the Sudanese Armed Forces (SAF) and Sudan People's Liberation Army (SPLA) were directed to establish a Ceasefire Joint Military Committee (CJMC) answerable to the Ceasefire Political Commission (CPC) at M Day+30 days (M Day being 24 March 2005) and ensure that it was operational by M Day+45 Days. The stipulated deadlines have been met with the first CJMC meeting held at the newly established Joint Monitoring and Coordination Office (JMCO) at the UN Compound in Juba on 8 May 2005. The SAF and SPLA members of the CJMC have been meeting on a fortnightly basis since this first meeting (UNMIS, May 2006).

An addition success in terms of the security arrangements is the demobilization or absorption of an estimated 48,000 militia troops falling under the umbrella of the Southern Sudan Defense Forces (SSDF) into either the SAF or the SPLA, the only two recognized armed forces one year into the CPA (Sullivan, 2006).

The UNMIS (May 2006) reported that in January 2006, just in time for the deadline appointed in the CPA, South Sudan Defence Forces (SSDF) leader, Gen. Paulino Matip, signed an agreement with Gen. Salva Kiir, merging the SSDF with Sudan People's

Liberation Army (SPLA) as provided for in the CPA. Another faction chose to join with the SAF. Though the numbers represented in each group is not clear, there is a general knowledge that Matip's contingent was the largest in the SSDF. This move makes redeployment of troops easier and solidifies the SPLA strength in the South, but at the same time puts a strain on the SPLA, which will have to find the funds to absorb and keep their newly joined troops satisfied (*Africa Report* N°106, March 31 2006).

The success for the CPA with regards to redeployment of troops has itself been mixed so far, with the SAF on the surface generally holding to the CPA stipulations and the SPLA lagging. According to spokesman of the SAF Brigadier Osman M. al-Aghbash at a regular Press Forum of the official SUNA there were some 46,403 soldiers stationed in the South prior to the signing of the CPA and that 25,710 soldiers out of them have been withdrawn, others will be withdrawn by the 9th of July 2007 to leave about 13000 soldiers representing the government's share in the Joint Integrated Units (JIUs), made up equal parts SAF and SPLA troops ((*Africa Report* N°106, March 31 2006; *Sudan Tribune*, June 8 2006).

In terms of percentage the number of SAF troops removed from the South as of May is about 55 percent, therefore falling in line with the 31 percent mark of troops to be moved to the North within the first year as stipulated in the CPA, therefore indicating the NCP commitment to the CPA security arrangements. However, only 48% of the reported movements have been physically monitored or verified by the Joint Military Teams (UNMIS, May 2006).

On the SPLA side, the CPA stipulated the withdrawal of troops of the Sudan People's Liberation Movement from eastern Sudan, a matter that has little result. Only 3,310 (37.8%) of the initial stated strength of 8,736 troops that were to have been removed from the east of Sudan within a year of the signing of the CPA had actually been redeployed by May 2006. The redeployment actually commenced on 20 April 2006. The second phase of the redeployment was scheduled to commence on 24 May 2006 but was postponed for logistical reasons (Sullivan, April 2006; UNMIS, May 2006).

Other SPLA troops in Southern Blue Nile and Southern Kordofan/Blue Mountains will not be required to redeploy until after the establishment of the JIUs. But the SPLA also lags in terms of setting up these joint units. As of January 2006, some 18,975 SAF troops (97% of the stipulated total) had been nominated for the JIUs, while on the SPLA side that number remains at 8,695 (just 46% of the stipulated total). Just one JIU had actually been set up with 1,500 SAF troops and 1,500 SPLA troops together in Khartoum (though the 1,500 troops concludes SPLA deployment in Khartoum, as stipulated in the CPA) (UNMIS, May 2006; *Sudan Radio Service*, June 20 2006).

