June
2011

A return of Hostilities? Comprehensive Peace Agreement, Transformational Challenge and the Future of Sudan.

Aalborg University
Dept. of History, International & Social Studies
Development and International Relations
Master's Thesis
10th semester

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List of Abbreviations

ABC	Abyei Boundary Commission
AEC	Assessment and Evaluation Commission
AU	African Union
AUHIP	African Union High Level Implementation on Sudan
BBC	British Broadcasting Corporation
BLB	Borderline Belt
BCPR	Bureau of Conflict Prevention and Recovery, UNDP
CPA	Comprehensive Peace Agreement
DDR	Disarmament , Demobilization and Re-integration
DOP	Declaration of Principles
DPA	Darfur Peace Agreement
DUP	Democratic Unionist Party
ESPA	Eastern Sudan Peace Agreement
ELF	Eritrean Liberation Front
EPLF	Eritrean People's Liberation Front
EU	European Union
FRELIMO	The Liberation Front of Mozambique
GoS	Government of Sudan
GoSS	Government of South Sudan
GNU	Government of National Unity
HIPC	Highly Indebted Poor Countries
IGAD	Intergovernmental Authority on Development
IGNU	Interim Government of National Unity
ICC	International Court of Justice
IMWG	Sudan Information Management Working Group
IRIN	Integrated Regional Information Network
JIU	Joint Integrated Unit
JIPU	Joint Integrated Police Unit
JEM	Justice and Equality Movement
MPLA	People's Movement for the Liberation of Angola
NCP	National Congress Party
NATO	North Atlantic Treaty Organization
OIC	Organization of The Islamic Conference
PDF	Peoples Defense Force
PCP	Popular Congress Party
RENAMO	Mozambicans National Resistance
SAF	Sudanese Armed Forces
SPLM/A	Sudan People's Liberation Movement/ Army
SLM/A	Sudanese Liberation Movement /Army
SSLM	South Sudan Liberation Movement
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SSDM	South Sudan Democratic Movement
TTA	Three Transition Areas
TBC	Technical Boundary Commission
US	United States

UK	United Kingdom
UNDP	United Nations Development Programme
UNITA	National Union for the Total Independence of Angola
UNAVEM	United Nations Angola Verification Mission
UN	United Nations
USIP	United States Institute for Peace
VOA	Voice of America

Acknowledgement

In the course of carrying out this study, I have had to benefit from the guidance and incisive criticisms of several individuals to whom I am highly indebted.

With a deep sense of gratitude, I acknowledge my research supervisor; erudite scholar, Prof. Mammo Muchie for his interest in this work. In spite of his tight schedules created time to raise constructive criticisms, provided the necessary guidance and offered the moral and academic advice toward the success of this work and for his incisive thoughts. I am indeed very grateful.

My heart reaches out to the Danish Government for the rare scholarship opportunity; the Africa I &II Division, Department of Political Affairs, United Nations Headquarters, New York where the idea of this research work originates especially for the division's emphasis on preventive action in Peacebuilding.

Also many thanks to the E-Governance & Access to Information [A2I]Team, in the Bureau of Development Policy as well as the Bureau of Crisis Prevention and Recovery, UNDP Headquarters, New York where one of the most effective cutting edge technologies used in this study for crisis monitoring emanates. I appreciate your support. My heart reaches out to Mr. Charles Ubah, my chairman and financier! Thanks for your support and assistance, May God reward you richly. Also to my Mom and Siblings, I love you guys!

To my best friend, Temitope Sowunmi, I appreciate you for the moral and emotional support. And most importantly, my heavenly Father, I would not have made it without you! Thank you once again.

Abstract

Post-colonial Sudan has been in a constant state of conflict and witnessed only a short interregnum of relative peace since its creation in 1956. The conflict among other factors has been arguably rooted in ideological cum religiosity struggles and perpetual marginalization of some sections of the population especially the sub-Saharan South and other minorities elsewhere.

From Machakos protocol 2002 up until the Comprehensive Peace Agreement [CPA] 2005, a cease-fire has been negotiated between warring actors and a framework for peace established- one of the provisions of which is the Southern-Sudan Referendum for secession, January 2011. According to reports, it appears the south might secede following the results from the referendum as the turn outs were overwhelming and the 60% benchmark would have been reached while this abstract is written.

Therefore, is the 'dust about to settle' in Sudan and will all be well soon? Is this the last of the conflicts in Sudan? Are we at the beginning of the total disintegration of the restive country? How are we sure the emerging states would not slip back into conflict almost immediately?

The study seeks to focus on the problem option: Why inspite of the CPA and Southern Sudan Referendum for Independence, the cycle of conflicts may not have been broken in Sudan?

Map No. 3707 Rev. 10 UNITED NATIONS
April 2007

Department of Peacekeeping Operations
Cartographic Section

Chapter 1
Introduction

The beleaguered Sudan amid hostilities, power politics and fatigue of a renewed ignition of conflict between the North-South belligerents, has finally conducted the long-awaited referendum, between 9 and 15 of January 2011,[1] with manifest implication of secession for the southern part of the country. This is arising from the proviso-implementation of the 2005 Naivasha Agreement[2] that brought an 'end' to the second civil conflict in Sudan. However successful, this is just one version of the cacophony of conflict that has rocked the country since its independence in 1956.[3]

There are several crisis hotspots in the country aside the North-South age-old dichotomy and ethnics uprising. There is the Darfur catastrophe that rages-on as this piece is written regardless of the Doha Peace talks[4] that sought an agreement to bring the situation under control. There is also the Eastern Front crisis as well as the border-refugee-militias configuration rift between the Governments of Sudan and Chad.[5] In all of these crises, the common denominator is the central government in Khartoum under former Gen. Omar El Bashir of National Congress Party [NCP] as well as patriotic militias against all 'others' with anti-NCP led government leaning. Notwithstanding the fierce rancor amongst these factions, the root cause of the collective imbroglio is founded upon marginalization, rights of access struggle and the political economy of 'who gets what, when and how'- a phenomenon that has bedeviled the country from inception.[6]

A report has it that since the power-hijack of President Omar El-Bashir in 1989, North-South conflict separately has claimed many lives and over four (4) million people have been displaced internally and as refugees elsewhere.[7] This African tsunami has left humanitarian condition in a deplorable state as underdevelopment and poverty is largely prevalent in pockets of marginalized sections of the country. This condition has been by default since the British-Egyptian colonial rule that created an asymmetric system of administration favouring the rulership of the North

[1] Southern Sudan Referendum Commission January 2011
[2] Tull 2005: 1
[3] BBC News 13 January 2011
[4] Sudan Tribune 12February 2009
[5] BBC News 23 December 2005.
[6] Johnson 2003
[7] U.S. Committee for Refugees 2001

above the South. Consequently, in a contemporary order of the same tradition, issues of identity, 'ethnicism', and religiosity, ideology of Islamism and 'Arabizism' and struggle for control over once scarce but now abundant resources have been the basis of victimization and system of perpetual domination of a perceived majority over minorities or vice versa in Sudan.[8]

However, as if to validate Barry Buzan's thesis of regional security complex, regional concerns of neighbouring countries to Sudan under the auspices of Intergovernmental Authority for Development [IGAD], the UN, and the troika of US, UK and Norway, in the series of Agreements [from Machakos Protocol 2002 to the Protocol on the resolution of conflict in Abyei 2004, all of which culminated into what is today known as the Comprehensive Peace Agreement [CPA] 2005 have helped to secure a 'certain kind of order' for possible transformation in Sudan. Now, the 6-year interim transitional rule provided by the CPA has a space of 9 July 2011 to elapse, regardless of turbulence that marked the process of the referendum-a prescription of the CPA, it has come and gone. The results are boldly evident without preempting its official announcement. Hopes are high and the enthusiasm of southerners in Sudan has reached a crescendo just as the world awaits possible implementation of the decision upon announcement on 7 February 2011. This is regardless of the fact that there are a lot of undone and unresolved issues between the contending actors with destructive implications for the 'edifice' of transformation under implementation.

At last, results have been announced with a 98.83% of the South Sudan population gunning for independence.[9] In the light of this new development, it appears the 'dust is about to settle' in Sudan. What then should we expect? Is Africa about to witness the peaceful emergence of a new state? Should the South secede, how soon would the new state or entire Sudan slip back into conflict? Is this the beginning of the disintegration of Sudan as we know it today bearing in mind the implications of such precedence for other autonomy-seeking militias elsewhere? How are we sure this is the last of North-South Sudan conflict bearing in mind that Ethiopia-Eritrea hostilities has remained unsettled? Would the much-needed transformation ever be delivered by the CPA? Were all alternatives exhausted during the peace agreements before the power-sharing and referendum option? Whether the implementation of the Sudan peace process will succeed or fail

[8] Op.Cit. Johnson 2003
[9] UNMIS CPA Monitor February 2011

remains a puzzle yet to be demystified or whether the actors around the debate are the Achilles' heels of the future of the country remains a mystery to be deciphered.

1.1 Statement of the Problem

The situation in Sudan is protracted and complicated. It is marred with plethora of problems from different angles; from loss of life, poverty and worsening humanitarian condition, victimization, marginalization, oppression to growth of militias, perpetration of terror acts and identity politics. What is frustrating about it is the fact that; while what was thought to be the bone of contention is being tackled, new issues arise with grave implications, often coloured with wanton destruction and loss of life. Consequently, attention gravitates toward the new issue of concern leaving the first issue on hold; sometimes the new development may be a machination of one of the unsatisfied powers at the initial negotiation- a strategy employed to buy time in the process of negotiation so as to tilt the balance in favour of an aggrieved. For instance, while the North-South Conflict was being mediated, Darfur crisis escalated, global attention shifted toward Darfur-a process which stalled the negotiation for a while sometime in 2004.[10] These made it difficult for policy makers or interveners to diagnose from the usual armchair observers' viewpoint to prescribe what manner of approach aimed to engage and arrest the worsening conditions.

Often times, such unprecedented conflict situations are fraught with the problems of conflict-definition, rules of engagement and strategies for resolution. It appears interveners have a generic conflict overview and resolution strategy but tinted with varieties of implementation activities in peacemaking just as acknowledged by Stephen Stedman et al.[11] Most times, issues in peace-keeping, peace-enforcement and peace-monitoring implementation clash as well as strategies to drive nation-building, peace-building and state-building. All of these are separate but connected; often seen on a peace process continuum as they require different strategies to bring about holistic stability and transformation solutions. This confusion has its Sudan edition.

Another problem arises from the peace agreement/process implementations. There is always the tendency to underestimate some issues in the process of negotiating a ceasefire in conflict

[10] Dagne & Everett 2004, pp. 8
[11] Stephen Stedman et al. 2002, p4

situations. These undone issues later appear as clog in the wheel of progress during peace agreement implementation. The Sudan comprehensive peace agreement no doubt carried over some unresolved issues into its implementation phase. Some of these, as described by Stedman et al makes implementers assume the role of mediators such that for progress in the implementation phase, there would require a separate set of negotiations.[12] For instance, though contentious, the Abyei [Misseriya-Dinka] ethnic issues were not envisaged to be as problematic as the struggle for the control of its resources during the CPA negotiations. However, it did become a major issue during implementation in 2007-2008 requiring another set of negotiations for resolution.[13]

By and large, there is yet no final word on the reason peace agreements fail or succeed. Many scholars have different debatable opinions over this touchy issue as the blame is shifted in circles. Sudan CPA is likewise not exonerated from this dilemma especially now as no one is yet sure if it would succeed or fail. This is in recognition of the fat that issues in post-conflict reconstruction and transformation are central to the survival of any conflict ravaged society. Since Dayton, Bosnia seem not to have recovered inspite of incentives from the EU to drive national unity. However, 2011 Liberia has moved on and grappling with post-conflict reconstruction, transformation and challenges. Therefore, indices for success or failure aside nature of conflict remain largely debatable.

The CPA carries an embodiment of the problem areas described above. From its negotiation to implementation, there are doubts as regards its 'comprehensiveness' and whether it will herald the much needed transformation considering the plethora of irregularities that coloured the process. However imperfect, its implementation seem to be dragging progressive one way or the other but not without its challenges. At least the referendum is concluded but results are yet to be officially announced as at the period of this writing but now released as mentioned above. In Africa, it is one thing to conduct an election; it is another for genuine results to be released and announced when due, even much more a big deal for the results to be accepted by contenders in good faith and allow implementation take its course; the 2011 case of Cote d'ivoire election attests to this fact. As yet, no one is sure of the next move from either side of the divide or from elsewhere in the system that could sink the on-going process in Sudan as well as the fact that

[12] Ibid
[13] International Crisis Group, 13 March 2008

certain pertinent issues are yet undecided. All of these make obvious the dilemma over transformation in Sudan.

However, this study may not capture all of these issues in one sweep. Therefore, it seeks to focus on the question: **Inspite of successful conduct of referendum, why is it that the CPA may be impotent to arrest the cycle of conflicts and bring about stable-peace and transformation in the post-referendum Sudan?** Put differently, **though the referendum has come and gone and the two-state solution seem imminent, will all be well with Sudan henceforth?**

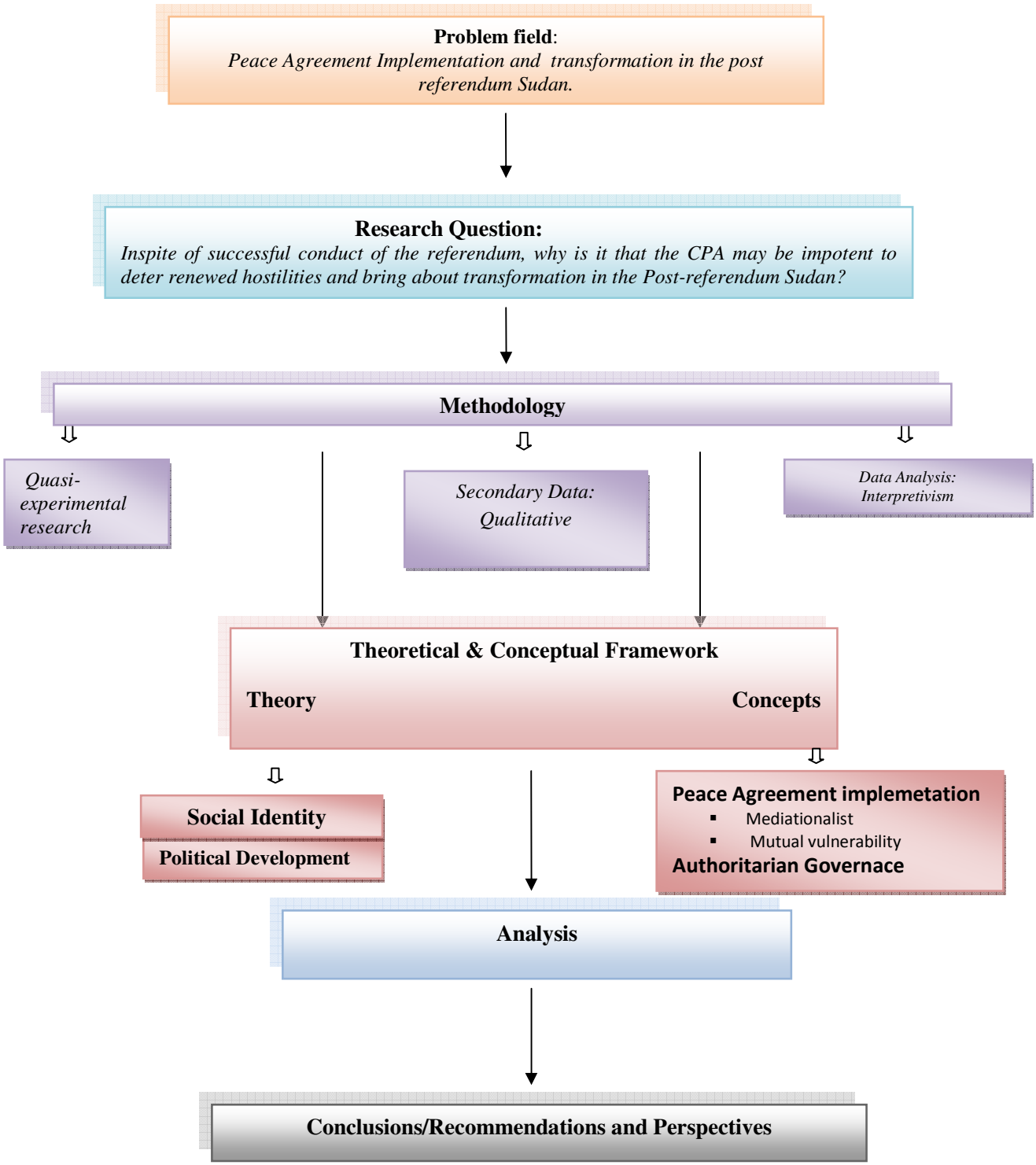
1.2 Justification of the Problem field

There is an industry of literature about Sudan; this is expected for the many sided problems bedeviling the country. Some might argue that issues around the emerging new state of South Sudan or issues in Darfur resolution or the problems of militias are the most important matters begging for attention. All of these and many more are very important. However, this endeavour has chosen to engage the Sudan CPA at this auspicious time in the history of the country in order to help identify what appears as impediments to expected transformation in Sudan; in order that a strategic reinforcement is carried out to prevent the possible break-down of the on-going process or Sudan's total dismemberment.

1.3 Research Questions

(a.) What are the reasons for the success or failure of peace processes in conflict societies?
(b.) How effective is power sharing to bring national unity in conflict ridden societies?
(c.) Of what relevance is true democratic enthronement to transformation in Sudan?

1.4 Research Design



1.5 Methodological Consideration

The ambition here is to examine the process of mediation, content and implementation of the Sudan Comprehensive Peace Agreement. It takes a view to identify and address latent issues of concern left open-ended or downplayed, which are fundamental to stability and with potentials to truncate or impede the on-going process of transformation. In that regard, the study engages a *quasi-experimental research design.*[14] One might wonder the rationale for the choice of '*experimental research'* strategy as opposed to the usual '*case study approach'*. According to Alan Bryman[15], quasi-experimental strategy is an experiment that occurs in real life based on detailed observation of how variables, dependent and independent alike, work together to produce a combination of certain real-life outcomes. However, the chosen method has its own limitations especially for treating real-life issues with a laboratory lens.

Aside methods, the conflict situation in Sudan presents us with methodological challenges reflected in subjectivity versus objectivity of issues as we try to make sense of the conflicting perspectives of the warring sides on any issue. It is a given that the view of the SPLA and that of NCP would always conflict as each side presents their version of any situation. Coupled with the fact that the Sudan case is a mixed-bag of identity related crises expressed in ethnicity, religiosity coated with victimization, marginalization, bloodshed, displacement, loss of property and struggle for access, there is the possibility of high emotions overshadowing opinions, arguments, and decision making processes.

This is because each of the competing sides has ambitions, expectations and goals they seek to achieve and would do this via any means to dilute facts in the manner of information divulged. This situation therefore raises a lot ethical, normative, subjective, and reliability concerns over the collected data, information as well as credibility of information sources. For the fact that this study seek to capture on-going events in Sudan, it relies on news media whose leaning are difficult to ascertain. Therefore, the challenge of sieving real facts and honest details from these sources raises a case for credibility of information gathered. This makes the research task appear herculean if we must make a much richer reflection and understanding of the Sudan case.

[14] Bryman 2008, p.41
[15] ibid

In awareness of this dilemma, I have taken precautionary steps to: (a) critically assess information, opinions, arguments, authoritative writing and credibility of sources (b) Apply deep thinking to dissect genuine fact from conflicting accounts (c.) make intent investigative observation with a view to make objective sense of a piece of information.