Sullivan (2006) asserts that, the delays in troop removal and setting up of JIUs seem to have less to do with lack of commitment on the side of the SPLA than with logistics and upper level delays for which both parties share blame. The failure to establish JIUs to this point has been due largely to significant delays in the formation of a Joint Defense Board (JDB), which was not established until a Presidential decree was made on 29 December 2005. Moving the 5,426 SPLA troops remaining in the East has proven a great challenge

as well, particularly with national and international attention being deflected toward Darfur. He continued that, the NCP is perceived to be linking the fate of the CPA with Darfur and eastern Sudan therefore carrying out delaying tactics and political manoeuvres with the SPLM.

However, if the SPLA troops are successfully removed, another problem in the form of power vacuum may arise. Already there are indications of NCP-led SAF forces attacking Easterners and arming local groups, effectively creating an “eastern region Janjaweed” (ICG, January 5 2006) in what a UNMIS official warns may become another Darfur. Also, the ICG has warned that pulling out the SPLA troops too soon will almost certainly lead to war between the SAF and the coalition of rebel groups in the East known as the Eastern Front (ICG, June 12 2006).

Already there have been reports of the SAF attacks on rebel camps and threatening of remaining SPLA troops in the East. In January this year, the former rebel SPLM said 3.000 Sudanese army troops and four tanks rolled into the Hameshkoreb province (a province in East Sudan) and set up camps just 200 meters from their trenches, threatening to take over SPLM positions (*Human Rights Watch*, Jan 2006; *Sudan Tribune*, February 29 2006).

While the southern government has been able to strike compromises with some formerly NCP-backed ethnic southern militias that fought the SPLA in the past, the NCP has not ended its support of other southern ethnic militias - which is part of its long-range

counterinsurgency strategy. Upper Nile state, a key location for current oil development, is under the control of an important southern militia and an NCP governor, and it is still plagued by instability. Rumors have surfaced of a sustained military build-up in the Shilluk Kingdom in the Upper Nile region. Government-aligned militias vie for dominance and territory in the area around Akobo in southern Sudan (*IRIN News*, May 22 2006). It has also been reported that a big contingent of soldiers of SAF are in 'Bilinyang' east of River Nile. There is also another big contingent of SAF in Lafon and the surrounding of Juba town (*IRIN News*, Feb 19 2006). The present of these soldiers in such a big number is dangerous to the status of peace and security of the people in the south

It's believed that these military outstations are used for executing and raiding of villages on the periphery of the towns under the pretext of safeguarding the villages. This has been proved beyond reasonable doubt when some group of SAF in January this year camouflaged and terrorized the residence of 'Gumbo', a residential area east of River Nile. Some of the SPLA soldiers took personal stand and laid an ambush and managed to catch a number of these soldiers who posed themselves as gangsters. They confessed they were SAF who were commissioned by their senior officers to frequently destabilize the inhabitants' in order to create an impression that the Lords Resistance Army (LRA) was raiding the people of Gumbo. They said this had been going on for quite a long time immediately after the signing of the Comprehensive Peace Agreement on January 9th 2005 in Nairobi, Kenya (*IRIN News*, Jan 19 2006).

If this allegation is true, this indicates that one of the significant policies of the NCP is to destabilize and create insecurity in the SPLM administrative areas so that it makes things difficult for SPLM to discharge their duty in the south and other marginalized areas commonly known in the CPA as transitional areas. However, the spokesman of the SAF Brigadier Osman M. al-Aghbash, when addressing Sudan News Agency (SUNA) on January 23 affirmed that the Armed Forces were committed towards implementation of the Comprehensive Peace Agreement (CPA) with regard to the security Arrangements (*Sudan Tribune*, Jan 24 2006).

Rumours about NCP support for the Ugandan rebels of the Lord's Resistance Army (LRA) and other militias in southern Sudan and the lack of progress in formally agreed troop withdrawals from the southern capital of Juba are other reasons for concern. This northern Uganda rebel group continues to destabilize the region around Juba, ambushing and mining the roads between Juba and the Ugandan border and attacking and looting southern Sudanese civilians. Under the peace agreement, these NCP forces do not have to withdraw from Juba until mid-2007 (*Africa Report* N°106, March 31 2006).

These are only the latest in a series of cases of NCP supported violence going back to SAF support of the Janjaweed in Darfur, support of the Lord's Resistance Army and continued reports of arming of factions within the former SSDF. This indicates a continuation of proven NCP tactics of exploiting Sudan's numerous local tribal rivalries and underhandedly supporting divisions within or amongst rebellious regions, something used particularly effectively to divide the South in the early to mid-1990s.

Perceived in this light, the NCP actions, together with indications seen within the power sharing arrangements, shows that its view of the CPA is more one of strategic calculation than any commitment to unity. The NCP appears to be set on delaying CPA implementation as much as possible without pushing the international community and SPLM too far. Its sticking with the schedule of force removal like what happened to the SPLM in the Hameshkoreb province in the east, appears to be more an attempt to appease the West than a real show of commitment to the CPA.

The value of those moves is further weakened both by indications of continued arming militia groups in the South and the fact that none of the most strategically placed northern troops have been removed. As the SPLM has complained, the SAF troop removal is less in line with the CPA than the numbers suggest, as troops have not been removed from key southern towns like Juba, Malakal and Wau (*Africa Report* N°106, March 31 2006; Sullivan, April 2006).

Conversely, the SPLM has everything to gain from adhering to the schedule laid in the CPA. The greater the SPLM force that it can concentrate in the South, the better chance it has of holding the NCP to its promise of recognizing a southern vote for independence. As with the wealth sharing arrangements, a lack of SPLM capabilities leave it helpless in the face of NCP violations. Its failure (SPLM) to carry out such tasks as naming troops for JIUs may point not only to lack of capabilities, but also a lack of commitment to unity, as it focuses its attention more on the South than unifying measures of the CPA.

4.5 The Three Transitional Areas of Abyei, Southern Kordofan and Blue Nile

The slow implementation of the Comprehensive Peace Agreement (CPA) between Northern and Southern Sudan is a matter of growing concern. In Southern Kordofan and Blue Nile, State Governors have been appointed by the Presidency. The interim constitution of Blue Nile State has come into force, paving the way for institutional development in the state in accordance with the CPA; but the failure to thus far finalise the interim constitution of Southern Kordofan has delayed progress there. However, a major issue is the stalemate over Abyei, the area over which authority was transferred from the South to the North in 1905 and today is claimed by both. Abyei contains one of Sudan's two largest oil fields. Sudan is pumping around 500,000 barrels per day of crude oil and Abyei's fate epitomises the strain on the peace deal. This issue is seen as a test of the intentions of the NCP and the SPLM. Very troubling is the possibility that if not resolved, the Abyei issue could lead to warfare (UNMIS, May 2006).

Abyei lie across the Bahr el-Arab River and for over two centuries this area was used for cattle grazing by the African tribe of Ngok Dinka and their northern neighbors, the Misseriya Arabs. In 1965, fighting during Sudan's first civil war reached Abyei, and since then the area has been disputed. The Misseriya have come to regard Abyei as rightfully belonging to them, a claim rejected by the Ngok Dinka, who see themselves as the true inhabitants of the land (*Crisis Group Africa Briefing No.4*, 23 June 2003; *USIPeace Briefing Paper*, October 2005).

The sensitivity of the Abyei Area issue was recognized in a special protocol to the CPA. This stipulated that in six years, when Southern Sudan votes whether it will become independent, the residents of Abyei will vote whether they wish to become part of the South or remain with the North. The Misseriya fear that, even though the Abyei Protocol specifically recognizes their grazing rights, their access to pastures will be blocked if the Ngok Dinka, by far the majority of Abyei's population, vote to join the South. Oil also complicates the picture. At present the oil fields of Abyei lie within northern Sudan. But if the South votes for independence and, concurrently, Abyei voters opt to become part of the South, the resultant new international boundary would transfer these fields from Sudan to the newly independent Southern Sudan (*Crisis Group Report, August 9 2005; Africa Report N°106, March 31 2006*).