1.6 Objectives of Study

There are four (4) objectives of the study; to observe if true transformation is a surety in Sudan, to raise an alarm on impediments to stability in Sudan if any; make popular the opinion that the idea of power-sharing is counter-productive in conflicts mediation or resolution process [it makes issues complicated in the long-run when prescribed to drive national unity especially when certain factions have tasted autonomy]; and finally how current events reveal potential security risks in the post-CPA era in Sudan

1.7 Assumptions

The study is based on the assumptions that the quality of the Sudan comprehensive peace agreement is compromised by the attitudes of belligerents. It also assumes that actual marginalization of the south is founded on the political economy of 'who gets what, when and how' and that other conflicts in the Sudan have their roots in the North-South dilemma. Therefore, once the North-South conflict is resolved, a final solution to the cacophony of crisis in Sudan might be found. This is located in the purging of the socio-political landscape of the country from every form of sectarianism and ethnic politics that are anti-diversity in orientation.

1.8 Nature of Study and Data Analysis Procedure

The study takes a qualitative research method approach that is both theoretical and empirical in form; in that having looked into the theories as a platform for navigational guidance, it sought to understand the rationale behind the real-life issues in the Sudan problems and process of decision making of the CPA. Therefore, empirical content are seen through theoretical and conceptual lens and an interplay of how theoretical understanding of conflict resolution, mediation and peace agreement implementations bring to bear much influence on real life and attitudinal debates around the negotiation and implementation of the CPA. The style employed in consideration for accepted knowledge [epistemological consideration] for data analysis is called

Interpretivism in the class of Anti-positivist school.[16] The general idea with interpretivism is that human cultural and social processes are viewed from a subjective perspective; where the researcher as an observer is the subject who engages in the processes of critical examination of the peace agreement implementation [object] in Sudan.

1.9 Use of Theory

As earlier mentioned, the study relies heavily on theoretical understanding for navigation of realities of the problem at hand. Theories of Social Identity and Political development have been chosen and they would be used on their strengths and weaknesses with a view to understand the many sided dimension of the Sudan North-South conflict. Also a section that presents a creatively crafted conceptual framework for understanding this perceived narrow area has been added. In that order, competing perspectives in peace agreement implementation and authoritarian governance have been selected for their particularism, focus and relevance to this subject of interest.

The social identity theory (SIT) explains the basis for identity crisis between groups founded upon the slightest condition of social categorization of an 'in-group' against others. SIT gives us an insight how ethnicity, religiosity, socio-economic power and alienation from political participation and other benefits could result into protracted conflicts. The application of SIT to international politics affords us the opportunity to understand how competing groups relate with one another on the basis of resource allocation and benefits derivable from their attachment to an in-group. This is what the proponents of the theory called the *in-group favouritism*. SIT on this basis show how the process of maintaining continuous flow of in-group favouritism gains trigger conflicts.

Political development theory highlights mass mobilization for political participation in governance without the exclusion or victimization of any sect as a high level of political development. In this sense, proponents speak of 'modernization', which is a continuous process of creating wider political participation and creation of institutions that supports democratic ideals, central bureaucracies and universalism. This process therefore needs to be stable and sustained for political development to take place. However, when a group or an authoritarian

[16] Op.cit Bryman, p. 13-17

seek to stabilize the process by alienating opposition from participation and commonwealth in favour of a favoured enclave or group, then conflict is inevitable. This situation depicts lack of political development. What results is a massive cry for transformation and replacement of the oppressive regime with one having democratic ideals or push for autonomy in form of secession would become the order of the day. In this sense, a process of modernization to drive wider political participation and in turns political development with institutions that support equity, justice and stability could begin or be truncated.

Connected to the theories is the conceptual framework domain. I have creatively divided contending thoughts in Peace Agreement implementation perspectives into two schools: 'Mediationalist' and 'Mutual Vulnerability' schools. The former much captured in the works of Fen Osler Hampson's '*Nurturing Peace'* and Barbara Walter's '*The critical barriers to civil war settlements'*. It advocates that the success or failure of any peace agreement depends largely on the interest to nurture peace and security guarantees of the intervener. This belief is often captioned in clauses like '*if the international community wants peace, then there will be peace'*.

The latter school of thought led by Dorian Bekoe emphasize that only the belligerents can make peace agreements work especially when one of the contenders sees a second strike capability and demonstration of equal strength from the opposing contender not necessarily military capabilities but of political vulnerability and losses accruable if implementation is stalled. This school believes that inspite of the Mediationalists perception of international guarantees; many peace processes have failed- meaning that interveners often affect the balance of vulnerability unknowingly**.** Though peace agreement is chosen for hostile belligerents, no one can force it on them, except for mutual perception of vulnerabilities.

There is the need to reflect on the degree to which Authoritarian Islamic government in Sudan has held sway authority for a long time. Also of interest is its threat of obnoxious religious imposition to the disadvantage, perpetual domination and annihilation of minorities in the South and elsewhere that has implications for renewed hostilities in the post- referendum era. These actions have been found to have direct implications for conflict, which may be a major determinant of relations in the post-referendum era. In line of thought, the tradition of '*Authoritarianism'* is largely prevalent on either side of the divide especially with the exclusion of dissenting opinions and oppositions that clearly marked the peace agreement negotiation and

implementation phases. Thus, the choice of *'Authoritarian Governance'* as a conceptual framework to understand what is likely to be the nature of relationships in the post-referendum Sudan.

1.10 Scope and Limitations of Study

In awareness of the various efforts that predate CPA in 2005, the point of departure of the study is from the conduct of referendum on the 9th of January 2011 till about the end of May 2011. The study is such that it fits within the framework of the last 6 months of the six-year interim life-span of the CPA for effective transformation to take its course in Sudan.

A field study to Sudan though intended to aid better understanding of the current condition of the era of this study has been replaced with the use of a cutting edge Sudan crisis geomapping tool from the UNDP where I have been given the opportunity to write this thesis. The study does not claim to predict the future for Sudan but work to help the process of transformation on the path of success by attempting to identify [if any] impediments. In consequence, it may not provide all the answers there is to the vagary of problems in Sudan but in its own way open up further research frontiers around the subject.

1.11 Source of Knowledge

The study relies heavily on the daily observation and close monitoring of the turn of events hence-forth till end of May 2011. CPA agreement document and relevant authoritative scholarly work around the subject in forms of high-level documents from the UN, AU, IGAD; editorials and newspaper reports, papers from research institutes e.g. the United States Institute of Peace, International Crisis Group, Sudan Tribune Newspaper, Chatham House Reports and journals, periodicals, Information clearing house and other materials would be used. In addition, these materials would be used objectively with caution on the tilt of the authors.

1.12 Literature Review

There is a huge industry of literature about Sudan that captures the shifting dynamism of events per time. This continuous shift is therefore played out in the prevailing ideas of the era during which many of the scholars here presented their thesis which also reflect the changes of event in Sudan.

Francis M. Deng in 1995, his work "War of Visions: Conflict of Identities in the Sudan" laid the basis for contention in Sudan and asserted that the heterogeneity and differences are reasons for division, emphasizing domination of minority 'Arabized' sect over non-Muslim, non-Arab majority.[17] He explicitly stated that it was the attendant exclusiveness with an imbibed form of assimilation and rejection of other elements aside the dominating sect that depicts the cause for struggles. Thus, the foundation of crisis in Sudan was established. Paul Collier and Anke Hoeffler[18] debunked this argument in 1998 with their thesis on "on economic cause of civil war" with the idea that heterogeneous societies are not more prone to factionalism than homogeneous ones as Francis Deng suggested with the competing visions based on identity in Sudan. However, they contended that most civil wars are usually propelled by struggles for resources, which are potent reasons for division in homogeneous societies. In support of this argument, Frances Stewart[19] who wrote much later affirmed that root causes of violent conflict in developing countries like Sudan are usually not far from economic and social costs. Nevertheless, many scholars of the age like Olser Hampson[20] still emphasize religiosity and ethnicity.

Following the explanation on the causes of Sudan conflict is the efforts to bring the situation under control. Certainly, there were many efforts from the end of the civil war to the consolidation of the Comprehensive Peace Agreement in 2005. One of the early works tangential with that period was that of Luka Biong Deng who was trying to look into prospects of the CPA in his work "The Sudan CPA: will it be sustained?"[21] After the order of statements from Abel Alier Kwai, a scholar of Sudan politics, who in the 1990s wrote about 'South Sudan: too many agreements dishonoured'[22], he raised pessimism about the consolidated CPA in its nascent era being one of the early works that assessed the prospects of a binding CPA in Sudan. Though he praised the CPA for being a rare achievement in Africa and its uniqueness for resolving religious diversity, reflecting his support for the Francis Deng school of thought on identity cause of conflict, and for setting a new basis for national unity based on free will of the people.

[17] Deng 1995
[18] Collier & Hoeffler 1998, p. 563-573
[19] Stewart 2002, p 324: 342-345
[20] Hampson 1996, p4
[21] Deng 2005, p 244 - 257
[22] Abel Alier Kwai 1992

However, he showed his pessimism more with the exit of John Garang from Sudan Politics in 2005; he wondered if the hope of a 'new Sudan' would ever materialize through the implementation of the CPA. In the tradition of this pessimism, John Young under the umbrella of the Small Arms Survey Group in 2007 wrote "Emerging North-South Tensions and Prospects for a return to War" where he outlined burning issues and indices of a return of hostilities based on border demarcation, Abyei question, military development in the North-south border, census delays and elections.[23]

Julian Warczinski writing also in 2007 postulated or predicted that future political development in Sudan would rest on oil, border demarcation as crucial issues for the success or failure of the CPA.[24] He advocated that if the status quo of that period was maintained until the scheduled referendum in 2011 without a consensus on border demarcation, an immediate escalation of tension and revival of civil war is highly probable. Johan Brosche of the Peace and Conflict Research Department at Uppsala University, Sweden in the same period observed how the CPA was overshadowed with the contradictory idea of *one nation, two systems* with a doubt that the proposed system would usher in transformation in Sudan or dictate the course of events in Sudan to which elections in 2009 appears decisive.[25]

In a more recent description, the duo Claire Mc Evoy and Emile Lebrun[26] in a work titled "Uncertain Future! Armed Violence in Southern Sudan" highlights current and probable future sources of insecurity as the country moves toward national elections and referendum in the following; contested North-south border demarcation, failure to hold referendum, unilateral declaration of independence by the South in protest of rigging; and failure to implement referenda results.'[27]

These scholarly works reflect the concerns of the period during which they were written as well as the pessimism over the outcome of any process at a particular point in time, which today either holds true or have had a new dynamism or dimension. It may not be out of place to say that some of these works have not properly put in context the best explanation for the root cause

[23] John Young 2007
[24] Warczinski 2007
[25] Johan Brosche 2007
[26] Evoy & Lebrun 2010
[27] Ibid

of the Sudan crisis, which is generally debated grew on the heels of Sharia law and ethnicism. The skeptism or doubts that were raised is now of age to appraise especially those on the border problem, oil, referendum and 2009 elections. This study therefore fits within the pessimists' tradition with an ambition to assess, update and reflect the concern of the current post-referendum era ahead of the termination of the CPA on the 9 July 2011.

In taking this ambition further, my research would go beyond the earlier works to point attention to the future sources of instability; not only in the South but also in the North. This I have done with the aid of modern crisis mapping tools to support the claims herein as well as to raise alarm on the future prospects of doom in South Sudan in the light of independence. I have also made a reflection on the repeat of the episode of struggles of exclusion that has overshadowed politics in Sudan as well as provided new frontiers of research after the termination of the CPA. In engaging these complexities, the next section focuses on the theoretical and conceptual framework for understanding Sudan, the CPA and other concerns around it.

Chapter 2
Theoretical and Conceptual Framework

2.0 Introduction

This section starts with the theoretical framework of understanding North-South conflict in Sudan with the theories of *Social Identity* and *Political Development*. The theories are not necessarily at variance but together explain different dimensions of the conflict as well as its transformational challenge based on the root cause of identity struggles and lack of political mobilization. In the absence of a perfect middle range theory, I have creatively conceptualized *Peace Agreement Implementation* strategies into to two competing perspectives (Mediationalist vs. Mutual vulnerability) to afford us the opportunity of gaining deeper insight into the possible ways of driving a successful peace agreement process. Also in an attempt to emphasize the implications of attitudes and behaviour of actors around the Sudan case, I employed the *Authoritarian Governance* concept to bring this perspective to lime light.

2.1 Social Identity Theory [SIT]

The Social Identity theory grew out of psycho-social studies following an attempt to understand the pattern of relations and development of particularism among competing groups. As a theory, SIT was developed by Tajfel and Turner in 1979[28] in a research to establish the basis for group conflict and competition. Henceforth, the theory has been adapted into many other areas of studies. In our context, of particular interest is its use in ethnic conflict analysis and broader issues in international politics.

According to its proponents, social identity theory postulates that negligible conditions of categorization are enough to lead members of a group to discriminate in favour of an in-group against others [out-group].[29] In contrast to the belief that individualism is the basis for competition, SIT seeks to establish that there are competing levels of personal social identity, one of which is the desire to belong to a group or alternatively the desire to associate with certain sect of a society. Thus a 'we-feeling' is established against all others who do not belong to such enclave of social categorization or classification. In this direction therefore, Tajfel and Turner

[28] Tajfel & Turner 1986
[29] Ibid

sought to understand the causal spark of competition or personal distinction between members of one group against another or all others excluded by the differentiation. They found that, competition does not necessarily have to be founded on benefits derivable from being in a social strata, hierarchy or class, but mere individual attachment to a group could initiate the move. The perceived members of an 'in-group' probably might have nothing in common in terms of shared heritage and background but for the fact of group classification from others is enough bases for group-self awareness. This is what they termed the *'minimal condition'* i.e. slightest condition not beneficial to any individual in a group but capable of creating in-group favouritism against others[30]. This could then create the impetus for the search for positive group self-esteem for the in-group to properly position and pitch its tent against all others in the perceived periphery.

Alexander Haslam[31] further extended the theory in "Psychology in Organization: Social Identity Approach" with his point on two interesting issues of social identity- group antagonism and social competition. Aside organizational group competition, he was also interested in the application of SIT with a view to understand ethnic tension and identity conflict dimension.[32] This political analysis of social behaviour dimension, which is an offshoot of the social identity conflict, is the most important part of this theoretical endeavour to this research work.

In this direction therefore, groups in the Marxian social class perspective comes to mind where a society is divided along the lines of power, material-wealth, means of production, and resources. This brings about the 'we-feeling' and solidarity among group members either of the proletariats against bourgeois or vice versa who are constantly in a struggle for control and in the end create an unstable environment and competition among the groups. At least the Marxian society has a legitimate basis for antagonism, which often times observed in many ethnic conflict, Tajfel and Turners' 'minimal conditions' may not be substantial enough to create tension and in turn outright conflict. As Saera R. Khan explained, stereotyping which is understood for our understanding here as 'instrument of group awareness and distinction' might be a minimal condition to spark ethnic conflict between groups.[33] However logical that sounds, Jacques

[30] ibid
[31] Haslam 2001
[32] Ibid, Haslam 2001: 27
[33] Khan 2002

Hymans[34] has provided a counter argument and further extended the theory with auxiliaries for its suitable use in international relations; ethnic and systemic conflict understanding.

Hymans counter-argued that the 'minimal conditions' of social differentiation are not enough bases for the rise of tension between competing groups, and with a caution that many researchers have overlooked this important point and recklessly apply the SIT to socio-political bahaviour analysis.[35] While he agreed, though not completely, that psychological factors against material ones might be at the root of failure of nations and societies to bring about equity, justice and peace, he pushed forward that mere issues of social categorization are insufficient to produce a tendency for intergroup conflict except with the support of some intervening variables.[36]

In support of this claim, he tested with the idea of liberal democracy theory which states that democracies do not go to war with eachother. In this case he sees democratic regimes as in-group and other regimes as out-group. In this case, he argued that mere stereotyping and classification does not necessarily create conflict between democratic regimes and non-democracies. Thus, among ethnics, minimal conditions of social classification may not be enough for tension except when seen in the light of two auxiliary theories of *issue-framing* and *emotional decision making*.[37] By 'issue framing,' Hymans refers to a background check on the leaning and thinking of the decision maker based on the foundational idea of competing levels of 'groupselves', whether the basis of differentiation is made on behalf of a family, party interest, nation, supranational category.[38] 'Emotional decision making' speaks to the correlation between out-group images and in-group emotions. For instance, in-group may perceive 'ally' with emotions of admiration and trust and 'enemy' with anger.

With these combined, Hyman hoped to provide the basis for SIT linkage with studies in international and ethnic group relations as against mere social categorization. In essence, he implores scholars to identity core reasons for motivations beyond just categorization to explain the start of tension between groups. He latched on the idea of resource allocation and distribution

[34] Hymans 2002
[35] Ibid
[36] Ibid
[37] ibid
[38] Ibid

between groups as a core motivation for ethnic tension beyond the mere distinction along cultural lines. This is most important for our later understanding of the cacophony of crisis in Sudan.

One critique of the SIT is that it appears too artificial to stand alone in explaining the root cause of conflict between ethnic groups. In a sense it does not say anything tangible on the root cause of conflict among groups except that conflict is imminent by default. The idea may not be wrong especially when we consider the Marxian dialectic materialism of thesis and anti-thesis, which are constantly in a warring state vis-à-vis in-group versus out-group tension. The SIT decided to shy away from the conflict within the in-group which are sometimes unpronounced basis of some protracted conflict and division. However for this study, it highlights identity as a basis of conflict among group and with the extension of the thesis by other scholars, a basis of group conflict is established in relation to material motivations (resource control) beyond the slightest identity conditions of social categorization, which are usually human construct and stereotypes.

2.2 Theory of Political Development

The task of theorizing political development seem easy but certainly herculean for the fact that there are varying political systems blended with regime typologies and also because development in political terms is usually not accurately captured in quantifiable terms. There is therefore a need to look more intensely into socio-political administration and order with a view to identify the common denominators that could pass for an acceptable level of sanity in terms of governance before we could make a sense of political development. Issues in engaging this perceived difficult terrain highlight the difficulty arising from global convergence toward the universality of democratic principles as an ideal in political development.

Tunde Adeniran in his work 'The search for a theory of political development' premised that societies are in a constant state of transition and transformation and overtime have advanced from one level of socio-economic cum political system to another.[39] For instance, societies are thought to have advanced from agrarian to an industrialized one and at other times through feudalism, slavery and primitive communism to certain forms of capitalism and then in search of

[39] Adeniran 1975

utopia in terms of socialism or communism. For him whether the ideal classification would lead to advancement or decay is debatable. The continuum of societal change in search of political development, Adeniran equated with modernization.[40] He unpacked 'modernization' as a vital force for transition and change through which people are mobilized or activated for political participation.[41]

In support of this idea, Samuel Huntington[42] said rapid increases in political participation are the principal aspects of modernization aside national integration, rationalization from particularism to universalism, and democratization which are also aspects of political development. For our purpose, Huntington's breakdown of 'democratization' into pluralism, competitiveness, equality or equalization of power, emphasize the idea of mobilization and participation in political process as central. [43] He explained with the logic that modernization equals mass mobilization which in turn equals increased political participation, which is a key element in political development. For the purpose of this study, conflict between political participation, exclusion and alienation becomes very important because by the working understanding of political development, there is the reductionist tendency to rationalize that any system short of increased political participation and with evidence of exclusion appears to be less politically developed and as such in need of transformation or transition toward the ideal.

One interesting aspect of the theory emanates from Huntington's argument where he sees political development in terms of institutionalization. For him, institutions grow and mature as well as decay and dissolve. Therefore, the process by which institutions and procedures acquire value and stability points our attention on the path of political development.[44] However, when an institution or political organization becomes an instrument of a social group; family, clan, class, or ethnic group to the exclusion or subordination of all others outside the enclave, such lacks autonomy and has become a tool of domination of a sect to the perpetual alienation of others from a commonwealth. It is then easier for such institution to be hijacked by a few soldiers

[40] Ibid
[41] ibid
[42] Huntington 1965
[43] Ibid
[44] Ibid

because it is devoid of institutionalization. Therefore, tendencies of incoherence, disunity as well as social differentiation and conflict are imminent.