Northern and Southern negotiators agreed on how Abyei will be administered and how the area's oil revenues will be shared. But they failed to agree on Abyei's boundaries. Consequently, the Abyei Protocol stipulated that the area's boundaries would be defined by an Abyei Boundaries Commission (ABC). Beginning its work in April 2005, the Commission was composed of five members from the government, five from the SPLM, and five international experts. The ABC's mandate was to define and demarcate the territory of the Ngok Dinka as it was when transferred from the South to the North in 1905. If the members representing the two sides could not agree on a boundary, the decision would rest with the international experts, whose decision would be "final and binding" (*Abyei Protocol, May 26, 2004*). And this is what the ABC has accomplished.

The experts interviewed over 125 persons and reviewed official documents in archives and libraries in Khartoum and the United Kingdom. Their decision was based not only on historical evidence, but also on legal principles that regulated common land use during the period of British administration. These principles recognized “dominant” rights, where a community had its permanent settlements, “secondary” rights for seasonal use of land, and “shared secondary” rights, where two or more communities shared use of land. In making its case to the experts, the government held that only a small strip of land south of the Bahr el-Arab had been transferred in 1905, and that Ngok Dinka occupation of the territory north of the river post-dated that transfer. The SPLM stated that Ngok Dinka territory lay both north and south of the Bahr el-Arab, in fact well north of that river (*USIPeace Briefing Paper*, October 2005).

According to Donald Petterson (May 2006), former US ambassador to Sudan and the Chairman of ABC, conclusive evidence convinced the experts that the government’s explanation of what was transferred in 1905 was based on a misreading of contemporary documents. In particular, the government’s position regarding the location of the Ngok Dinka was anchored largely in a misinterpretation of a trip report written by a British official in 1902. In contrast, there was firm historical evidence attesting to the permanency of Ngok Dinka settlements in pertinent areas north of the Bahr al-Arab and to the lack of Misseriya permanent settlements in the same locale. Solid evidence supported the Ngok Dinka’s claim to dominant rights along the Bahr el-Arab and its northern tributaries in 1905. The record also showed that the former British administration recognized a continuity of Ngok Dinka permanent settlements throughout

the years of imperial rule and a progressive expansion of the Misseriya's secondary rights into Ngok Dinka territory after 1905. The experts therefore placed the boundary between the Ngok Dinka and Misseriya within an area of recognized shared secondary rights, where neither community had permanent settlements (*Crisis Group Report*, August 9 2005; *Sudan Tribune*, May 3 2006).

The decision, rendered in July 2005, was denounced by the government members of the ABC and repudiated by Misseriya representatives, some of whom threatened to go to war if the decision was implemented. Sudan's First Vice-President, the late John Garang, confirmed that the report's decision was final and binding and insisted on its implementation, as has his successor, Salva Kiir Mayardit. But President Omar Hassan al-Bashir refuses to accept the findings creating a deadlock. Due to this disagreement, the terms of the Abyei Protocol have yet to be implemented. According to Petterson, Abyei has the potential of becoming a flashpoint, with dire consequences for the implementation of the CPA as a whole. He said, "if the two sides cannot agree to be bound by the terms of this agreement, what guarantee is there that they will be bound by any of the rest of the CPA?" (UNMIS, Nov 2005; Sullivan April 2006; *Sudan Tribune*, June 1 2006).

At a meeting between the NCP and SPLM in May 2006, about 50 students from Abyei demonstrated angrily demanding to know why their region has been left in a state of disarray with no change since peace. "We are happy with peace, but we want to know why some parts are not being implemented, like the Abyei protocol". "The SPLM ... need

to do more" (*Sudan Tribune*, May 27, 2006). According to these students, the SPLM were trying to implement the deal but were regularly being blocked by the NCP, which still controls a majority of governmental ministries, security organs and parliament and are delaying the process.