Adeniran pointed out the expected features of modernization as seen in the erecting of structures or institutions to support political parties, centralized bureaucracies, organizational, attitudinal and technological change. This he contended could propel popular participation and when all these become functional in a continuous fashion, changes generated should be sustained. The goal of political development is herein established with the preservation public interest, rights and obligations of the individuals and the enthronement of popular values for the purpose of nation-building.[45] For our interest, emphasis is placed on the continuous process, sustainability and stability of change resulting from the process of modernization. This is where the trajectory of the rise of authoritarianism is established. Adeniran explained that in order to remain in power and maintain the 'stability' of the system, rulers disarm opposition and suppress freedom of potential or suspected challengers who may have greater commitment to nation building than self security and status preservation; what kind of political development results?[46]

Steven Hood[47] in his work 'Political development and democracy theory' extended the argument by saying the utmost goal of authoritarian regime is to stay in power and the tool of self preservation differs; some through repressive means and others through exclusion and alienation strategies of certain sect from political participation. However, as dissatisfaction of opposition or the victimized mass grow, tension builds up and good will is destroyed, groups and interest collide. Then, the obvious yearning for transformation, transition and change arise with calls for democratization, liberalization or autonomy. Any attempts to increase repression leads to political crisis and coups. All these are features of a political system without development or probably in a transition state toward the adoption of democratic ideals.

Theories Linkage

SIT provides the basis for group antagonism and ethnic conflict probably upon the emotional decision making, an authoritarian leader, regime or sect who had decided to use alienation

[45] Op. Cit. Adeniran 1975
[46] Ibid
[47] Hood 2004

strategies to exclude or subordinate other opponents or members of an out-group from political participation. This condition, beyond minimum, highlights institutional decay or weakness as well as demobilization of the mass or opposition from political participation. In this case a lacuna is created with implications for stability, continuous change and sustainability. This also presents a stumbling block for the process of modernization- a hallmark for political development- from taking its course. The use of emotional decision making and stereotyping by an in-group suggests that institutions that supports democratic ideals are not in place, therefore there would be constant conflict and yearnings to transcend the unfavourable sectarian politics toward a more liberal system that accommodates everyone or an outright search for autonomy by the aggrieved out-groups.

While SIT helps us to understand why conflict arise when groups differentiate themselves from others on the basis of ethnicity, race, resource allocation, access and control, theory of political development corroborate the same idea with the rise of sit-tight authoritarians who sought to preserve their position to the exclusion of opposition. Both theories may not have given comprehensive explanations to the dimensions of ethnic conflict and yearnings for transformation however; they help to provide a framework of understanding for the type of crisis that might emerge in a society where there is lack of political development.

Theory Synthesis and Sudan

The Sudan crisis is a mixed bag with contents of both theories. In Sudan, issues of ethnic group antagonism and conflict are evident. There are many classifications that reflect the in-group and out-group dimension of the SIT. Here, we have the conflicting canons like Muslim against Christian, Africans against Arabs, North against South, NCP against SPLM, NCP against other political parties etc. In the Sudan case, there is the abundance of tendency and actual elevation of a sect in-group above others especially in relations to allocation of a commonwealth. This sowed seeds of enmity between the groups.

The rise of Sharia as well as the possible labeling of Sudan as an Islamic country is a manifest cause of conflict. In this direction, all others who are not Arab-Muslims are out-groups. This shows the emotional decision making of the series of authoritarians that took over the reins of

government in Sudan and their attitudes toward the South and perceived minorities elsewhere in Darfur and Eastern Sudan. This group conflict now fits with what Hayman raises in the forms of resource allocation as propeller for identity crisis because issues of right and access later accentuate the ethnic division between the belligerents in Sudan. Also in the Sudan episode, inequity and exclusion of the minority groups in the South from political participation and access to resources allocation and distribution are clear signs of lack of political mobilization, which is highly important for modernization and political development. Even in Sudan, its economic and technological advancement is low and this is as a result of the fact that there is an inherent institutional decay in the system. This is why it was possible for the NCP led government to forcibly enact sharia and deprive the south equal access to political control, which the northern Arab in-group perceived as their exclusive preserve.

The institutional decay created opportunities for the several coup d'état that took place in Sudan and also explains the rise of authoritarianism and their perpetuation in power as well as the unyielding attitudes of the in-group to calls for change and transformation. There is an obvious case of lack of modernization and political development leading the SPLM and opposition elsewhere to cry for autonomy and secession if it represents change enough. The January 2011 referendum captures this idea in the search for transformational change and the enthronement of democratic ideals as we would see in the later part of the work. The same idea coloured the competing vision around the CPA; new Sudan, democratic transformation against independence of the south. All of these missing links have led to conflict from the first civil war to the second, some forms of settlement and negotiations have occurred especially with the CPA on board. Obviously, there is an on-going search for stability and transformation with in-group and out-group internal conflict dimensions; whether the CPA would deliver on this or that Sudan would survive this conundrum is yet a mystery.

2.3 Conceptual Framework

The framework of understanding would focus on questions of why do peace agreements fail or succeed and what kind of socio-political relationship exists before, now and would in the coming period with lasting implications for stability in Sudan. In engaging these complexities, '*Mediationalist'* and '*Mutual Vulnerability*' schools of the Peace Agreement Implementation

strategies as well as a reflection on *Authoritarian Governance* have been chosen. This is not to suggest that the contending compartments of the peace agreement implementation are cast in bricks, rather they share certain opinions but they have differing emphasis.

2.3.1 Peace Agreement Implementation

One factor endlessly shaping our world is the dynamism of civil conflict and hostilities. In the prevailing era, the cold war ideological typologies no longer apply but a new form of ideology and identity-motivated conflict rules, which is evident in Samuel Huntington's 'Clash of Civilization'. Olser Hampson in his book '*Nurturing peace'* described the nature of modern civil conflict as a protracted social conflict coloured by intense, multiple and over-lapping struggles between factional groups motivated by non-ideological factors.[48] He unpacked the 'non-ideological factors' in the manifestation of ethnicity, religiosity, nationalism, communal strife, socio-economic problems, and regional grievances.[49] What is not easily visible but a fundamental connective string when struggles of this nature arise is the root cause of access; exclusion-inclusiveness struggle, and wrestle for control of statecraft, resources or search for autonomy.

The actors of these conflicts are often enormous and the intensity of rivalry is often fierce. However, it is always difficult for warring adversaries to agree or voluntarily come under control because political elites in civil conflicts seek political survival and not cooperation or power-sharing with oppositions who have the ambition to overthrow them. Opposition likewise tenaciously hold-on to their demand for a portion of control. Stedman Stephen explained further that such struggles often end either in *elimination or capitulation.*[50] When a faction is able to crush or eliminate the other, which is often the illusion of belligerents, there would be no need for the 'razzmatazz' of peace settlement and negotiation. However, he pointed out that most civil conflicts have ended in '*capitulations*', which for our purpose is understood for '*settlement', 'treaty' or 'negotiations'*. This is the point of departure and border line where contentious issues upon which the 'Mediationalists' and 'Mutual Vulnerability' schools differ; bearing in mind the fact that no contender wants to be the first to sheath its sword, they cry '*Aluta continua'* and

[48] Hampson 1996, p4
[49] Ibid
[50] Stedman 1988, p. 9

chant the 'no-retreat, no surrender' slogan even when the motivations and resources to fight has waned. How then shall the conflict be brought to a negotiation table or ultimately resolved?

Mediationalists Perspective

Scholars of this thought-tradition emphasize an increased role for third-party intervention in civil conflict and advocates power sharing to bring modern civil conflicts to an end. For this school, the fierce nature of civil conflict and difficulties associated with the inextricable linkages of identity, socio-economic cum political factors in modern civil wars is worrisome. They are concerned why warring factions are often asked to do what is unthinkable; to ceasefire, disarm, demobilize their military forces and prepare for peace not necessarily with the intervention of a mediator, his security guarantees and incentives.[51]

Barry Buzan,[52] with his regional security complex thesis, although not particularly questioning matters of peace agreement implementation, falls into this tradition as he provides a basis for understanding the dimension of a role for interventionists in peace agreements. Hampson retorted that the tendency of civil war to spill over beyond the starters' border and the anxiety of instability in the prevailing regional or systemic equilibrium or peace balance brings external actors into the configuration of internal conflict.[53] This, in itself has brought a new dimension to civil conflict in that a third party mediator may have externalized issues of contention, which makes more pronounced the nexus of internal and systemic dimensions to a conflict, Shmuel Sandler noted.[54] In furtherance of this idea, Barry Buzan put forward that states are much more aware of the threat that others pose to them than they would of the threat they pose to others.[55] Therefore, upon this basis, Mediationalists advocate for third party intervention in mediating civil conflicts.

Who then are the third parties and what is their role? Hampson answered to say that interveners could be international organizations, great powers, regional powers and group of small states who have 'particular interest' in a civil conflict and they have the functions of *confidence and trust building, approaching parties to assess their interests, helping choose spokesperson and*

[51] Walter 1997, p335-364
[52] Buzan & Wœver 2003
[53] Hampson 1996, p
[54] Sandler 1998, p55
[55] Buzan 1991:

team leaders of warring factions toward negotiations for resolution, identifying missing groups, offering guarantees, drafting protocols, setting agendas and suggesting opinions and more.[56] From such a standpoint, there is a need to delimit what represents '*failure or success'* of peace agreement in conflict situations so that there is more illumination for us to identify one. To what extent then is a peace agreement successful?

Christopher Mitchell[57] calls our attention to the fact that what represents *success or failure* of peace agreement is inherently relative in that while some agreements do not strike a ceasefire, some would probably strike a ceasefire but never saw the light of implementation while others collapse during implementation. A major definitional confusion then arises when one considers the fact that in crisis situations, there is always the tendency to hurriedly achieve a ceasefire to bring the deteriorating condition under control, which makes the point of success or failure more blurry. However, the intent of intervention often appears as determinant of its endpoint. Hampson compartmentalize his answer into the 'minimalist' and 'comprehensive criteria' definitions.[58] According to his postulations, ceasefire and completion of a peace agreement document often signaled by the 'handshaking ceremony' between belligerents at the signing of a peace document represent a 'minimalist terms' of success-failure definition. For him, 'comprehensive criteria' could appear in forms demobilization of forces, arms surrender, restoration of political order or establishment of participatory democratic political institutions.[59]

In other words, Hampson and Mitchell agree that a base-line indication for success could be the surrender of arms between belligerents. This is often a difficult task except with the aid of a capable intervener and that establishment of 'transformational-stability' and the rise of civil society as indications of comprehensive working definition in the quest to understand success or failure. However, whether signatories would abide by their agreements is often a difficult question to answer. If this accepted as given, what then makes peace agreement fail or succeed?

Barbara Walter in her writings on '*The Critical Barriers to civil War Settlements*' argues that most wars are fight-to-finish in nature except a third party intervenes; when they do, peace processes always succeed regardless of the quest, ambition, ideology or ethnicity of the warring

[56] Hampson 1996, p 12-13
[57] Christopher Mitchell 1989
[58] Op. Cit., Hampson 1996, p9
[59] Ibid

factions and if they do not intervene, talks usually stall. Walter's understanding of third party intervention largely relies on their capability to provide *security guarantees* and *power-sharing* promises to propel warring actors to a ceasefire, agree to embark on talks and entirely steer the process of peace agreement implementation. 'Security Guarantee' unpacked refer to any implicit or explicit promises given by an outside power to protect adversaries during the treaty implementation period to drive compliance'.[60] She succinctly puts it this way; *'only when outsiders steps in to 'guarantee' the terms do commitments to disarm and share political power become believable; only then cooperation seem possible*.'[61] In a bid to buttress this argument, Walter pointed out that Sudan's Anya Nya rebels delayed the signing of the Addis Ababa agreement until the credible intervention of Ethiopia's Emperor Haile Selassie who personally guaranteed their safety and that until the UN 12,000 strong peacekeepers arrived in Angola, UNITA rebels refused to start demobilizing their troops.[62]

In the same line of thought, Hampson said most agreements contain the seed of their own destruction.[63] This statement is very important because it touches on the real issues and provisions contained in any agreement. However, the agreement set out in the document could be the architect of its own failure and not necessarily attitudinal escalations. Offering a fresh perspective, Kalevi Holsti[64] argued that success or failure of peace agreement depends on the ability to anticipate and devise means to cope with the issues of the future, if not one could set the stage for future conflict. Hampson agreed with this opinion that the ambiguities in the text of an agreement and rigidity to adapt to the changing circumstances and political forces definitely have implications for the success or failure of a peace agreement

Olser Hampson put the Mediationalists perspectives in context with a study of 5 cases of conflict and peace agreement implementation in Cyprus, Namibia, Angola, El-Salvador and Cambodia. He found that there are two successes; Namibia and El-Salvador, two failures; Cyprus and Angola [1992-1994] and one partial success, Cambodia. The successes he concluded were because of the security guarantees, incentives and strong role of the interventionist third parties that made rebels to negotiate with the government in El-Salvador and a ceasefire to

[60] Op. Cit. Walter 1997, p.335
[61] Op. Cit. Walter 1997, p.336
[62] Op. Cit. Walter 1997, p.341
[63] Op. Cit Hampson 1996, p3
[64] Kalevi Holsti 1991

transformation in Namibia. The failures in Cyprus and Angola, was attributed to absence of a credible third force to implement the provision of the agreement. In Angola inspite of the United Nations Angola Verification Mission [UNAVEM] II & III implementation failed at first before peace could be achieved later. While Cambodia is a mixed bag however, there, a third force was present only that Khmer Rouge, having agreed with elections conduct opted out to fight the new government. This is an indication of the fact that even when agreement are secured by the third parties, the looming danger of what Stephen Stedman called 'Spoilers'[65] to a peace agreement calls for caution when considering peace agreement failure or success.

Upon reflection, there arise certain pertinent questions which are perceived missing links to the Mediationalists perspective especially on the strength of their propositions. The school failed to inquire or answer the question why some conflict situations attract more attention than others. If the UN sent 12,000 strong peacekeeping combatants to Angola as a show of guarantee and to drive compliance with the provisions of the peace agreement, why has the Cyprus case been so difficult if all that is required is the strong show of guarantee? This is to question Walter's proposition that large number of combatants and the use of force to drive compliance is a function of successful peace agreement implementation. It does not matter the heavy artillery presence, cooperation between warring factions may not be achievable by force or guarantee which today as pointed out by Stephen Ratner[66] has been reduced to nothing more than promises by a group of states and a question of political and legal significance rather pushed forth that such intervention if not carefully implemented could complicate the balance of power configurations of the Peace agreement implementation era. [67]

The case of Bosnia with a 60,000 strong NATO forces[68] could not bring the situation under control and the contradictory idea of power-sharing threatens to water-down the hallmark of the Mediationalists thesis. Lessons from the Federalist and State-Building theories have shown that it is clear that the more autonomy and power-sharing a warring faction is accorded in any peace agreement, there is always an Oliver twist-tendency and inherent danger of such party to fight for more autonomy, which is highly counter-productive to peace agreements that sought to drive

[65] Stedman 1997, p 5-23
[66] Ratner 1995, p49
[67] Ibid
[68] Ginifer 1995, p.22

tolerance and national unity bearing in mind the bone of contention among warring factions of many civil wars today especially in Africa. This is a food for thought; whether the contending school would address these concerns, we are yet to discover.

Mutual Vulnerability Perspectives

This school started out as a reaction to the thesis of the Mediationalists and offered a new perspective to explain the question why peace agreements fail or succeed. It is important to note at this juncture that the argument of this school does not throw away the idea of 'intervention' by third parties but tacitly down played the role of such parties upon the idea that only the warring factions could make peace agreements work if they cared. This school believes that you can have a well written peace agreement document and legion of strong soldiers on ground, one might succeed in creating a 'certain kind of order' and deter violence for awhile; sooner or later the adversaries especially the unsatisfied spoilers would return back to conflict.

The idea of this school is profoundly expressed in the work of Dorian A. Bekoe on *'Mutual Vulnerability and the Implementation of Peace Agreements'*. Bekoe debunked the Mediationalists' thesis of provision of extensive power-sharing arrangements and international intervention as ingredience for successful peace agreement implementation with a view that it is not sufficient. To support this premises, Bekoe borrowed leaf from the conclusions of a research work in 1995 by Roy Licklider to say that over 50% of negotiated peace agreement fail in their first 5 years and others in $3^{1/2}$ years.[69] Therefore, the Mediationalist thesis may not be tenable or sufficient and peace agreements would fail to arrest the cycle of conflict except warring adversaries view themselves as mutually vulnerable.[70]

For this tradition, following from the Game Theory tradition, 'mutual vulnerability' refers to a concession by one adversary which leads to a change in the security condition of the other adversary and the entire Balance of Power configuration. When adversaries feel compelled to deliver on their promises and commitments not only for positive gains from compliance but also for negative repercussion from the opposition if they renege, thus, a mutual vulnerability

[69] Licklider 1995, pp. 681-690.
[70] Bekoe 2005, p43-68

situation is created.[71] They argued that a peace process is not automatic; neither is the presence of an intervener nor signing of peace agreement of much effect. This is because the provisions of a peace document cannot single-handedly anticipate the actions of a party after signing just like Khmer Rouge took arms against the government after elections agreement in Cambodia.

Mutual Vulnerability pre-supposes that a revelation about a factional leader's commitment alters the balance of political and military power among factions. Mutual Vulnerability creation could ride on economic, political or military dimension and punishments and reward to ensure that adversaries do not go back on an agreement. But who is to drive this process and monitor compliance? In an attempt to respond to the question, Bekoe made a comparison between belligerents and companies entering into a business contract and revealed that there are always two contentious dilemma of *'adverse selection'* and '*moral hazard*'.[72] By *adverse selection*, Bekoe meant possibility of a faction has hidden information about itself if known to the other party could alter its desirability as a partner or in the context of warring factions could reveal a weakness.[73] This could be in forms of internal in-cohesion or rivalry in a camp, which the opposition could capitalize-on to break the group and force its way through. *Moral hazards* on the other hand refers to suspicion that once an agreement is signed, there is the tendency or danger that a faction may not perform as anticipated in the absence of monitoring.[74]

In the bid to address this dilemma, Bekoe proposes twin solution of *hostages* and *mutual reliance*[75] to create a mutual vulnerability situation to make peace agreement succeed. These are intended to create a mutually compelling situation between the warring factions to make them perceive themselves as less advantaged over the other. Just like in a free market system, a condition is created for warring adversaries to come to equilibrium i.e. to act rationally through commitment to their signed promises in the peace agreement. Under such prevailing condition, faction A gives up a particular advantage, exposing vulnerability because the opposition faction B is not disproportionately advantaged by such offer. Therefore, if both sides find themselves invulnerable, peace agreement implementation would stall. However, each step taken by an opposition changes the level of vulnerability that another faction senses and this affects the

[71] Ibid, p. 46
[72] Ibid
[73] Ibid
[74] Ibid., p.47
[75] Ibid

possibility that it would respond with actions that would further or stall the implementation process.[76] Would adversaries just give off concessions? Who then is to broker a ceasefire in the first place before issues of concession and issues of vulnerability can be leveraged? Can we say that the Mutual Vulnerability tradition tacitly agrees with the proposal of the Mediationalists on the need for a strong credible intervener? This school begs the above questions with a response that intervention could only aggravate or add up to the level of uncertainty in a peace agreement through the provision of incentives. This calls us back to Barry Buzan's discussion on the 'amity or enmity' pattern interveners bring to the table providing way for resources and allies to complicate the conditions in terms of control moderation and local security dynamics.[77] The implication therefore is that the level of disposition regional or systemic intervening parties has positive or negative impact for the success of the peace process.

Another argument of the Mutual Vulnerability school of thought is the timing of action otherwise known as the *'ripeness of conflict'* as described by Olser Hampson in his answer to the reasons peace agreement fail or succeed. This is a tangential line between the schools. However, the ground breaking work of William Zartman on the '*Ripe for Resolution: Conflict and Intervention in Africa'* brings this perspectives alive in that it emphasizes a situation where perceived costs and prospects of continued confrontation is more burdensome than the cost and prospects for peace.[78] Just as earlier described in the introduction, this may be a fatigued situation where the motivation and resources to continue to fight has waned though the *'Aluta continua'* slogan still resound however, a point has come when the warring partners could no longer sustain the tempo for war at such auspicious time, there would be no exception to the success of a peace agreement.

How then is do we recognize when a peace process implementation is ripe? Zartman offered that there are four conditions to watch out for; hurting conditions of stalemate, looming catastrophe, valid representativeness and a way out of the conflict.[79] In essence, there has to be a fatigue to engage in combat, which may be due to varying degrees of reason from cost of war, losses to motivations. A condition of fear under an impending doom in a total conflict situation which is

[76] Ibid., p.48
[77] Op. Cit., Buzan & Wœver 1995, p. 49 & 53
[78] Zartman 1989
[79] Op. Cit., Hampson 1996, p. 14

avoidable might be an indication that the factions might be ready to wage peace rather than war. And when there is an obvious way out the contention or all aggrieved parties tacitly agree to a common solution in their demands, these are clear indications of ripeness of conflict. Consequently, peace agreements can move on successfully not necessarily mechanized or regulated by third party interventions.

In context, this school explained its thesis with Mozambique and Angola,[80] which were cases where mutual vulnerability tact tacitly moved the peace process implementation forward successfully and otherwise respectively. While *Renamo* was the opposition to the *Frelimo* government, it held-on to certain territories in quest for autonomy and control. Renamo threatened to impede demobilization and stall the peace process in August 1993. To resolve the impasse with mutual vulnerability tact, *Frelimo* proposed a hostage and created mutual reliance situation by asking *Renamo* to provide 3 advisors to the *Frelimo* Governors in the zones under its control. And as well *Renamo* could staff the civil service in its own zones. Thus, a situation where government controlled all the regions and *Renamo* had considerable influence on decision making. This gave *Renamo* the opportunity to hold the government hostage over situations concerning its welfare.

In all of these, the Mutual vulnerability school, though offered a new understanding to how the indices for success of a peace agreement implementation might be found, have not been able to give credible answers to some missing links in their arguments. The school has consistently down played the role of third party intervention and their security guarantees, which to an extent makes some sense. If conflict situations remain perpetually unregulated, like the free market system, without a visible and credible hand of a balancer or 'honest broker', there is no surety that warring factions would ever reach equilibrium. Even if they do, there is every tendency that such fragile stability is a matter of time; violence would erupt in no time. However, the strength and potency of *hostages* and *mutual reliance* remain undoubted as both strategies are a form of driver for commitment and compliance for the underlining principle of accountability.

Given the strength and weakness of the peace agreement implementation theory, this study does not seek to be biased, leaning towards one against the other but to collectively use their

[80] Op Cit., Bekoe, p. 50-53

understanding and deficiencies to find a pathway to understand the problem-focus of impediments to transformation in Sudan in the process of implementing the Comprehensive Peace Agreement.

2.3.2 Authoritarian Governance

Authoritarianism simply put is a form of governance or political system where a ruler or the elites class demand unquestionable obedience to its strict dictates backed by the use of force or coercion. It also refers to a system of government that requires forceful submission to authority by its citizens.[81] Authoritarian Governance is a regime type that exercises authority regardless of popular consent and with the help of the use of coercion to drive compliance and conformity.[82] Unlike democratic governance that generates authority from 'below' [people] based on popular participation in politics, and decision making through proper representation, the authoritarian government derives its authority as a product of self imposition on the ruled from 'above'.[83]

One depressing issue with authoritarian governance stems from its misuse of force. Every legitimate government requires some modicum of force to validate their authority, protection of territorial boundaries from external aggression, drive compliance with internal law and order and maintenance of sovereignty. However, to the authoritarian, the use of force is misguided as it is often unleashed on opposition and the citizenry alike especially to create fear when it appears its authority is challenged. Upon the fact that this form of governance does not derive its powers from the people and the constitution, it is not accountable to the people and prefers to repress its population, a sect of the population, ethnic group(s), minorities, opposition in forms of democratic advocates and civil society through the revocation of public liberty.

Vestal Theodore[84] in his work on post-cold war Ethiopia pointed out that there is a high preponderance of political oppression and mass exclusion of majority or minority, civil society and government opposition from governance. He noted further that there is usually a tendency for the authoritarian government to collapse existing plural political party structure, if existent at its arrival, into a single party. Practically, under the tutelage of the state, such that ideas and

[81] Bodganor 1987
[82] Heywood 1997
[83] Ibid
[84] Vestal 1999, p. 17.

ideals that would shape state affairs are generated from that platform. This is often the base of the despotic leader and his cohorts. Therefore, because it does not derive its power from the will of the people, it has somewhat apathy for the constitution and rule of law; at worst it interprets the constitution in its own terms, suspend certain aspects of the law or rule by special decree. In the same order, most Authoritarians have a penchant to pitch tent with the military as an indispensable power-base for their rule.[85] Authoritarians in this tradition having reached the pinnacle of governance do not immediately yank off their uniforms and guns but maintain their positions in the military. They continue to do this until they consolidate themselves in power and have raised loyalists who would continue to pay allegiance to them even when a quasi-democratic system is enthroned with the authoritarian in leadership. This sparks the ultimate ambition of the authoritarian which is marked by indefinite or perpetual political rulership. They are often classified as 'sight-tight rulers' some of which are now unseated by dissident and powerful voices of people's revolt in Tunisia, Egypt, Libya etc. They are not susceptible to change or smooth transition, talk-less of hand-over to another democratically elected successor. Some prefer to die in such position and they actually do while others have the desire to make the country their personal dynasties whose power is to be transferred to their offspring at their exit.

Authoritarian Governance often submerges the rights of the public toward an expectation of social conformity.[86] In other words, the Authoritarian has an illusion of compelling social uniformity either through the enthronement of one ethnic ideal and culture above others or marginalization and victimization of some ethnic group or a selected portion of the population stereotyped as perceived enemies. Against the view of the democratic or liberal peace theory that states that two democracies do not go to war, David Miller argued that authoritarians extend their use of force with other countries and are often perceived in the light of 'pariahs' and as such, they do not help the cause of international peace.[87] Authoritarian Government is characterized by low and limited political mobilization.[88] They prefer to cast a strain on politics while in power with a mentality that disengaging the political consciousness of the masses gives the unpopular government the freedom to consolidate its strangle-hold on power. Samuel Huntington's profound 'Clash of Civilization' opens up a discussion on new democratic regimes built or

[85] Ibid
[86] Feldman 2003
[87] Miller 1987
[88] Ashutosh 2008

reconstructed upon Islamic tenets which is a blend prevalent in Iran, Sudan, and Pakistan etc. It has been argued in the West that these regimes are 'illiberal democracies'[89] Why? Two major reasons were pointed out; they seek to imbibe religious creed, rules and doctrines [often Sharia] into personal and political lifestyle of the citizenry and that it invest political authority in unlimited power derived from spiritual wisdom.[90] For instance, there were attempts by Authoritarian Generals Ibrahim Babangida and Sanni Abacha to impose Sharia laws on Nigeria, which is largely a secular country especially for its large ethnic diversity.

There is also a correlation between governance in post-colonial Africa and authoritarian systems of government. It has been argued that those who wrestle over power from the colonial masters called 'independence fighters' in many African countries, lack the democratic acumen to lead the countries they represent on the path of development. Some of these so-called 'colonial fighters' automatically became leaders and self appointed apostles of the post-colonial era. Though majority were appointed or selected, others were elected upon their struggle-pedigree for independence. Having reached the pinnacle without much of an obstacle, they created larger-than-life personalities and were really recorded to disdain criticism as they grew resistance to opposition. Some leaders were named to employ authoritarian repression to challenge the voice of critics even from their immediate constituencies and party platforms; they rather would not tolerate any opposition. Such arrogance and resistance is often quoted in sentences like; 'where were they when I fought for independence?' Just like Muammar Gaddafi declared in his address against opposition who seek to overthrown him.[91] While these leaders could hide behind the façade of ill-experience and novice in democratic ideals, the truism is that many of those leaders are prone to authoritarian practices once they take over power as they suffocate the adequate checks and balance measures in place to prune their excesses just as its often said 'power corrupts and absolute power corrupts absolutely.'[92]

It is therefore hoped that these theoretical navigational tools would help us in apprehending the answers this study seek to unravel over the case of Sudan, its Comprehensive Peace Agreement implementation and possible transformational stability in the post CPA era.

[89] Ibid., p.25
[90] Ibid., p.26
[91] BBC News 22 February 2011.
[92] John Emerich Edward Dalberg Acton, first Baron Acton (1834–1902)

Concept Linkages

The two perspectives of the peace agreement implementation have competing explanations. The Mediationalists submitted that for a peace deal to sail through between belligerents, there has to be a third force with an interventionist strategy to broker peace. The intervener must possess the credibility, interest, will-power and resources to engage the conflict situation. It is only then a peace deal and possible end of conflict can be achieved. Mutual vulnerability school challenged that conflict situations do not necessarily need a third force to intervene because such interventions bring a new dimension to the conflict. This school does not believe in the genuiness of the so-called 'honest broker'. They rely on suitable situation which they called 'ripeness of conflict' where attack is met with commensurate resistance and the prospects for further war is unlikely. They believe that the success of any peace deal relies heavily on the belligerents as they give-off concessions and shift grounds to hide their inadequacies in the process of negotiation.

However, the competing perspectives sought to address a common concern regarding conflict intervention with emphasis on what makes peace agreement successful and ultimately provide indices for conflict resolution. Authoritarian Governance concept explains the attitude and behaviour of belligerents over governance and how it influences the process of peace negotiation. The implication of this is that peace agreement in many conflict situations has been reduced to mere document and ordinary document cannot implement itself no matter how well written. The difficult issue in peace negotiation therefore has always revolved around the attitudes of the warring parties. Therefore, authoritarian governance concept is crucial to our understanding of the unbridled tendencies of the conflicting parties to undermine a peace process even in the presence of interveners. The concept also explains why after some opponents gain autonomy and control, attitudinal tendencies that caused the initial conflict still shape events in the new era or regime.

Concept Relevance and Sudan

The relevance of these in Sudan cannot be over emphasized because the whole instrument of negotiating peace, stability and transformation is the Comprehensive Peace Agreement. The Sudan episode shows a reflection of the competing peace agreement perspectives as we would see in the later in the work. The idea of the mediationalists in the CPA negotiation came alive

with the intervention of IGAD, as well as the international community to broker peace in Sudan in 2002. However, that was not sufficient to sustain peace as further negotiations were required to move the peace deal ahead. Here, we see the mutual vulnerability's twin solution of 'mutual reliance' and 'hostages' play out in the Machakos document in 2002 where the concessions of sharia and possible secession of the South via a referendum fused into a single peace agreement.

However imperfect, event following ushered in a 'relative kind of order' to allow for possible transformation in Sudan. Authoritarian government of the NCP held sway on power and sought means to consolidate its stranglehold on the same since it hijacked it. The same is the situation in the South where the SPLM/A asserts itself as the only authority in the region so much that even during April 2010 elections, the party won most of the important seats of government to the disgust of opposition parties who were systematically disenfranchised. As demonstrated in the work, the concept explains how this attitude nauseates oppositions both in the North and South of Sudan as well as the root of the internal rift in the in-groups whether in the SPLM/A or NCP.

Chapter 3
Background to the Sudan Comprehensive Peace Agreement

3.0 Introduction

This section seeks to give some historical insight into the manifest and latent causes of the North-South conflict in Sudan as well as the series of events that ushered-in the Comprehensive Peace Agreement; actors and provisions. Historical background here does not seek to tell a detail story but to refresh our memories of the topical issues in contention and lay down certain platforms that would illuminate and enlighten us as the argument of this paper progresses.

3.1 Origin and Causes of Sudan North-South Conflict

From 1943, the British colonialist reversed its southern policy, which had placed southern Sudan under a separate administration from the North with an intention to cede the South with East Africa regional states. Merged with this is the Juba agreement of 1947[93] between representatives of the North and South of Sudan to work together for a united Sudan. According to Malwal,[94] these two events were responsible for the amalgamation of the North and South of Sudan into a single country prior independence in 1956.[95]

During the colonial era, most of the administrative apparatus and civil service that were inherited from British-Egyptian colonial days were based in the North. Therefore, it was easier for a Northerner to hold key positions in the south but not reciprocal for Southerners. In affirmation of this account, Ali Abdel Gadir et al noted that of the 800 civil service positions colonial vacuum created, only 6 was occupied by southerners.[96] The Northern elites in the euphoria of freedom and independence dominated politics and reneged on their promise of a federal state creation that touches on the principles of the Juba conference.[97] This unsavory circumstance to the exclusion and resentment of the south led some 5000-10000 southern soldiers in the Sudanese Army base at Torit, Equatorial province in the South of Sudan to launch a rebellion on 18 August 1955 with a serious quest for autonomy.[98] These men were later to be referred to as '*Anya-Nya rebels'* of

[93] Ali Abdel et.al 2005
[94] Malwal 1987
[95] Op. Cit., Ali Abdel et.al 2005
[96] Op. Cit ., Ali Abdel et.al 2005, p.9
[97] Yokwe 1997, p. 80-103
[98] Met 1991

South Sudan who against the government in Khartoum historically began the first civil war that lasted 17 years as the Government mounted stiff opposition to withstand the mutiny.[99]

Notwithstanding heavy artillery deals and deliveries to the government of Sudan under President Ismāʿīl al-Azharī contracted by the Soviet Union in 1969,[100] its effort to dislodge the rebels began to wane and was further weakened by a successful coup d'état by the Sudanese army that brought Col. Nimeiri Jaafa to power in 1969.[101] To test their strength, in 1971 a coalition of the Anya-Nya rebels was formed to buffer their opposition to the government in Khartoum under the aegis of the Southern Sudan Liberation Movement [SSLM] led by Joseph Lagu.[102] Nimeiri tried to forge a settlement with the Southern rebels under [SSLM] and with series of consultation and conciliation meetings, in February 1972 at Addis Ababa, Ethiopia under the security guarantee and help of the credible and respected Ethiopian Emperor Haile Selassie, the *'Addis Ababa Accord'* was reached and signed on 12 March 1972: a ceasefire and limited autonomy for South Sudan were provisions that put an end to the first civil war in Sudan.[103] The argument of the Mediationalists here appears convincing with the credibility of the emperor and his powerful state in the capacity of a third force. It also shows the anxiety of a neighbor threatened by security complex arising from a possible spill-over of the conflict. The Emperor in his interest made efforts to arrest the hostilities and safeguard the regional security configuration.

It is important to note that the start of a second civil war was only a matter of time following the dissatisfaction between elites in the North and South over some provisions of the '*1972 Addis Ababa Accord'* as well as other policy options, reforms and national reconciliation activities Col. Nimeiri engaged. Stanley Feldman would argue that the drive to enforce social compliance puts the authoritarian leader on the path of arbitrary use of power just to ensure that its authority remains assertive and unchallenged. It was equally the dilemma of a ruler who tried to liberalize and allow for freedom but found that these innovations are to the disadvantage of the country's

[99] Ibid
[100] Op. Cit., Ali Abdel et.al 2005
[101] An account by Joseph Lagu in Juba, South Sudan on the Israeli support for SPLM/A during the revolt by Danna Harman, ''Leaving bitterness behind," *Haaretz Daily Newspaper, Juba/Israel, 28 January 2011*. See also Ali Abdel Gadir Ali, Ibrahim A. Elbadawi & Atta El-Batahani, "The Sudan's Civil War: Why Has It Prevailed for So Long?" in Paul Collier and Nicholas Sambanis (eds). 2005. Understanding Civil War: Evidence and Analysis. Volume I: Africa. Washington DC: World Bank.pg 51
[102] Ibid
[103] Abdelgadier 2004

unity and his own grip on power in as much as there is the presence of dissident and oppositions advocating for autonomy and social disintegration.

Therefore, by September 1983, the popular 'September Law' was promulgated that established Sharia as the basis of Sudanese legal system, which ushered in a process of 'Islamization' and 'Arabization' in Sudan. This government decision was gravely resented by secular Muslims and non-Muslims in the country, which combined with cut-throat rise in the price of food, gasoline and transportation plunged the country into a low intensity start of the second civil war in Sudan.[104] Again, one might wonder why authoritarian Islamist governments have proclivity for adoption of Sharia law. This is not farfetched. It is because such law is unquestionable neither is it subject to legal reviews for its temporal or spiritual source. Prevalent over successive regimes in Sudan, this has been the nexus between authoritarian Islamic governments and the perpetual quest for Sharia law imposition.

Interestingly, successive government that took over after President Nimeiri, none of them repealed the 1983 Sharia and Islamization law. When PM. Sadiq-al-Mahdi took office, he decided to negotiate with the joint Democratic Unionist Party [DUP] and SPLA led by Col. John Garang de Mabior. They were advocating for the abolishment of Sharia and the convention of a constitutional conference, a proposal they called the *'Koka Dam Declaration' 24 March 1986* in Ethiopia.[105] In 1988 SPLA/DUP added that the government should abolish the military pact it signed with Egypt and Libya, end state of emergency and cease-fire against the South to which PM. Sadiq-al-Mahdi finally approved in February 1989 with a schedule for the constitutional conference to begin in September 1989.[106]

On June 30, 1989, the Military struck again truncating the earlier agreement. This coup upon instigation and support of National Islamic Front [NIF] under the leadership of Dr. Hassan 'Abd Allah al-Turabi brought to power Col. Omar Hassan Al-Bashir. Upon assumption of office, he established the Revolutionary Command Council [RCC] and repudiated the earlier DUP/SPLA agreement with the government and promised to re-negotiate the initial agreement.[107] While the SPLM/A had control over most of the Southern Sudan, Government controlled some parts in the

[104] Hassan 2008, p. 6-8
[105] Ibid
[106] Ibid., pg 16
[107] OCHA 2006

south like Juba. The renewed struggle short-lived the interval of ceasefire, as fighting resumed. At his take-over, Col. Omar Hassan al-Bashir banned politics, political parties, trade unions and non-religious institutions. Two major decision of the government aggravated the tension in Sudan; the March 1991 establishment of a new Penal code upon stricter Sharia laws for the north with promised extension to the south and in 1993, Col. Al-Bashir transferred Muslim judges from the north to the south and those in the south to the north.[108] Following these, the hostilities between the government in Khartoum and the South began to mount as either side proved unyielding in its demands matched by stiff resistance. From 1991, the Government of Sudan began to deploy the People's Defense Forces [PDF] to Southern Sudan and Nuba Mountains to raid the villages to cart slaves and cattle.[109] This marked the height of the devastation in the South.

Mediationalists again upon the earlier argument of security threat following spill-overs, from 1993/4 regional concerns on the Sudan situation like Eritrea, Ethiopia, Uganda and Kenya under International Governmental Authority on Development [IGAD] promulgated the Declaration of Principles [DOP]. The principles identified the essential elements for a just and comprehensive peace settlement in Sudan and expressed in forms of what should be the relationship between religion and the state, power and wealth sharing and rights of self-determination for the South.[110] These proposals, which were made to the Government in Khartoum, met tough resistance and rejection as the DOP was not signed by Col. Omar Hassan al-Bashir until the government began to lose its major battle fields to the SPLM/A in 1997. However, the SPLM/A experienced some setbacks in its struggle as a result of internal in-cohesion. Some opponents of John Garang like Nasir faction, William Nyuon Bany, and Kerubino Bol factions broke out to form factions and rebel groups in 1991, 1992, 1993 by Nasir faction, William Nyuon Bany, and Kerubino Bol factions respectively.[111] These factions formed a coalition called 'SPLA-United' on 5th April 1993.[112] In all of these, over 2 million people had died with many remaining internally displaced and humanitarian condition fast deteriorating as aid workers were blocked from access to war zones and the human rights level in Sudan worsened drastically.