On May 29 2006, in a petition to the Sudanese presidency Misariyah Arab tribes rejected the conclusions of ABC and blamed it for the administrative deterioration and security instability in the area. The petition warned that the commission's report inflamed disputes between the citizens of the area. In order to contain the disputes the petition said it was necessary to set up a new commission whose final decision would be taken by the people of Sudan (*Sudan Tribune*, May 29 2006).

The International Crisis Group (ICG) think-tank said in a recent report that "the NCP's actions regarding Abyei are a blatant violation of the CPA, creating perhaps the most volatile element of the entire agreement right now"(ICG, June 12 2006). Without full implementation of the Abyei Protocol especially, there will be no prospect of a stable peace in Sudan. The most flagrant violation in Abyei took place on March 2006 when 12 SPLM soldiers were killed in an ambush (UNMIS, May 2006).

Since the Three Areas have the greatest SPLM presence in the North, resolving issues and implementing the protocols will test the parties' commitment to genuine reform and unity. In addition, because the states are part of the frontline between North and South, renewed conflict in these areas could easily escalate between the SPLM and SAF.

With its significant oil reserves, Abyei is an important test of the NCP commitment to the CPA. Currently, more than 80 percent of Abyei's people are displaced outside the area, they want to return to Abyei, but there is lack of administration that can insure the necessary services. The joint SPLA-SAF military and police forces needed to ensure security for citizens' return are not yet integrated (*Crisis Group Report*, August 9, 2005; *USIPeace Briefing Paper*, October 2005).

CHAPTER FIVE

SUMMARY OF FINDINGS

The Inter-governmental Authority on Development (IGAD) played a central role in the resolution of the Sudan conflict. IGAD's diplomacy was characterised by mediation originating from geographically proximate states. But this neighborly interest did not necessarily translate into IGAD's capacity for effective mediation in Sudan; refugee flows, Sudan foreign policy of spreading political Islam to neighbouring states and insecurity in the region propelled IGAD to intervene in the contiguous conflict.

IGAD's major achievement was the consensus on the Declaration of Principles in 1994 in which the conflicting parties, the SPLM/A and later in 1997 the GoS, agreed on the principle of self-determination for the Southern Sudan. This was the first ever blueprint established as far as resolution of the Sudan conflict was concern and widely supported by the international community, civil societies, NGOs and opposition parties.

The most important breakthrough in IGAD negotiation process occurred in July 2002, when the Machakos Protocol was signed, calling for religious freedom in the south and an eventual referendum on self-determination. This agreement was hailed by most observers as the critical turning point in the peace process and as one of the best chances for peace since the renewal of the conflict in 1983.

Furthermore, IGAD's consistency assisted in signing the CPA. Since IGAD members have been involved in the peace process for some time (since 1993), they were familiar

with the conflict and its main players and stumbling blocks (spoilers). In the words of an SPLM representative during a presentation “it (IGAD) had the time necessary for it to metamorphose from egg to larva, pupa and finally adult” (Wondu, 2004). Lessons learned were that a regional peace process cannot be rushed, and that there needed to be regional consensus building in any peace process.

Comparisons of IGAD negotiations to previous attempts, such as the Nigeria-sponsored Abuja peace process and the Egypt-Libya Initiative, suggest that the IGAD-led talks have achieved much more than the others. The IGAD-led peace process is central to the comprehensive peace in the Sudan. No other peace process has come so far or has addressed the fundamental roots of the conflict in southern Sudan. While the process does not offer a comprehensive solution to the country’s problems, the breadth of the agreements reached in the protocols offer a basis for answers to the wider issues of insecurity and conflict.

The IGAD mediators have been flexible in their management of the proceedings. In the beginning they succeeded in breaking down the conflict into specific components; each of which was isolated and attacked. They ensured that whenever a consensus was reached on a particular issue, the parties signed a protocol. That file would then be closed and a new one opened for the next topic. During the final phase of the negotiations, a holistic approach was applied and this brought a speedy conclusion to the Sudan peace agreement. It took less than two years from this time to sign the CPA, a process that began in 1993.