[108] Ibid
[109] Ibid
[110] Omar 2000
[111] Johnson 2003
[112] Ibid

Events in the mid 2001 made the window of opportunity for peace was very doubtful as there was a match of strength between the contending GoS and SPLM/A. But with September 11 terror attack on the US and the ambition of the Sudanese Government to launder its image from its antecedence of romance with Osama Bin Laden in 1991, the GoS and SPLM/A reached a moment of truth. This secured an agreement on the disputed role of religion and state and the South's right of self determination contained in the earlier Declaration of Principles by IGAD. This agreement led to the signing of the Machakos Protocol of 2002 and further talks followed that open up opportunity for more discussions on wealth-sharing, power-sharing and security arrangements protocols and others from 2003 up until 2004.[113] By 31 December 2004 in Naivasha, Kenya following a commitment reached by the GoS and SPLM/A to conclude a final comprehensive peace agreement and legitimized by a coincidental UN Security Council Extra-ordinary session in Nairobi, Kenya. There was the adoption of resolution 1574[114] with provisions to welcome the commitment of the GoS and SPLM/A to achieve an agreement by the end of 2004 and for the Government to make substantive efforts to stop the Darfur crisis. What is now known as the Sudan *Comprehensive Peace Agreement* [CPA] was signed by the GoS and SPLM/A on 9 January 2005.

3.2 Provisions of the Comprehensive Peace Agreement

The Sudan CPA 2005 contains six (6) protocols or agreement and two (2) Annexes for implementation all of which make up the content of the Comprehensive Peace Agreement document. A brief of the protocols are;

- Machakos Protocol, Machakos, Kenya, 20 July 2002
- Power-sharing Protocol, Naivasha, Kenya, 26 May 2004
- Wealth-sharing Protocol, Naivasha, Kenya, 7 January 2004
- Protocol on Resolution of Abyei Conflict, Naivasha, Kenya, 26 May 2004
- Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States, Naivasha, Kenya, 26 May 2004
- Agreement on Security Arrangements, Naivasha, Kenya, 25 September 2003

While the Annexes are;

- Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices (Annexure I), Naivasha, Kenya, 30 October 2004

[113] OCHA 2006
[114] Ibid

- Implementation Modalities and Global Implementation Matrix and Appendices (Annexure II), Naivasha, Kenya, 31 December 2004.

Machakos Protocol 2002

This protocol is generally about the structure of governance in the era following the ceasefire. By 'era', it meant periods of interim governance, which is a major provision in this protocol. It is in this document that agreement a pre-interim period of governance where all institutions to support the interim governance period were stated. Article 2 Section 2 provided that a six-month pre-interim period be established then followed upon election by a six-year interim period of Interim Transitional National Governance. This is to make unity attractive after which a referendum could be conducted in the south for the region to make a decision either to stick with a unified Sudan or secede. Article 6 and subsection 3 of the protocol also addressed the role of state and religion by a general agreement that the country is multi-cultural, multi-racial, multi-ethnic, and multi-religious. Thus, religion should not be a divisive factor and governance would not be upon religious sentiments but citizenship. Article 3.2.2 of the protocol however recognized the use of Sharia law as basis of national governance except in the Southern states of Sudan, which shall be based on values and customs of the people with regards to their diversity. Finally, the right of self determination of southern people of Sudan was recognized. They are either to choose secession or unity if they so wish through an internationally monitored and approved referendum process to be implemented by an Independent Assessment and Evaluation Commission [AEC]. This protocol is remarkably seen as the foundation of the negotiations between the GOS and SPLM/A contenders, which was thought to contain the necessary inclusions to drive a settlement of the conflict.

Power-sharing Protocol 2004

The implementation of the Machakos protocol made obvious other problem areas that were not envisaged during the process. The Power-sharing protocol has two important parts; it recognizes devolution of power between the national, southern Sudan, state and local government levels and divided the power between the central Government of Sudan [GoS] and the Government of South Sudan [GoSS] in the ratio 70:30.[115] It also provided that reconciliation for national healing to be implemented especially under the capacity of the Government of National Unity in

[115] John Garang 2005

the transition period. Article 2.2.5 provided the following size of representatives before elections are held in the transitional period; NCP-57%, SPLM/A-28%, other Northern forces-14% and other southern forces-6%. In the National Executive, provision for the Government of National Unity [GNU] is the Position of the President, council of ministers, two (2) Vice Presidents; SPLM/A to have the first National Vice President who would double-up as the President of the Government of South Sudan. In the case of an election, the president and the first vice president cannot emerge from the same party.

Wealth-sharing Protocol

The wealth creation recognized the intensity of struggles over land ownership and other sub-terranean resources and how this could be equitably shared amongst the CPA recognized levels of government in proportion of their power and jurisdiction. The limit of the agreement is that it does not seek to ascertain the ownership of land and resources in the South, much of which would be established by other institutions provided by the CPA. However in the interim periods, it approved a national ownership of oil and other resources and after a deduction of oil funds for the oil stabilization account and 2% to the oil-producing regions and ethnics of the specific locations of the oil fields. As stated in Article 5.5, the remnant of total oil explorations in South Sudan oil fields to be shared 50:50 (%) between the GoS and the GoSS.

Resolution of Abyei Conflict 2004

This protocol is as a result of the implications of the Machakos protocol. Since 2002, it had become apparent that the border town Abyei lying between the North and South of Sudan is a serious source of concern, if there would be a meaningful resolution of the crisis. The region itself had two major ethnic groups [Ngok Dinka and the Misseriya peoples] competing for ownership, and citizenship simultaneously. The region is a source of dispute between the north and South of Sudan for the obvious reasons of its natural endowment- crude oil and its centrality in boundary demarcation. Article 3.1 agreed that the net oil revenue from Abyei be shared thus; GoS-50%, GoSS-42%, Bahr el Ghazal Region-2%, Western Kordofan-2%, Ngok Dinka People-2% and Misseriya people in Abyei-2%. Article 8.1 and 8.2 provided that at the point of conduct of referendum in the South, Abyei would also conduct a separate ballot to determine if Abyei should retain its special administrative status in the north or be a part of the Bahr el Ghazal state

in the South. There is also the provision for the establishment by the president of the Abyei Boundary Commission [ABC] to define and demarcate the area of nine Ngok Dinka chiefdoms transferred to Kordofan in 1905.

Resolution of the Conflict in Southern Kordofan and Blue Nile States

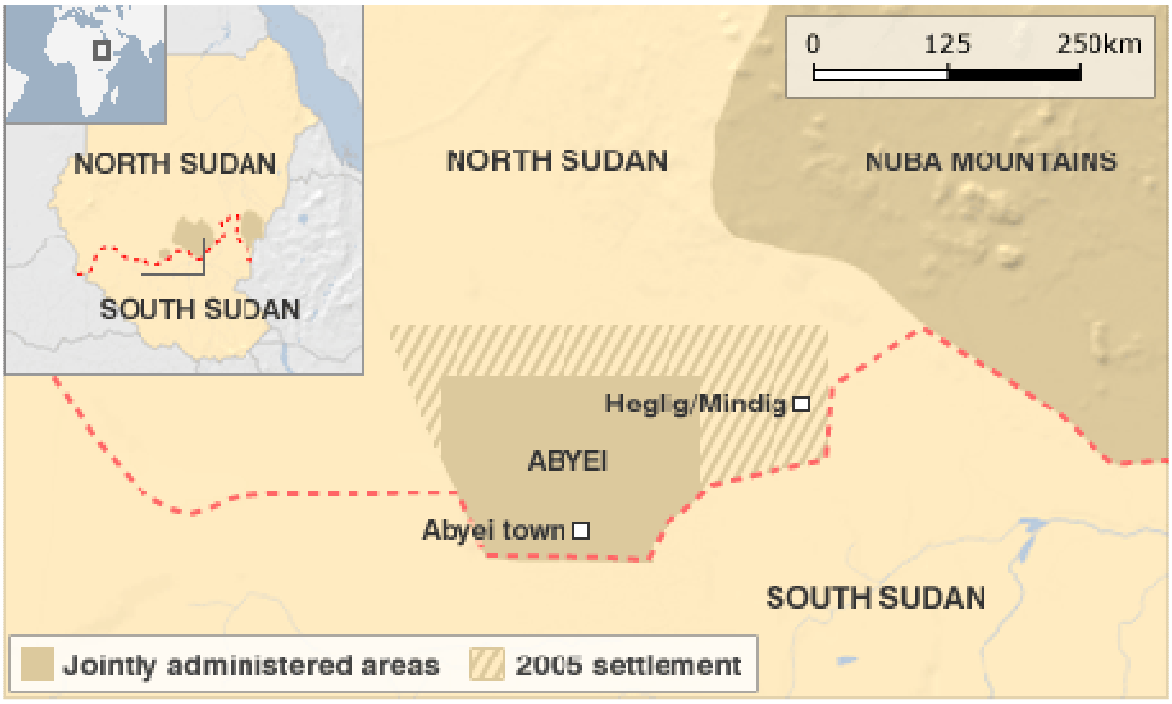
The agreement sought a basis for political, administrative, economic and social solutions to the conflict in the two states. Southern Kordofan also referred to as the Nuba Mountains as well as the Blue Nile is geographically in the North but was SPLM/A dominated during the struggles. The agreement committed to popular consultations of the citizens of the states for a lasting solution to be monitored by the establishment of an Assessment and Evaluation Commissions separately in the states. Before Elections, the Executive and Legislature shall be composed of 55%-NCP and 45% SPLM/A. It provided for a rotational Governorship just like the arrangement in the Machakos protocol. If one of the parties held the governorship, the other party should hold a deputy governorship position and on no account should the governorship of the two states in the same tenure emerge from the same party.

Agreement on Security Arrangement

The agreement concerns the military units of the two belligerents as well as demobilization, disarmament and reconciliation [DDR]. It called for a ceasefire at the signing of the CPA and ordered that each faction should begin massive DDR except those forces stationed or deployed to the Joint Integrated Units [JIU] in the North-South borderlines. The JIU was created to contain equal number of both the SAF and the SPLA. Article 3(c) explicitly stated that aside SPLA forces deployed to the JIU, other armed men stationed at the Nuba Mountains and Southern Blue Nile should be redeployed back to the South of the North-South border line. It stated that throughout the interim period, there shall be the following number of JIU men; South Sudan-24000, Nuba Mountains-6000, Southern Blue Nile-6000, Khartoum-3000. While there shall be redeployment of SPLA forces from Eastern Sudan in one interim year after which the belligerents shall agree on the number of JIUs in the region. Also the establishment of a common military doctrine to be implemented after the decision of secession or unity, which shall be a common basis of training of the emerging Armed Forces and that all other gun carrying men or

factions can operate independently; disarm or join any of the recognized military forces as stipulated by the CPA.

Fig.2. A Map showing the contemplated boundary between North-South Sudan with the contested Abyei above the line



Source: BBC 2009

Chapter 4
The long road from Naivasha: Contending Objectives and Issues in the CPA Implementation

4.0 Introduction

In the long road from Naivasha to the current implementation phase of the CPA, emphasis is on the following overarching arguments: there are competing ends over the objectives of the CPA; CPA is actually not a negotiation of compromise but a fusion of extreme positions; Belligerents are the Achilles' heel of CPA non-performance. And lastly, from Machakos to post-Garang era, the national unity objective had indicated that it was only a mirage.

4.1 CPA Objectives

This section seeks to deconstruct and put in proper context the following competing envisioned objectives of the Sudan CPA; ceasefire, democratic and transformational stability, new Sudan, image laundry and independence for the south.

Ceasefire

For the fear of escalation of the Sudan conflict and decadent humanitarian condition of the crisis, as well as burden of refugees already on neighbouring countries and consequent strain on the international community, it was important that regional actors wage in at least to tame the conflict. Mediationalists' perspective could be seen in the imperatives for regional security and stability as well as efforts of regional states under IGAD to mediate the conflict in Sudan. Since attack was met with unwavering resistance at the height of hostilities, a ceasefire was desirable at least to arrest and put the conflict in check. What this meant to some actors especially those under the auspices of IGAD threatened by spill-overs and others motivated by decadent humanitarian condition is that a ceasefire is an expedient end-objective. In as much as escalation beyond the Sudan borders were prevented, they were contented. In retrospect to Hampson's 'minimalist terms' of peace agreement success and failure, here for these set of actors, their envisioned objective was a peace agreement that terminates bloodshed, loss of live and destruction. Therefore, pressure was mounted on the contending factions to agree to a ceasefire in 2002, the signing and implementation of which could said to be interpreted as successful in 2005. The question therefore is to what extent is a mere ceasefire equal to a successful peace settlement in the Sudan case? How sustainable is such an objective?

Democratic Transformation or Transformational Stability

The basis for the struggle in Sudan is founded upon exclusion, marginalization and all forms of alienation from a commonwealth to which South Sudan had sought to address since the first civil crisis. Therefore the quest for transformational-stability in form of adopting democratic principles in Sudan to be occasioned by a comprehensive peace agreement was signaled with the idea and ideals of synchronizing peace with democracy. This was informed by the neo-liberal promises that come with democracy and the democratic peace jargons that say '*two democracies do not go to war.*[116] To those who hold this belief, SPLM and the International Crisis Group, until an equitable society where the rights and inclusiveness of all Sudanese is guaranteed and democratic transformation prevails, the comprehensive peace agreement would not have achieved its set objectives.[117] For Hampson, this is the 'comprehensive terms' definition of successful peace agreement based on the fact that stability and equity is achieved. However, in the case of Sudan, expectation is on the establishment of state structures that strengthens economic and political justice. The question then is to what extent can the CPA deliver transformational stability, eternal peace, and democratic transformation or deliver socio-economic cum political justice to the aggrieved of the Sudan imbroglio? This because even where democracy has been claimed successful, the poor strata of such society still leak their wounds upon the failure of the system to deliver the so-called democratic dividend?

New Sudan

A bone of contention is also the lack of recognition of the country as a highly diverse one against the quest to divorce the role of religion from state-governance. These were the envisaged problems that a comprehensive peace agreement of this nature was expected to address. In that line of thought therefore, the solution according to actors of this school is that there is a need for a 'new Sudan' to emerge that is not founded on religious principles. While recognizing religion but not as determinant or basis of governance, inclusion or exclusion in political participation, access to commonwealth and ultimately to make unity of Sudan attractive to all and sundry.[118] The leading proponent of this objective was the SPLM/A leader, John Garang who was quoted

[116] Doyle 1983, p205, 207-208
[117] International Crisis Group, 17 December 2009
[118] ibid

while explaining the content of the CPA as saying; "*Arabism cannot unite us, PanAfricanism cannot unite us, Islam or Christianity cannot unite us, only 'Sudanism' can unite us…Let us drop this crazy idea that we all must be Arabs, even God will not accept this. It is his infinite wisdom that made all of the 500 ethnic groups in Sudan, who is this to amend God's creation?*"[119] [Pan-Africanism will unite us! the Arabs will have to accept or leave: Africa must unite!!!] Having said that, to what extent could the peace agreement in all its comprehensiveness double-up to drive this vision? Is this a question of an over-load on a peace agreement? If not, how sustainable could this be in the long run?

South Sudan Independence

Hampson of the Mediationalist school argued that most peace agreement contain the seed their own destruction in forms of contradictions and ambiguities[120], while the mutual vulnerability scholars harped on the need to create 'hostages and mutual reliance' to sail a peace process. This contention is seen in the advocacy and acknowledgement of right to self determination for south Sudan as contained in the comprehensive peace agreement. It is worthy of note also that the CPA has been structured to be clear in its options from onward go; unity or division. The theorist would not disagree on this of course; the end must have been envisaged from the beginning. For the perceived untold hardship a party to the peace agreement had suffered, there was a need to seek redress and where this is not perceived in the context of what 'national reconciliation' could pacify, thus a secession option. These are the *hostages* and *mutual reliance* inclusions as well as ideas behind the power-sharing, wealth-sharing agendas, which was to certain actors of the negotiation the easiest way out of the carnage.

Image Laundry / Face-saving

Some actors of the agreement may have this perception also because it was until September 11, 2001 following Sudan's former romance with the Al-Qaeda group, signing the CPA at that time may have been a diversionary tactic and strategy to avert the consequence when the avenger shows up for atonement. To validate this argument, hostilities still continued in south Sudan and elsewhere in Darfur even through the implementation of the peace process.

[119] John Garang CPA Debriefing Address 2005 http://www.youtube.com/watch?v=cr_sxUTYkUw&NR=1
[120] Fen Osler Hampson, "*Nurturing Peace: Why Peace Settlements Succeed or Fail*". Washington D.C.: U.S. Institute of Peace, 1996. p

By and large, the objectives noted are predominantly competing in the signing and implementation process of the CPA and are observable determinants of attitudes and decisions of parties and observers to the Sudan comprehensive peace Agreement.

4.1.1 CPA Actors

There are three (3) major kinds of actors around the CPA issue; the Sudan belligerents, the Mediators and the international guarantors/Donors or observers.

The main actors of the Sudan Comprehensive Peace Agreement in 2005 were the Government of Sudan [GoS] and the Sudanese People Liberation Movement/Army [SPLM/A].[121] The CPA as perceived in some quarters is criticized exclusive. This critique is framed in questions like; how 'comprehensive' is the comprehensive peace agreement signed between just two domineering belligerents to the exclusion of others? This issue also touches on the argument of the Social identity theory, where each of these mainstreams typifies themselves as in-groups and fight for their group benefits in the CPA negotiations to the exclusion of others. However, their inherent authoritarian tendencies made this possible.

The Mediators of the conflict are Horn of Africa regional neighbours to Sudan under the aegis of the Intergovernmental Authority on Development, [IGAD]. As a matter of fact, IGAD was a 'rookie' as at the time of venturing to mediate the Sudan civil war based on the fact that it had no prior pedigree in conflict management and resolution. It was the need to intervene in Sudan that created impetus for the addition of a conflict mediation portfolio to the drought and development specialty of the organization.[122] Be that as it may, this may have accounted for the ills or pros of the peace implementation process. These states include; Djibouti, Eritrea, Ethiopia, Kenya and Uganda.

The last class of actors played a range of overlapping roles but they generally belong to the mediators/ international guarantors/observers/donors and international community club. They include; UN, AU, EU, Arab League, Egypt, Italy, the Netherlands, Norway, UK and US. These actors are as well mediators because they own or coordinate the security guarantee and donor

[121] Op cit., Met
[122] Hamad 2003, p.6

incentives to drive compliance of the belligerents throughout the period of peace implementation.

4.1.2 CPA Negotiations

This study proposes among others four (4) major reasons mediation between the factions was possible at the time it did. These are; regional concerns on instability, security, spill over of conflict and refugee-strains on the developing economies of the region. The first was informed by the regional security complex thesis of the mediationalists. Second is Zartman 'ripeness of conflict' which is established everywhere among commentators especially statements from Mohammed el-Mukhtar Hussein, the GoS Negotiator at the Machakos Protocol that the belligerents were *more war-weary as at 1997* making difficult the prospects for continued large scale violence between the warring sides.[123] This is equally a mutual vulnerability school idea in the sense that there was shortage of munitions supplies and the resultant stalemate of the conflict meant that no winner, no vanquish but frequent bloodshed and causalities on both sides. The warring factions would have preferred to bury the hatchet but the ego problem of who to propose a negotiation first, was a clear issue. A systemic factor arises from terror attack on the US in September 2001 and the eagerness of GoS to launder its image of past romance with terrorist groups. Last of these as pointed out by Edward Thomas in a Chatham House report is the readiness of international partners to re-engage the conflict situation in Sudan signaled by the US appointment of a special envoy to Sudan in person of the Episcopal Priest, John Danforth in 2001.[124]

A significant event to note here is that all of these systemic events coincided with the appointment of the respected General Lazaro Sumbeiywo of the Kenyan Armed Forces as Chief Negotiator by the then Kenyan President, Arap Moi in 2001.[125] Surprisingly, the belligerents accepted the person of the negotiator against the backdrop of the fact that his constituency-Kenya has overt, unflinching support for South Sudan based secular sentiments.[126] Thus, he rallied the international community in support of the emerging process. The acceptance ignited the willingness of partners as well as recruitment of other skilled mediators to join the team like

[123] Hussein 2006
[124] Thomas 2010
[125] International Crisis Group 27 June 2002
[126] Sumbeiywo 2006, p22-27

Nicholas Fink Haysom.[127] Accordingly, negotiations began in 2002 first at Karen and later in Machakos, Kenya in June 2002. What then are the major highlights of the negotiations?

One highlight of the process of negotiating Machakos Protocol was the divergent vision, basis of claim and positions of the belligerents. Here, there are just two core factional in-groups to the exclusion of other dissenting voices in Sudan; the GoS represented by the ruling NCP versus SPLM/A. The narrow position of NCP was the enactment of Sharia into Sudanese law at least throughout the North of Sudan first, while that of SPLM/A was the quest for acknowledgement of its right to self determination. These were the stiff positions of the factions at the negotiation table marked by some 29-days of nose-making between the factional negotiating teams.[128] What made agreement between these factions difficult again was the fact that most of their proposals and arguments were over laden with emotion. This made sieving facts from fiction herculean. To resolve this deadlock, Gen Sumbeiywo said he translated the Declaration of Principles [DOP] document into text and zeroed-in on the two topical issue of disagreement.[129] The belligerents were not really against the view points of each other neither was their positions conflicting as in not on different sides of a coin but each wanted to maintain its positional-agenda and see it through as basis of negotiation. It is important to note that these were not really expected of a negotiation, which would normally be characterized by actual bargaining or shifting positions; this was devoid of conventions because at Machakos, a belligerent is satisfied as long as its position was contained in the draft of final agreement. Hence, a lazy man's way-out that Machakos protocol represents is not really a negotiation of compromise or shifting grounds per se, but a fusion of the extreme and hard-line positions of the belligerents. The CPA with this divergent views already validates Hampson's 'own seed of destruction' idea. Where then is the compromise? It may not be entirely wrong to argue that Machakos Protocol is indeed not a product of clear-headed bargaining but mere 'tolerant' acknowledgement of the opposing views of the belligerents in a single document.

Closely related to the above as noted by Nicholas Fink Haysom is that the so-called negotiation team of the factions at the talks were generally unschooled in the act of bargaining and without a

[127] Haysom 2006, p. 28-30
[128] Conciliation Resources 2006, p22-27
[129] ibid

clear mandate to make far-reaching decisions.[130] General Sumbeiywo recognizing this deficiency decided to skillfully engage the decision makers of the factions in the negotiation. Haysom argued that this decision was against convention as negotiations between top decision makers is risky and could jeopardize or ground talks to a halt should stalemate ensue between the key decision makers.[131] However, in Machakos, this unconventional strategy worked positively.

The success of the signing of the protocol was more upon the personality of the SPLM leader, John Garang and the vice president of the GoS, Ali Osman Taha. This is what is termed the 'ownership point' of the negotiations as against a top-down approach that characterized many of such peace agreement like the Dayton Peace Agreement. The actual negotiations and decision making was made by these two leaders even to the partial exclusion of the mediators. This is a reasonable evidence of the mutual vulnerability argument of shifting grounds on vulnerability concerns creating opportunities for agreements to be reached. The detail of the hostages and mutual reliance was not obvious, however it did prevail to signal a way forward. In its minimal terms of peace agreement, the CPA brokered a 'relative kind of order' and a partial end of outright hostilities in Sudan with its signing later 20 July 2002. A tragic event following the involvement of the decision makers and signing of the Machakos Protocol was the SPLM/A attack on Torit in September 2002, which stalled the talks. NCP team pulled out of the talks with a caveat that they would not return until a cessation of hostilities is brokered but not without a counter-attacks by NCP which led to further bloodshed.[132] As earlier acknowledged in the problem field of this study, these are diversionary tactics by the belligerents to buy time and a show of strength to back their position at the negotiation table. Although in this case, the momentum for continued large-scale war had dissipated. Therefore, as described by Gen. Sumbeiywo, he was able to secure and negotiate a ceasefire and talks resumed in October 2002.[133]

Another major highlight is the case of the *Nakuru Document*. As noted by Stedman Stephen and other scholars, during negotiations some peace agreement document content may be negotiated without the capacity to envisage other difficult issues that might arise in the implementation

[130] Ibid, p. 28-30
[131] ibid
[132] BBC News 2 September, 2002
[133] Op.Cit. Conciliation Resources 2006, p. 22-27

phase as well as the fact that an agreement often requires further negotiation in the post-negotiation era to steer implementation through. This was the case with the Machakos protocol. It did not obviously answer all the problems in Sudan, infact, it made more obvious the new concerns which were consequences of the fusion of extremes in a single agreement. In otherwords, implementing the hard-line positions created impetus for further negotiations. General Sumbeiywo noted that after the Machakos was signed each faction especially the SPLM/A in consultation with its constituency during the two-week break realized that there was a need to further agree on some other critical issues that were offshoot of the extreme positions represented in the agreement.[134] For instance, now that the right of self determination was approved in Machakos, issues of what becomes of Abyei with its resources and border demarcation; Nuba Mountains, Blue Nile state, wealth and power sharing and security arrangements came to the fore. And as such, the unschooled negotiation teams were sent back to the negotiation table with the purpose of fighting out victory over these new and complicated problem areas. In realization of this ambition, Gen. Sumbeiywo said he developed the Nakuru Document in June 2003 to address the outstanding issues after Machakos was signed. In response, President Al-Bashir was infuriated at the document and was quoted as saying '*whoever wrote the document must soak it, drink it and go to hell.*'[135] After a while, the President ate his words and apologized to the General and that it was all politics; he never meant it.[136] In the eighteen months following this period, amidst rabble-rousing, series of other agreement were made as described at the beginning of this chapter. Following the UNSC Resolution 1574 in Naivasha on the 31 December 2004, the Comprehensive Peace Agreement followed 9 January 2005.

An interesting analysis to see was how the roles of mediating actors in the negotiation had a great impact on decisions at the talks. It revealed that there were different opinions and each of the factions had support from the various camps. Most of the regional actors had defected from support of one camp against the other following their historical relationships. However as it stood out at the negotiation while Egypt, Libya, UK were supporters of the NCP, Eritrea, Uganda, Kenya, Norway and Ethiopia were in favour of the SPLM/A, while the US had no clear

[134] Ibid
[135] Ibid
[136] Ibid

policy but essentially for national security and humanitarian concerns. However, for President Bush and John Danforth for their Christian association, the tilt at that period was more in favour of the SPLM/A. This is the grievance of the mutual vulnerability school on the genuiness of third party intervention and the complicating dimension interveners bring to conflict mediation.

4.1.3 CPA Implementation

The Implementation of the CPA immediately it was signed in 2005 started out fairly well with the implementation of the provisions of Machakos protocol and power sharing arrangement. This is to allow for the inclusion of the SPLM representing Southern Sudan and other dissenting regions in the national government structure to pursue the unity agenda of the agreement. This event brought in the SPLM/A Leader, John Garang to power in Khartoum as the first vice president of Sudan and simultaneously the president of South Sudan. Institutional set-up as stipulated in the CPA began to emerge as the implementation of provisions after one necessitated the establishment of the others. Legislative compositions both at national and state level began to emerge. The uneventful occasion that characterized the period and also shattered the 'New Sudan Agenda' was the death of John Garang in July 2005 in a helicopter crash. As argued elsewhere, this was the first litmus test for the CPA, though confusion and pandemonium rent the air in the period following the incidence, the crisis was soon to settle and onward implementation of the CPA was occasioned by the smooth transition of leadership of SPLM seat in the GoS by the Chief of Army Staff, Salva Kiir Mayardit on 30July 2005.[137]

It could correctly be argued that ever since John Garang left the scene the ideals of 'new Sudan' died. This is evident in the fact that John Garang had a larger than life pedigree while at the forefront of the struggle as the intellectual power house of the movement. In a reflection of his 'authoritarian' style of leadership, he had not imprinted the vision in the hearts of all his members to the extent that he had no credible successor that could live on his dreams of a new Sudan at his exit. Salva Kiir Mayardit of course was his second in command but dwarfed by the intellectual prowess of the erstwhile leader and again Salva Kiir had no real acceptance nationally and in Khartoum. Therefore, events in the post-Garang era saw the re-awakening of self determination clause that was meant to be a last resort should unity be impossible to attain.

[137] Thomas 2009

The quest for independence then became the main vision and driving force of SPLM/A commitment to the CPA implementation under a façade of sometimes 'untenable excuses' as well as tacit and indifferent posture with a final aim of secession in view. The Darfur crisis began in 2003 but international attention did not reach its height until 2005. This had implications for the CPA implementation in that the momentum of international support and commitment that got the agreement consolidated began to wane drastically from the moment the comprehensive peace deal was finalized. The epileptic international support in the nascent era of CPA implementation is acknowledged by the vice president Salva Kiir and other think- tanks on the Sudan case. This is shown particularly in his statement on the occasion of the first anniversary of the CPA in 2006 at the extraordinary session of the African Union; how the international community's minimal engagement with the implementation of the internationally facilitated agreement violated assurances given during the process and with a plea for the international community to renew its commitment toward the process.[138]

Lets us take a moment to look into a theoretical logjam of this point of view. The description of 'international abandonment' of the peace process sounds a bit off. This is a reflection of the conflict between the peace agreement implementation schools. On the one hand, the conflict could be seen in the light of contention between local ownership of a peace process against a top-down prescription. An agreement jointly signed by warring factions definitely requires the commitment of the signing partners to see it through. Why would anyone need international commitment in this case? Since international input into the agreement was minute, the extent of commitment expectedly would be commensurate because these third parties have a limited measure representing their interest in the signed agreement. What then is the motivating factor for further engagement? This is a case of simple economics of investment and interest-profitability nexus. On the other hand, top-down prescriptions that Dayton agreement represents has a basis for continued US support and international engagement.

Concurrently, institutions as stipulated were established like the Assessment and Evaluation Commission [AEC] on 30 October 2005, which was saddled with the responsibility of

[138] CPA First Anniversary Speech Delivered by HE Lt. Gen. Salva Kiir Mayardit, The First Vice President of the Republic of the Sudan On the Opening Session of the Executive Council, The 8th Ordinary Session Khartoum-Sudan 20-21 January 2006.

overseeing the implementation of the CPA.[139] Other legislative provisions, constitutional and electoral preparations of the CPA progressed but not without challenges and some intermittent skirmishes.

Two significant events worthy of note in the 2006 were the signing of the Darfur Peace Agreement [DPA] and the Eastern Sudan Peace Agreement [ESPA] in May 2006. These agreements were separate agreement between the Government of Sudan and the Darfur rebels and Eastern Front Rebels separately. While the full discussion of Darfur and eastern front crisis are not within the mainstream of this study, they however have dimensions in the whole Sudan situation. The demands of these rebels are not so much different from the underlining basis of SPLM advocacy in that there is a connection in their collective cry, which is founded on politics of marginalization and deprivation. But a merger of these concerns into the purview of the CPA has been difficult. What coloured these conflicts is the use of ethnic insurgencies against others with support from Khartoum however. This is the fundamentals of the Janjaweed Militias in Darfur's Arab Abbala ethnic group supported by the GoS together forming what the SIT called the in-group against non-Arabic or non-Muslim Fur, Zaghawa, and Masalit ethnics in the regions with rebels like the Justice and Equality Movement [JEM], Sudan Liberation Movement/Army [SLM/A].[140] In the Eastern Front, there is the Beja Congress, Free lions, and JEM rebels who are advocating for representation in the GoS and equity of the revenues from oil from their region.[141]

The critical point arising from these that would have continued implications for the situation in Sudan is the fact that the authoritarian nature of both Government of NCP and SPLM/A has been so evident in the aggressive blockade of other dissenting opinions in North and South Sudan as well as rebels in Darfur and Eastern Sudan in the CPA talks. The merger of the DPA and ESPA into the CPA has been swept-under carpet by these domineering factions to the exclusion of others. This is founded upon a statement in one of John Garang's CPA speeches where he relayed that the SPLM/A has wrestled 30% of the power off from Khartoum and that others should strive to get their share of the remaining 70%.[142] In the events following, what happened

[139] See the Commission on the Assessment and Evaluation Commission Website www.aec-sudan.com See also "AEC: Expeditious Implementation of CPA crucial for Sudan's future," Government of Southern Sudan, Brussels Liaison Office Publication http://www.goss-brussels.com
[140] International Crisis Group 2004, Pg i
[141] Ibid
[142] John Garang 2005

in the periods of implementation is the sharing of power and resources-largesse between the major belligerents NCP and SPLM in a ratio 70:30. This was the height of authoritarian practices even in the process of undoing the lacuna created by the same show of arrogance.

Up till date the issues in the disputed areas of Abyei, Southern Kordofan and Blue Nile areas as well as security arrangements including demobilization, demilitarization and re-integration have been partially implemented. Like in Abyei, the Abyei Boundary Commission [ABC] had carried out its research and made known its decision. The decision has been vehemently rejected by the NCP Government and even upon Permanent Arbitration Court [PCA] final rulings, its decisions are yet to be implemented. The planned Abyei referendum in 2011 never held but has been kept under a special administration. The same is the case of the wealth-sharing protocol implementation. This has been marred with lack of accountability and transparency. Though the prices of oil has appreciated, the windfall of which does not reflect in the allocations to South Sudan and even the GoSS has not been open enough also in the way and manner with which the largesse are utilized. Generally, there has been large scale mis-appropriation in the management of proceeds from the oil-resource.

In the highlights of the implementation period, the following events are central. First is the withdrawal of the SPLM/A from the Interim Government of National Unity [IGNU] in October 2007.[143] This is upon the allegation that the NCP Government has continued to block the establishment of conditions necessary for the proper demarcation of borders both in Abyei and the North-South. Also the North has refused to demobilize its SAF Army from the regions in the Southern areas as stipulated by the security arrangement protocol. However, in December 2007, the SPLM returned back to the government with a call on the international community to strengthen its commitment to the implementation of the CPA.

Second is the fact that Sharia became the legal basis in Khartoum with some protection for the non-Muslims therein, while the south was free from the Sharia trap. The year 2008 witnessed a build- up toward elections initially scheduled for January 2009 with implications for democratic transformation in the Sudan. However, elections could not hold in 2009 because of logistics problem following the non-implementation of apparatus to make elections work like census

[143] UNMIS CPA Monitor March 2011

issues, growing crisis in Darfur, rainy season etc.[144] This is actually not a problem of the NCP alone, as obvious from the guiding principles of the SPLM/A which has been characterized by partial or indifference to the CPA implementation coupled with a shift in the general idea of unity to which the NCP led government was not disposed either. Thus, 2009 could not see the election to fulfillment, however the AEC as at this time conducted the Mid-term Assessment and Evaluation report and advocated for more international engagement to rid the CPA of its deficiencies and challenges.

Following the divergent visions of the NCP and SPLM/A as well as the authoritarian attitudes of these domineering belligerents, the expected transformational elections was conducted in April 2010 with overwhelming victory for NCP in the North affirming President Omar Al-Bashir as the president and same for Salva Kiir of the SPLM/A in the South. Undeniably, NCP won in the North. The election with all its irregularities was not argued by the SPLM/A. This is to support the proposition of this paper that ever since the death of John Garang there has been a paradigmatic shift in the pursuance of the common vision of unity in Sudan. What replaced this idea is the partial commitment of South Sudan to the CPA but with a view to achieve secession. Thus the SPLM/A never challenged the results of the elections in 2010 upon a thinking that it would allow the North gain the leadership of North Sudan in the elections so that there would be no excuse for the referendum scheduled for 2011 not to hold. These ideas were later to be seen in the South's vehemence to get the referendum through as scheduled for January 2011 with all the necessary noise-making and threat of renew of hostilities and violence should referendum be denied or delayed.

The conduct of the South Sudan referendum came as scheduled inspite of the initial gloominess that beclouded the terrain prior this period. As scheduled, it was implemented and declared as having about 98.83% in favour of secession against the unity option.[145] Thus far, the result of the referendum has been unchallenged having met more than the 60% criteria of the GoS. It appears all is set for the emergence of the newest African state but many issues seem not right yet; as pockets of violent clashes and insurgencies are largely on the prowl in South Sudan. Boundary demarcation between the North and South is yet to be resolved; demobilization and security

[144] Heleta 2010
[145] Sudan Tribune 6 February 2011.

sector reforms have been left open-ended and unimplemented amongst others of equal destructive implications for both the edifice of transformation and the future of Sudan. Should these unresolved issues be left bare into the termination point of the CPA come July 2011, what are we to expect; a renewed period of hostilities or total disintegration of Sudan?

4.2 *So far, so good?* A Brief CPA Assessment

The CPA was able to achieve beyond a ceasefire, which in all ramification exceed expectations by further creating inroads to transformation in Sudan. The strength of the CPA lies in the combination of series of agreements and protocols to address the many-sided problems in Sudan. A strong point to the CPA is the fact that it had potentials for security and democratic transformation in Sudan. In the form of a peace agreement, it pitched tent with the exclusive Sudan constitution. Though the agreement was between two exclusive groups, the power sharing formula did not in any wise cast other dissenting voices away. The security arrangement may not have been fantastic; however it created some level of order especially with the innovative Joint Integrated Military Units [JIUs].

In a different direction, the CPA has left much to be desired in the sense of contradictions contained in the agreement. It is highly surprising how a peace settlement could lump together options for unity and separation into a single agreement. As expected, the divergent objectives of the agreement were played out; Sharia in the North and possible secession of the South. Nowhere in the document was the seed of unity accurately promoted in the CPA. Even the national reconciliation that was mentioned was left to the ruling party to implement. I believe that the CPA should have contemplated the end of the divisive rule in Sudan to create a leeway for true transformation but it never did. Further to this is the contemplation of a two-state solution which was impotent to buy-off the south from its stiff secessionist position. Finally, most of the implementation of the CPA was concentrated more in the hand of one partner [NCP] to the detriment of the other.

The overarching challenge of the CPA today may not entirely rest on the content and quality of the document because the letters would not implement themselves but the decadence of the spirit behind the letters that convene at the negotiations in the first place. The clog in the wheel of progress has been more of attitudinal postures of the actors around the peace settlement. It is the

actors who have been divided over perceived objectives of the CPA and this is largely attitudinal; while the ruling NCP sought to win elections at all cost, consolidate its hold on power and block several other attempts to actualize the equality and justice clause, the SPLM/A was only seeking its referendum joker-card for independence. The mediating actors and partners have also thrusted out some challenges in that since CPA was signed there has been a vacuum, which only them could fill with the wielding of carrots, incentives and security guarantees. However, since the dissipation in their commitment to the CPA, its implementation foot–dragged, with implications of unresolved issues which the CPA may not be able to address.

From the foregoing however, the road from Naivasha is indeed a long one, full of episodes of ups and downs and equally eventful too and now Sudan is about to arrive at a destination. But what is imminent is that there are only 2 plausible destinations; it is either a resort back to conflict or stability. While this writer is not prophet of doom, the truth need be told that the tendency and potentiality for stable peace and transformation after it initially failed in the 2010 elections, is highly slim. Of a truth there are overtly strategic reasons Sudan's arrival at stability appears a mirage and unattainable both in the short and long run and these concerns are the concentrations and arguments of this paper as we shall see in subsequent sections.