In dealing with the conflict in Sudan, IGAD created a semi-autonomous *ad hoc* mechanism, outside of its Djibouti's Secretariat, which was then mandated to deal with the conflict. This was the establishment in 1999 of the Nairobi Secretariat on the Sudan Peace Process. The lesson is that, the political dimension of a regional organisation by far exceeds its technical relevance in supporting and implementing development processes.

IGAD had a real commitment in resolving the conflict in Sudan. The lack of resources and capacity for effective mediation had been a big constraint with regards to regional organization involvement in peace efforts in countries of their region. IGAD was very much aware of this constraint and as a result, endeavored to seek for financial and political support from western countries which later materialized in the form of IGAD's Partner Forum (IPF). These partners help in disbursing money and resources needed to enabled IGAD carry on with its mediation process in Sudan. As a result, IGAD came to have an international recognition as the sole and legitimate organization in the Sudan peace process. This forum was later enlarged to Joint Partner Forum (JIPF) consisting of other donors' countries and organizations now committed in peacebuilding activities in Sudan. Thus, their support to IGAD cannot be left out. They represented the will of the international community.

The role of the United States is also appreciated in the Sudan peace process. Beginning with President Bush's appointment of Senator Danforth in 2001, series of confidence-

building measures proposed by the US special envoy had compliance from the NIF and the SPLM/A.

In addition, the belligerent parties' willingness for continuous participation in the peace process cannot be left out. Their ownership of the peace process in the latter phase, when the two parties went on a face-to-face negotiation, serves as an encouragement to the mediators and observers, despite their enmity at home. This showed an apparent culture of tolerance that can be harnessed in the search for reconciliation.

In conclusion, IGAD's success is a triumph for Africa because it has given content to the slogan of African solutions to African problems.

CONCLUSION

Sudan has been engulfed in civil conflict for all but eleven years since its independence in 1956. The conflict between the North and the South erupted one year before Sudan gained its independence in 1955. The war which the GoS and the SPLAM/A recently ended erupted in 1983, following the breakdown of the 1972 Addis Ababa Agreement. The root causes which propelled the war included disputes over power, resources, the role of religion in the state and self-determination.

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

refugees. The nature and size of the country's problems have frequently overflowed into neighboring countries and brought misery and insecurity to the region.

Over the long years of war, there were series of attempts by various external actors, including neighboring States, concerned donors and other States, as well as the parties themselves, to bring the conflict to an end. However, the immense complexities of the war and the lack of political will prevented its earlier resolution.

In 1993, IGADD became involved to bring the belligerents together. It revitalized its role and changed its name to IGAD. Together with IGAD's Partner Forum, this was the beginning of a long process that led to the signing of the Comprehensive Peace Agreement in January 2005. The achievements of the IGAD's Kenyan-led mediation process by far exceed all other agreements since 1972.

However, the overall impression of IGAD's role is ambivalent. First, the lack of inclusivity in the IGAD's peace initiative in Sudan. In the negotiations, neither the militia loyal to government, yet independent, nor the Southern factions, independent of SPLA, were included. The exclusion of the militia leaves the government with means to torpedo the peace process without being held responsible. These groups are also a source of potential interference as long as they were not involved in the negotiations. Also social actors like women initiatives, local NGOs, the very active churches and grass-roots groups were totally excluded. Finally, there is a high risk that the rivalries in the South between the dominant Dinka and minority Nuer ethnic groups may escalate after a peace settlement between Khartoum and SPLM.