Chapter 5

Sudan, Impotency of the CPA and Contending Transformational Challenges

5.0 Introduction

The whole essence of the CPA centres on the objectives of bringing about transformation in Sudan. This ambition in itself has raised a new definitional challenge of what 'true transformation' in Sudan should represent. Since the cacophony of crises, there has been changing levels of transformation which is recognizable by the different periods leading up to the current post-referendum era characterized by dynamics of hostilities and relative stability. A paradigmatic shift from outright conflict and war situation of the second civil war toward ceasefire and relative order is nonetheless a form of transformation. Following the overwhelming result of the referendum, should a two state solution prevail, this might be another form of transformation. Be that as it may, I strongly propose that only the push for true democratic principles and inclusiveness as envisaged transformational objective of the CPA in Sudan regardless of the looming disintegration could salvage the situation. But the question is would the CPA ever deliver this uphill task?

The four [4] overarching arguments in this chapter are; (a) the unresolved CPA issues are stronger and beyond the scope, capacity and capabilities of the CPA; (b) unforeseen complexities spring up with new challenges in the process of tackling an issue; (c) The political economy of resources control, rights and access struggles and not just religion or ethnicism undermine the effectiveness of CPA; (d) Inspite of the success of the referendum, transformational stability and peace in either state may not be expected soon.

5.1 The Impotency of the CPA

The CPA in fairness may not have come to an end and possibly not matured for evaluation, yet it certainly appears fatigued at this point to address its concerns regardless of the fact that one of its major provisions has just been implemented-the South Sudan Referendum. The anxiety here is that fundamental problems it was meant to address since 2005 have all developed strong resistance to the antics of the CPA. The challenge may not entirely be borne by the quality of lyrics of the CPA as argued by the mutual vulnerability school but because it was wrongly positioned to address the core problems in Sudan. What are these core problems?

In different quarters especially from the explanation of the social identity and political development theories, we have had these problems interpreted in forms of perpetual ingroup-outgroup struggles, religious domination, ethnicism, victimization and marginalization. Even the late SPLM Leader, John Garang described these as the 'fundamental problems of Sudan'. These were the problems CPA tried to resolve through provisions of Government of National Unity, Elections, Referendum and popular consultations.

I argue here that the so-called fundamental problems above are manifestations of the core problems of struggles over resources control; of rights and access and lack of political development. In essence, the underlining problem is that of political decay and political economy of *who gets what, when and how?* If this is accepted as given from such a standpoint, it might be safe to push forward at this seminal stage that the challenge of transformation is beyond the capacity and scope of the CPA. One might counter argue that afterall the CPA envisaged this and has a wealth-sharing mechanism to address it. As we would soon see from the unresolved issues of the CPA, this political economy problem of resource control did not surface quickly until the implementation phase of the agreement. All of these have left the CPA with deficits, which it may never be capable to resolve.

5.1.1 Unresolved CPA Issues

According to AU report on negotiations relating to the implementation of the CPA-the Sudan Framework Agreement from the African Union High Level Implementation Panel on Sudan [AUHIP] headed by the former President of South Africa, Mr. Thabo Mbeki, there are four (4) outstanding unresolved issues. These are; Abyei question; North-South border deadlock; stalemate over popular consultations in the Blue Nile and Southern Kordofan states; and Security arrangement dilemma between the North-South divide.[146] Against the provisions and intentions of the constituent protocols that formed the CPA, it is certainly obvious that of the six (6) main protocols, the yet-to-be resolved issues borders on a chunk of four (4). This is really critical for the end of the acclaimed 'successful' CPA owing to the misperceived successful conduct of the referendum.

[146] AU Press Release 31 March 2011

North-South Deadlock and the Abyei Question

In no particular order but because of the connectedness of these issues, the North-South border deadlock arises first from the provision of the Machakos protocol 2002 that consolidated Southern Sudan regional autonomy over some six states. This particular clause required a delineation of borders to really ascertain the full extent of landmass coverage under the influence of the divides. Having signed the agreement, just as I have argued throughout this paper, unforeseen issue over Abyei became prominent and a source of concern. It is the concern over what sector of the divide this resource- rich portion falls that created impetus for the protocol on the Resolution of Abyei Conflict. Consequent upon the North-South border problem, several mechanism provided by the CPA have been set up to execute the border clause most of which centres now on Abyei. This concern would not be clearly understood especially where the issues stand today except we look into the Abyei issue.

For the geostrategic importance of Abyei, what was never envisaged as an issue reflective in the struggles over land, water, grazing and movement between the Ngok Dinka and Misseriya ethnic groups became very important and finally the balance upon which every argument between the divide rests. In this case the CPA had no clue in resolving the new issues of social categorization, ethic struggles, rights and access to land, water and grazing right. The obvious issue of contention the CPA was concerned with was majorly how to share oil-revenue from that region between the residents and a determination of status for Abyei either as part of the North or South should secession occur.

In each of these CPA provisions, implementation has not taken effect; a permanent status for Abyei is still unachievable and CPA stipulated resources to the locals are much in doubt if they ever get to the people. The task to determine a permanent status for Abyei through a referendum in connection with the north-south border divide has brought new issues of Abyei citizenship determination to the fore. The question of who are bonafide residents of Abyei and who should participate in the proposed referendum have been fiercely debated between the local Ngok Dinka and Misseriya ethnic groups, and regionally between the governments in Khartoum and Juba. As the case is now, it appears the answer to the future of Sudan is hanging on the Abyei question.

During CPA implementation, according to a report from the International Crisis Group,[147] the Technical Border Committee [TBC] assigned with the task of delineating the 1956 borderline has not been able to conclude its work because of some serious contentions around five (5) major borders. In the same development, a report from Integrated Regional Information Network [IRIN] confirmed that there are five (5) major contentious areas that have accentuated the strain over border demarcation.[148] The same is the case over Abyei Boundary Commission [ABC], having delivered on its mandate impartially, its report was vehemently rejected by the NCP and the GoS on the grounds that it exceeded its mandate.[149] It was impartial in the sense that the Abyei boundary of 1905 that was later demarcated by the commission also included the Misseriya region, which would have meant a win-win situation for the belligerents. Until the Permanent Court of Arbitration [PCA] upheld the ABC ruling in 2009 and ceded the Heglig oil field to the North before it was accepted.[150] It could be argued that CPA negotiators knew for sure that if CPA later led to the impending two-state solution, border issues would occur. However, the undoing here is that the CPA had no effective mechanism to handle issues of this magnitude just as social identity theorists suggest that emotional arguments from the belligerents in-groups overshadowing facts made it difficult to really ascertain the truth of the matter. The scenario described by the ABC members during their findings and field visit to Abyei area showed much of these emotional display and tantrum-thrusting from each Ngok Dinka and Misseriya who claimed Abyei as their 'age-old heritage' and were not willing to trade it for nothing.[151]

Stalemate over popular consultations in the Blue Nile and Southern Kordofan states

The plight of the GoS-oppressed and marginalized people of Blue Nile and Southern Kordofan states made the protocol concerning them prescribe a popular consultation as against referendum. This because they are frontal states, part of North Sudan, endowed with resources and opposed to the government in Khartoum. This population, for their neglect by GoS overtime, fought alongside SPLM/A during the civil war but was not initially at Machakos for the 2002 protocol to participate in the negotiations. Until the 2004 protocol that addressed their concerns by

[147] International Crisis Group 2010
[148] IRIN 20 May 2010.
[149] Johnson 2007; p1–19
[150] BBC News 22 July 2009
[151] Op. Cit., Johnson 2007

prescribing popular consultation with the people to either accept the CPA as final peace agreement or renegotiate with the GoS. According to a special report by United States Institute for Peace [USIP] in November 2010, the popular consultations had started especially in Blue Nile state but yet unknown outside the locality of the affected states, while that of Southern Kordofan is not expected to begin any sooner.[152] The stalemate here therefore is the fact that the process since 2004 has been slow and with the outcome of the referendum in February 2011, there are new concerns as to what would be the fate of these 'traitor population' in the hands of the unyielding government in Khartoum. For the fact that they are border areas between the north-south divide, their fate is hanging in a balance whether to remain independent also, which may be very difficult or to go with the South, which appears implausible.

On January 24, 2011, Voice of America [VOA] News reported Jason Gluck of the USIP, an expert on Sudan popular consultations as saying that much of the demands for popular consultations on *the critical issues in Southern Kordofan, in Blue Nile, in Darfur and in other states as well really boil down to power sharing, wealth sharing, a greater degree of genuine autonomy for the states themselves.*[153] In this case, the CPA could not have been able to predict the reaction of the Government in Khartoum to these demands with potential implications for disintegration of Sudan. Obviously, no mechanism in the CPA with its inclusion of right for self determination has the capacity to resolve the new or unforeseen issues of greater push for autonomy by these states especially in Southern Kordofan, Blue Nile and elsewhere in Sudan ahead of the declaration of independence in the South.

North-South Security Arrangement Dilemma

There is a prevailing volatile situation in the disputed areas between the belligerent divide against the stipulations of the CPA calling for demobilization, disarmament and re-integration [DDR] of militias and sectional soldiers. The formation of Joint Integrated Military Units [JIUs] with constituents of Sudan Armed Forces [SAF] and the SPLA to man the restive and debated areas is one of the major provisions on the Security arrangement protocol. However, today there have been several skirmishes in the disputed areas as well as southern Sudan orchestrated by unsatisfied powers of the CPA. Under the prevailing circumstance, there is still a large presence

[152] Gluck 2010
[153] VOA News 24 January 2011

of SPLA in the northern states of Blue Nile, Southern Kordofan and Abyei especially around the oil fields based on a confidential UN report.[154] The GoS is also an equal player in the game regardless of the JIUs deployed to the restive areas. There has been an allegation of partiality and complicity leveled against GoS loyalists in the JIUs as standing by and allowing the militia attack causing ethnic tension to escalate. The JIU itself is polarized and to worsen the case; the deployment of the Joint Integrated Police Units [JIPUs] has aggravated the security condition between the Misseriya and Dinka ethnic groups as the former claimed that the JIPUs were out to witch-hunt them and constitute obstructions to their nomad activities.[155] Inspite of the 2005ceasefire agreement, skirmishes and wanton destruction perpetrated by either of the major belligerents, coloured with un-incorporated militias and spoilers, have complicated the security environment in Sudan. Though the CPA stated what it thought would promote national unity, reconciliation and stability, it has no in-built or existing mechanism of compliance to address the polarization of the JIU. This is purely a difficult attitudinal issue seen in the light of ingroup-outgroup differentiation struggles even in mechanism [JIU] that ought to serve to promote and preserve national unity. Therefore, the intended purpose of the JIU initiative has been derailed. Further discussion on the nature of security in Sudan would come in subsequent sections of this chapter to emphasize the impotency of the CPA in addressing the complexities and new dynamics of these protracted issues.

On these counts, I argue that CPA may not be able to proffer effective solutions to these manifold issues because it never envisaged them and was not wired to address these concerns. Rather much of these deficits are attitudinal and behaviorally motivated and as such beyond what the letters of the CPA can handle. With the referendum concluded as well as looming secession of the South in sight, obviously there are connected issues borne out of the afore-mentioned that are crucial to be addressed. These new issues have been described by scholars like Jon Temin of USIP and the UN Envoy to Sudan, Head of UN Mission in Sudan, Mr. Haile Menkerios as 'Post-referendum issues'.[156] Some critics might argue that with the emergence of the new state or

[154] The quest to seek full information from the security sector Reform of the UN office of Rule of Law and Security Institutions with adequate information proved abortive as it was considered a high-level matter of secrecy even to an insider since I do not work directly in that office and it does not touch upon my current responsibilities at the UN

[155] Bubna 2011

[156] Jon Temin 2011

secession of Southern Sudan, the highlighted CPA impotency would be resolved since it would wind-down come July 9, 2011. This cynicism may not be accurate because the critical issues that the CPA has not been able to address are cross-cutting and without proper attention with a view to address them now, one might be setting a new stage for future hostilities and return of war between the would-be countries. What then are the post-referendum issues?

5.1.2 Post-Referendum Issues

The intention here is to re-echo the argument of the mutual vulnerability school and how this has had an overbearing influence on the CPA and situation in Sudan; in that a peace process is not automatic neither is the presence of intervener nor signing of peace agreement of much effect because the provisions of the documents cannot single-handedly and fully anticipate the actions and response of certain decision. By extension and upon a major factor stated also in the problem statement of this study, issues thought to be the major cause of a rift are often not the root cause thus most peace agreement breakdown after a short while because either the peace agreement has a bad grasp of the real contentious issue or complex dynamics generate from the initial bone of contention.

This is the case with Sudan especially from the unresolved issues discussed above. The implementation of the CPA gave rise to leakages in the agreement and thrust-out new dynamics. What made it all the more messy is the successful conduct of the referendum, which has been the focus of the SPLM since the exit of John Garang from the stage of politics and life too, sadly. Now as secession draws near, there is a consensus among scholars and think-tanks in the field of debate where the categorization of post-referendum issues is concerned. According to UN and Jon Temin of USIP, there are about eight (8) post- referendum issues that beclouds the future of Sudan, which the belligerent divides have started to address however. These issues are; Border, oil, water, citizenship, debts and assets, currency, international agreements and security.[157] While I do not intend to construct extensive details about these issues as they are receiving attention currently, the intention to briefly discuss their implications is to stress the position of this paper on impotency of the CPA and how these issues would continue to colour the future of a divided Sudan. Jon Temin in support of this ambition said, *'these issues [post-referendum*

[157] Op.Cit. Jon Temin 2011

issues] however handled could lead to peaceful divorce or return to hostilities'.[158] [Emphasis mine]

As argued earlier in this piece and elsewhere, the border problem and attendant oil, water and land access in Sudan seems eternal. It is a given that most of Africa is pervaded with protracted boundary challenges, these emerging states may not be exonerated from this heritage. Between the north-south divide, the struggle for access to resources along the disputed borders are topical and the determinant of the fortune of the actors. Thinking aloud now, if the 1956 border delineation according to the PCA ruling is famished of resources, I doubt there would be as much struggle as we face in the earlier asserted five (5) contentious border areas in the Borderline Belt [BLB] in Sudan. A renowned historian and scholar of the Sudan Borderline Belt [BLB], Abdalbasit Saeed, who has made extensive study on the persistent and emerging conflict in the Sudan north-south Borderline Belt, affirmed that there are about 10 states in the BLB and the region is blessed with 80% of proven Sudan's crude oil reserve, 50% of water resources.[159] While he identified nine [9] conflict flashpoints in the BLB,[160] UN Secretary General's report on Sudan 2011 delimits the most volatile contentious BLB areas to about five (5) which are; Abyei; Border of Renk county in Upper Nile and North's White Nile state; Border between South Unity State and North Southern Kordofan (Heglig oil fields); Bahr al-Arab river between Bahr el-Ghazal and Darfur in the North; Western Bahr el-Ghazal and Southern Darfur.[161]

Further to Saeed's thesis, he identified three (3) common problem with potentials for future conflict; ethnicity, tribalism, and ideology of race and religion; seasonal transboundary movements by nomads in pursuit of pasture and water; and discovery of oil and struggles for land access and ownership rights.[162] These problems perfectly defines and sets the tone for conflict in the Three Transition Areas [TTA] [i.e. Abyei, Blue Nile and southern Kordofan states] and the larger Sudan currently and in the incoming period, which were mostly unanticipated by the workings of the CPA. For instance, nowhere at Naivasha and in the CPA was water and pasture-concerns envisaged as critical factors for consideration in resolving the conflict.

[158] Ibid
[159] Saeed 2010
[160] Ibid
[161] UNSC SG report, May 2011.
[162] Op.Cit., Saeed 2010

While oil issues would be looked into more closely in the next subsection of this chapter, the nexus of oil, land, water and ethnic struggles would be worth some attention at this point. No doubt each of the belligerents and their stooges sought to lay claims to resources and this is at the heart of the matter in Sudan; had these issues been intensely focused, events may not have taken a different turn. Currently, connected to the border problem is the issue of Dinka and Misseriya groups at the heart of the Abyei question arising from the friction between the nomadic Misseriya and agro-pastoralist Ngok Dinka who have co-exited and tolerated each other for ages. Misseriya nomads on annual basis move their cattles through to River Bahr, south of Abyei in the dry season.[163] The base for Misseriya through much of the year has been Muglad[164], which is a site of one of the two major crude oil basins in Sudan. This tract of land is in the center but now according to PCA ruling, it is classed as part of South Sudan. The problem now is this while Misseriya has found an ally in North Sudan brining them in a camp as in-groups members to claim part-ownership of Abyei, the Ngok Dinka also in alliance with their kinsmen in SPLM/A lay claim to the same as their age-old heritage.[165] These proxies are then very important issues that the social identity theory sought to address and a reflection of the political decay that overshadowed politics in Sudan making prospects for political mobilization and development difficult. The implication of a possible South secession is that it places a limitation on the ritual movement of the Misseriya for access to water and grazing. Should the South secede, obviously it would be landlocked and what happens to its access to water? How is the south expected to lay claims to its share of the total Sudan share of 18.5 billion cubic metres of water designated to the whole of Sudan from the Nile?[166] How about the oil export from its oil wells to port of Sudan? Can the south avoid dealing with the North at all if it must survive? These and more are the front burner issues currently being debated as the dreaded 9 July 2011 approaches and this has been one of the many anxieties and reasons the proposed Abyei referendum has never held.

The result of the foregoing is the citizenship and nationality problem already created by the situation in Abyei and country wide. The debate in the field is thus on the one hand, who would

[163] Bekoe et al, 2005
[164] Hamilton 2010.
[165] Hamilton 2010
[166] Op.Cit. IRIN 20 May 2010

be eligible to participate in the Abyei referendum and on the other hand if the secession prevails, what becomes of citizens who were initially from the south but have lived all their lives in the north and vice versa? Would such Sudanese be subject to the Sharia law enthroned in the North? What would be the nature of rights of movement between the proposed two-states? How about economic exchanges and trade? A proposal between the North and South at the post-referendum negotiations in Addis Abba proposes a soft-border.[167] This in itself sounds creative but in practice, we are yet to see how 'soft' or 'hard' situation might turn out.

The case of Debt burden and Asset sharing is also important as the two-state solution is being implemented. Who shares what portion of the $36.8 billion debt burden[168] is a major debate and what former national asset could also be shared? An extreme position from one of the hardliners in SPLM says that the emerging South Sudan Republic would not accept to take any share of Sudan's debt because most of the accumulated debt were used to finance war to the extermination of the South and as such the North knows best what to do with its debt.[169] As if to favour this argument, to pacify the enthusiasm of the Southerners and curry international sentiments, President Omar al-Bashir declared that the North would assume responsibility for the whole debt and would not share this with the south.[170] In affirmation of this decision, according to a news report, the GoS has decided to assume responsibility of the entire debt of Sudan with a concession of joining the IMF relief initiatives that sought to reduce or cancel the external debts of Highly Indebted Poor Countries [HIPCs].[171] This might be phenomenal to see a new African state emerge without a debt burden; would this translate into accelerated development for the South? I beg to differ against popular opinion in the discourse among scholars that the South might have to pay rent to the North over the great Nile oil pipeline that runs from Unity oil fields strategically through Khartoum to Port Sudan for export, my submission is that this should be seen as a national asset whose dividend would have to be shared equally between the divides.

The discussion on currency as well as international agreement is fundamental to the economy of the emerging state. Prominent questions are whether South Sudan would retain the Sudan pounds

[167] AU Press Release 31 March 2011
[168] Sudan Tribune 19 April 2011
[169] Op. Cit. IRIN 20 May 2010
[170] Sudan Tribune, 17 April 2011
[171] Op cit Sudan Tribune 19 April 2011

or choose a new currency? According to a report, most of South's oil share under the CPA has been paid by Khartoum in the local Sudanese currency making the south very weak in terms of its hard currency reserve. [172] What then becomes of earlier international agreement Sudan has entered into before now? Would the south retain certain international agreement, covenants or contracts especially on oil concessions, transportation, export and contracts earlier made by Sudan? For instance, for the development assistance derivable from membership of these international organizations, would South Sudan pull out of the Organization of the Islamic Conference [OIC], which Sudan joined in 1969?