Second, starting from a regionally managed procedure, the IGAD mediation efforts turned into an externally driven process in which IGAD's role almost shrunk. Though the organization is still commendable for providing a proper forum for the US efforts, concerns are further enhanced by the fact that the negotiations were not based on free will since IGAD lacks the leverage to achieve progress in conflict solution out of its own strength. Thus, if the interest in peace in Sudan from the IGAD Partners Forum, predominantly the American, does not prevail and the pressure dies down, the collapse of an externally forced agreement could become foreseeable.

Third, with the establishment of the Sudan Peace Secretariat in Nairobi, the Secretariat in Djibouti was at the risk of being marginalised from the process. Moreover, the Sudan Secretariat was dominated by Kenya's "national" mediation mandate. Though this external autonomous and ad-hoc mechanism was set up to speed the peace process, to an extent, it weakened the IGAD Secretariat. In addition, Nairobi as the venue of the meetings of the JIPF Special Committee on Sudan further contributed to the falling behind of the IGAD Secretariat in Djibouti.

Four, the mediators increasingly lost grip on the negotiation process when the leading politicians, Vice President Taha of GoS and John Garang started direct talks among each other without mediator Sumbeiywos' direct involvement. This, however, showed an enhanced "ownership" of the peace process.

All in all, IGAD has the character of a regional organisation for peace initiatives. It rendered remarkable performance, eliminating at least some spoiling factors in the conflict resolution in Sudan.

Despite the successful conclusion of negotiations, there are major doubts regarding sustainability and implementation. This has always been the greatest weakness in all peace agreements throughout Sudan's history. Ultimately, the following points should be noted by IGAD for sustainability of peace in Sudan and subsequent peace initiative in the IGAD region.

RECOMMENDATIONS

To tackle some of the contextual and underlying factors that will affect the prospects of peace building and promoting its sustainability, first, IGAD should encourage the adoption of a general principle of inclusivity of parties such as involvement of civil society groups when dealing with conflicts that have a regional dimension; the encouragement of democracy within its member states, a respect for human rights, good governance and the establishment of and adherence to the rule of law. The aim must be to achieve comprehensive peace settlements – not only desirable in itself but essential for the future security of the IGAD region.

IGAD member states should constantly bear in mind that peace processes do not come to an end with the signing of a peace agreement, however comprehensive. The appropriate role for IGAD in Sudan is to ensure that the subsequent phases of peace building,

reconciliation and reconstruction are conducted within a regional framework where necessary, appropriate and practical.

It is imperative for IGAD to recognise the limits of its resources and expertise. Thus, IGAD should tap into the assets of international and regional organizations such as UN agencies, the World Bank, Government Aid Agencies etc. particularly in the peacekeeping and peace building phase. Furthermore, mechanisms with limited resources like IGAD should concentrate their efforts on conflict prevention rather than resolution by strengthening democratic processes, the rule of law, human rights, transparency accountability and good governance and encouraging virile civil society organizations.

Though IGAD is constrained by limited resources and capacity and has limited practice in post-conflict peace maintenance, member states have much to contribute from their own experiences and knowledge of the region. While international organisations and development partners have considerably more material resources, e.g. to provide logistical support for monitoring or to finance reconstruction, they have a global array of interests that may result in other arenas taking greater priority in their agendas than Sudan for example. Indeed one part of the IGAD role must be to seek to ensure that other partners retain their commitment to the challenges of bringing sustainable peace to Sudan.

IGAD must continue to cultivate the support and goodwill of the international community to access political and financial support for its efforts in respect of building regional

security and, with the support of its member states and the international community, expand its capacity to monitor and engage in regional confidence building activities.

IGAD must seek to consolidate its position as the principal mechanism for addressing the problems of conflict within the region and to preserve and enhance its reputation as a neutral facilitator and mediator. In this vein IGAD must give attention to constructing durable security architecture for the region including provision for the eventual conclusion of a mutual non-aggression treaty among its member states that would compel countries to actively renounce support to groupings engaged in armed subversion into neighbouring states.

The proliferation of and illegal trade in arms is a major source of conflict and instability in the IGAD region. Thus IGAD should expand its engagement in issues of arms management and control.

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