In the post-referendum issues categorization, the last but not the least is the issue that touches on security. How would the JIUs be demobilized from the critical areas? With insinuations of the North support for disruptive activities of militias in the South, when would all these end? How would the two countries share intelligence and information? How about the Southerners who are in the SAF: would they automatically cede to the SPLA?

These problem-issues however easy they appear on paper or at the on-going post-referendum negotiations in Addis Ababa,[173] considering the fact that even the CPA that was established for the space of about six (6) years has barely settled its outstanding issues. This is envisaged to snowball into the declaration of independence of Southern Sudan Republic coupled with the emergence of new dynamics from these same protracted problems, there is no hope that the issues would ever be adequately tackled soon.

In a final analysis under this subsection, it is importance to state that the CPA has not been able to put a logical rest to the issues for which it was established and obviously the growing complexities are certainly beyond its capabilities to proffer solutions thus reverberating the impotency argument of the CPA to deliver transformational stability either in the North or South of Sudan after secession as we would see clearly in subsequent sections of this study. This is because the foundational issues in the politics of resource control and access were hidden at Machakos in 2002 as against ethnicity and Arabism that over shadowed the debate. The elements of wealth-sharing were only an afterthought leading to the protocol on wealth-sharing in 2002,

[172] Alazar 2010
[173] Sudan Radio 3 March 2011

thus the CPA could not envisage the deep nexus of issues of land and water and oil. This paper also argues that the vision propeller of the north and south dichotomy is the fight over who controls what resources. This explains the politics of April election in 2010 that the south left uncontested with the North for the envisioned separation that would eventually lead to their ultimate ownership of the country's resource largess. To this ambition, the north has sworn to battle vehemently. The next section put all of these into context.

5.1.3 Oil Doom and the Politics Dimension

Nnimmo Bassey in his analysis on Sudan and oil politics said '*we may squabble and bicker under the cover of ethnic or regional differences but beneath the surface, the struggle is over who controls, the massive oil and gas resources and revenues of the land*'[174] This statement puts in perspective the topical argument that the Sudan power struggle is over who controls what and to a very large extent shed some light on how this perceived oil struggle has rendered the CPA impotent and portends doom for the future of Sudan.

Many scholars like Luke A. Patey in the discussions over Sudan, oil and politics affirmed that 80% of Sudan's oil resources resides in the Southern part of Sudan with implications that should secession occur, the jumbo petrodollar-earnings of the Government in Khartoum from oil boom might vanish. Thus, crippling the economy and starving the oil-sucking political elites in the North for the fact that oil contributes a substantial sum of 60% of national revenue in Sudan.[175] This is the unbearable threat the North sought to fight with its last blood. Upon inquiry on nature's positioning of natural resources, I confirmed that there are two (2) major crude oil basins in Sudan; Melut and Muglad crude oil Basin.[176] Melut Basin located in southern Sudan between Upper Nile and Jonglei states. It has a proven estimate of about 900 million barrels of hydrocarbon crude oil reserve.[177] Muglad Basin also in Southern Sudan is the site for the controversial Heglig and Unity oil fields. It is important to note that between 1978 and 1982 Chevron Petroleum Company discovered oil in commercial quantities in Bentiu and Heglig area south of Sudan.[178] This landmark discovery is strategically tangential with the beginning of the

[174] Nnimmo 2011
[175] Patey 2010
[176] US Energy Information Administration 2010
[177] Ibid
[178] Sudan Update Magazine 1992

second civil war in Sudan in 1981 and consequently the regrouping of the Anya Nya group II to form the SPLM that was later at the vanguard of the struggles. Therefore, ever since Sudan struck oil, the dynamics of the north-south dichotomy was never to remain the same.

In a paper on the 'Politics of oil in Sudan,' Alazar, in his analysis explained that '*oil is at the base of the sporadic bouts of armed conflicts and fear of future instability in Sudan.*'[179] In furtherance of his argument, he said '*the physical concentration of oil fields [in southern Sudan sphere] breed calls for secession as the lack of social benefits and environmental degradation of oil extraction foster grievances among local communities.*'[180] In agreement with these statements, I argue that the Abyei Boundary Commission [ABC] report of 2005 was abruptly rejected by the government in Khartoum as well as NCP because they had thought that the Abyei portion would definitely go to the south for its rich-resource endowment, which was perceived a victory for the SPLM. Though this was undeniably the SPLM expectation too, it goes a long way to underscore the authoritarian nature of the GoS who would block any decision it perceived as unfavourable. However, Abyei according to reports extended to cover the Misseriya tribes just to create that mix. Until 2009 when the PCA ruling upheld the ABC report and Heglig oil field was taken out of the Abyei configuration in the broader north-south boundary demarcation, only then did the North accept this as victory.[181] This decision has polarized the new constituent communities. In a sense the Ngok-Dinka communities would like to join their kinsmen in the south upon a referendum that never saw the light of day up till the time of this writing. On the flip side, Misseriya components felt they would be marginalized should they allow Abyei to join the South less their nomadic interest be drowned. Therefore, Misseriya rather prefer Abyei, which is currently under a special administrative status, be joined with the north. These local in-group-out-group perceptions no doubt are sponsored by the regional belligerents both in the North and South who directly or covertly struggle to gain access and rights to the resource-rich region. It explains why the Abyei referendum has not materialized and also why the festering political tension now rest on the fate of Abyei. This is a zero-sum battles which either side of the divide does not want to lose.

[179] Capital Ethiopia News 29 November 2010
[180] Ibid
[181] BBC News 22 June 2009

Again, the sectional issue underneath Sudan oil politics is the fact that though oil fields are located in the South of Sudan, authoritarian governance in Sudan ceded location of refineries and other infrastructure to Khartoum and elsewhere northward. Rather than for oil to flow toward Port Sudan even if we assume that it is the only viable and most economical outlet for export, the Great Nile Oil Pipeline now starts at the Unity oil field through Heglig first to refineries in Khartoum and then later to Port Sudan, thereby consolidating the stranglehold of the north over oil resources and to the detriment of the oil producing areas largely in the south. This is the resource curse dilemma playing out also in Sudan as elsewhere like the Niger-Delta region in Nigeria.

Luke Patey in his 'Oil and Politics: a dangerous mix' said, *"If there was still a window of opportunity to make prospects of unity possible, thanks to oil, it has abruptly been closed."*[182] This perfectly underscores the fact that the CPA has a lot of factors to render it ineffective to prevent transformation in Sudan. Though many analyst and prominent leaders of opinion praise the CPA at least for bringing about a relative order and end to outright confrontation, the CPA was derailed in the arguments and emotions of the belligerents who were not clear in their demands at the negotiations but each hiding under the façade of religious and ethnic sentiments as proxies for the real issues of resources control, which is at the base of the matter. These are obvious issues any peace agreement faced with this dilemma could not address. Had interveners and negotiators at Machakos and later Naivasha been clear on this matter, the protracted case might have appeared differently.

Now that 9 July draws near, oil might continue to flow northward pending alternative oil infrastructure is developed to enable the south pipe its oil through other means. This ambition is located in the proposed construction of a 1,400 kilometer, 450,000bpd pipeline from South Sudan to Kenya port of Lamu at a whopping sum of $1.5 billion to be bankrolled by Toyota Tsusho Corporation, Japan Bank for international co-operation and Chinese investors.[183] Alazar K. noted that this is to break South dependence on the North and a powerful negotiation tool in the immediate post-CPA environment. This is because a debate over this issue proposes that the South might have to pay rent to the North to use its pipeline pending when alternatives are

[182] Op. Cit., Luke Patey 2010
[183] Op. Cit. Alazar 2010

erected. However, this paper opined that the Great Nile Pipeline is a national asset that should be shared between the divide. However, all these emphasize the fact that oil is central to the decay of the conflict situation in Sudan.

5.1.4 CPA and the Limits of Emotion

The extent of emotions over discussion in Sudan is enormous. Following social identity theory's prescription of the twin auxiliary theory of issue framing and emotional decision making, this section seeks to put that in perspective. It is very interesting to see how emotion is mixed-up in the whole argument and dictated direction and scheme of things in the various episodes. The revolt of the 1955 as well as that of the second civil war of the Anya Nya sect of the Army was emotion-laden as well as the renewed confrontation between SPLM and NCP. It was an emotional request the South fought for at its revolt for the lack of a commensurate apportioning of the national cake and non-inclusion in political participation. It should have been expected that such decision to enthrone Sharia at all cost would received an emotional response. This is based on that the fact that the host communities to the country's assets were perceived alien of this commonwealth. For the authoritarian nature of the sitting Government to be emotionally biased, the course of war was already set over identity of religiosity and ethnicity.

The cry for secession, which was demonstrated in the referendum conducted in January 2011, is an enthusiastic show of emotion. Post Naivasha issues of oil, land and water access and rights are all products of emotion mixed arguments and anxieties. The division of the Misseriya and the Ngok Dinka is emotional after all they co-existed together until it was obvious that their shared heritage was about to split. For the bloodshed, loss of life, arson, displacement and wanton destruction that coloured the various talks over Sudan, no doubt the emotional outburst and stereotyping was much expected especially in such an ethnically diverse society where it was easy for people to identify their slightest difference from the next door neighbor.

CPA in the midst of all these no doubt is headed nowhere or at worst would not deliver the expected transformation. It is difficult to anticipate the very extent of emotions when setting out on any peace agreement. However, if a peace agreement is well positioned with a view to tactically constrain attitudes of conflicting parties, the limits of emotions overshadowing events might be brought under control. In the case of Sudan, there were no serious incentives to

constrains or bend attitudes of belligerents to conform to expectations. Infact, it appeared there were no peace implementation mechanism in place because the authoritarian character of the parties played out well in their different spheres of influence. For instance, the responsibility of implementing the CPA was left in the hands of the Government of National unity which never changed but was still largely controlled by the NCP; the South also by SPLM/A also. The deficits of the CPA are herein made obvious.

5.2 The gathering storm over Sudan: Violence and Potential Conflict Indicators

A timeline of the series of violence, hostilities and conflict that has rocked Sudan as well as issues with potentials for conflict from January 2011 till end of May 2011 (deadline of this study) is intended in this section (see Appendix for the table of events). The January delineation is not to propose the idea that other events before now do not have lingering consequences. But this is to underscore the fact that the period occasioned by the referendum for self-determination in South Sudan marked an important termination trajectory in the CPA implementation. Therefore, a focus on the happenings shows a preview of events that might punctuate the incoming period both in the South and North of Sudan. It could also add some flesh to the arguments here that the cycle of conflict in the Sudan may not be terminated any sooner. The choice of Sudan Tribune as a reliable source of information is because the relative impartiality of its report delivery, and for its location outside of Sudan. Though privately owned, this makes it difficult to decipher whose interest it serves. However it has some level of balance devoid of favoritism.

5.2.1 North Sudan Conflict Vulnerability & Flashpoints

North Sudan has only one contender and it is the stronghold of the President Omar Hassan al-Bashir and his elitist cohorts in the NCP. Amid soaring inflation, poor economy inspite of petrodollar windfall and lack of political development, there is a growing resentment for the antics of the authoritarian government of the day. Many of the former allies of the government have been apprehended as enemies behind bars today. The ripple effect of the revolution in pockets of places around the Middle-East/North Africa is also taking its toll on the sit-tight leadership in Sudan just as resentment and dissatisfaction rises. Typical of authoritarians in Africa, the government of President Bashir hijacked power since 1989 with no hope of handing

over any sooner except by a revolution. The ruling NCP keeps fighting to consolidate its strangle-hold on the country at all cost as short-cut strategies to escape the atonement of its many sins committed against humanity- warrant of arrest by the ICC on the grounds of war crimes in Darfur leveled against the president and some top shots of his oppressive government.[184]

The Government of Sudan appears corrupt, non-transparent, and undemocratic especially from the spate of shady deals ever since oil export began in August 1999. There has been scarce information on the content of contracts and oil concession negotiated with investors in the Sudan downstream oil sector. A Sudan tribune news report has it that opposition leader; Dr. Hassan Al-Turabi in the North who was initially the political 'god-father' of President al-Bashir has been arrested severally by his 'god-son'.[185] Currently, Dr. Al-Turabi is incarcerated by the government of the day because of an unsettled rift between the power-players. One might argue that serves Al-Turabi right for his antecedence in the sharia enactment episode in Sudan and his 'anti-semitic' treatment of the South.[186] However, the unifying factor is now the divisive factor between the actors, which highlights the high-handedness of the authoritarian GoS regime. Under a democratic regime, being an opposition is expected to keep the government on board in-check and not necessarily a crime, the nature of authoritarian government of President Bashir cannot tolerate opposition or alternative ideas on governance. On this note the opposition party, PCP led by Al-Turabi has issued a statement on the 10 April 2011 that the health condition of its leader behind bars is in a deplorable state and accused the GoS of poisoning the leader however with a promise that it was out to topple the government soon.[187]

In another development to highlight the fatigue of the citizenry of the oppressive government in Sudan, dissatisfied youths have started mobilization in protest and public demonstration against the government.[188] Whether it is a fall-out the happening around the Middle East or a genuine call for change, there is an obvious resentment against authorities beclouding the political terrain in Sudan. As documented in the timeline of events above, two major anti-government protests have been held in Khartoum and Kordofan.[189] To enlarge this growing campaign for regime

[184] International Crisis Group 17 July 2009
[185] Sudan Tribune 10 April 2011
[186] BBC News 15 January 2009
[187] Op. cit., Sudan Tribune 10 April 2010
[188] Sudan Tribune 31 March 2011
[189] Ibid

change, Just as the theorist of political development argued, the youths have launched an anti-government radio broadcasting service across Sudan dedicated to mobilize the masses against the authoritarian regime of President Bashir. The potency of media mobilization today cannot be underestimated; ripples from hate broadcast in Rwanda and Sierra Leone still have patches of their lingering effects on the affected population. The request of the angry public is not unconnected with the referendum in the South and the possible loss of their compatriots to another country because of the unnecessary meandering of the power stakeholders.

Following this clamour is the impending move by another major Northern party, the Democratic Unionist Party [DUP] that has threatened to join the current anti-government call for regime change. In a statement released recently by the party leadership, it intends a revolt against the government of President Al-Bashir following the backdrop of its recent public accusation that it was planning a power sharing deal with NCP that sought to launder its image and consolidate its hold on power.[190] The party stalwarts confirmed that they are dissatisfied with the current government and they joined the clarion call for the teardown of the authoritarian government of NCP. While all of these appear as normal political rabble-rousing between political contenders, the twist is that it does have a looming threat and use of violence dimension to achieve this end. Therefore, a stage for future instability is a given in North Sudan. We should not forget that of the fourteen (14) political parties in Sudan, many of these oppositions in the North were not part of the CPA deals and till date there exist the Northern sector of Sudanese People Liberation Movement [SPLM], which nonetheless has a potential to play a role in the impending onslaught against the Government of Sudan. The National Assembly in Sudan appears to be in a deep sleep and this is partly because it is NCP dominated and supports the agenda of its leaders. However the recent call on first vice president Salva Kiir to quit his position in the GNU ahead of July 9 and the blockade of the SPLM components in the national legislature appears another source of potential conflict to which the south has threatened to fight bitterly.

The Darfur episode and those of the neglected Eastern Front is also worthy of note here. The attack and resistance of the militias in Darfur alongside the struggles over the Darfur peace agreement [DPA] is a major source of concern with disintegration potential for the Sudan. As the matters appear, there seem to be no visible solution to the problem in Darfur inspite of the

[190] Sudan Tribune 4 April 2011

involvement of the international community especially with the host of the largest UN contingents ever. If the Barbara Walter was right with the large troop deployment by third party guarantors to secure the successful implementation of a peace agreement, the case of Darfur would have long been resolved. But today, Darfur has invalidated this argument in that, with the largest UN troops, the attitudes of the GoS as well as negotiating militias have become unpredictable thus complicating matter on the ground. Ahead of south Sudan declaration of independence, many opposition voices in Darfur and the Eastern Sudan are already mobilizing for disintegration from the larger Sudan. The clarion call is upon the belief that their problems might attract a solution since it appears the authoritarian government in Khartoum is the buffeting factor in all of the conflicts that currently bedevils the country. The Eastern Sudan concerns that necessitated the Eastern Sudan Peace Agreement [ESPA] have been neglected ever since the signing of the same agreement. Also, concerns in the Southern Kordofan and Blue Nile states having edges to grind with the government in Khartoum is still lingering upon the epileptic popular consultation that is yet to take its full course. As argued earlier in this paper, the growing campaign in this section of the population is the mobilization for power-sharing, wealth-sharing and more autonomy; to these request the people would not mind to slug-out with the GoS by violence.

The near climax event as at the time of writing this section of the study according to Sudan tribune news report based on satellite evidence by a third party, the Government of Sudan has started mobilizing its military forces and have deployed heavy military hardware to the disputed Abyei area just as the 9 July 2011 approaches. Put in context, *the Satellite Sentinel Project and other activists claimed that its newly acquired satellite images show that the North's Sudanese Armed Forces (SAF) has in recent weeks deployed "two attack helicopters and at least nine battle tanks within the range of Abyei.*"[191] In another development, President Al Bashir was quoted as saying "*the SPLM would incur a great loss if it thinks of going back to the square of war in [Abyei] South Kordofan, the movement must submit to the will of ballot boxes "or else boxes of bullets will decide the matter."*[192] If this is a spoil for war before or on that date, we cannot ascertain for now but somewhat practice of an arms race have begun initiated by the GoS and South Sudan is equally in a gradual fashion responding to this latest development.

[191] Harvard Humanitarian Initiative, 4 March 2011
[192] Sudan Tribune 27 April 2011.

All of these taken together give some insight into what the volatile environment might look like in Sudan ahead of the two-state solution implementation. Also the same reason reinforces the belief that as hostilities mount, a return of conflict situation is only a matter of time whether in Sudan or north Sudan.

5.2.2 South Sudan: Potentials for Instability

Ahead of the declaration of independence on 9 July 2011, there is an impending doom dangling over south Sudan. Though the CPA may not be exonerated as a causal factor for this division but much of it is the handiwork of the erudite apostles of secession and architect of the supposed new vision of the SPLM/A. As it appears in the gathering storm over south Sudan, the unifying factor on the flip is now inherently the dividing factor. The struggle for control of state power and resources is now central to the stability of South Sudan even before its declaration of independence. The emerging state is faced with battles on every side; within and without. SPLM championed the cause of equity and inclusion with the North and advocated for the liberation of the excluded and down-trodden mass of the southern population. This sect has a long history of alienation and exclusion from the commonwealth of Sudan, inspite of the fact that the source of the country's wealth and largess is right underneath their beds and backyard. However, the shared heritage of struggle is beginning to witness internal wrangling and division.

The SPLM/A is not new to the idea of defecting members, opposition and rebels have always displayed this tact overtime. Infact, the movement also started on the heels of rebellion as some dissenting voice broke out of the SPLM/A since 1991 with factional leaders like William Nyuon Bany, Kerubino Bol and Nasir etc. They combined to form the SPLA-United in 1993 even under the leadership of John Garang. The fate of SPLM/A has kept changing ever since in a vicious circle of rebels and re-integration. The ball game is however different when a rebel movement transform and gain legitimacy, no doubt other unsatisfied elements are bound to latch on its slightest misuse of authority or disagreement. This is the case with the GoSS led by SPLM who on the flagship of a rebel movement became accepted as the ruling party but now faced with opposition within the SPLM/A and the region. This is an area the social identity theory refused to explain; how in-group conflict arises based on differences.

Consequently, one undisputed source of potential instability in the incoming period is the activities of breakaway SPLM/A rebels and dissenting ethnic militias who have continued to mount strong attacks against the GoSS and campaign for its overthrow. These rebel groups perceived the SPLM/A led government in the light of the former common enemy located in Khartoum. For the fact that the rebels in south sudan are many and disjointed, however difficult, SPLM/A could enjoy popular mobilization against smaller noise making rebel groups who wreck sparks of sizeable havoc here and there in the region. However, these groups according to reports have formed an alliance under a credible umbrella to launch coordinated attacks against the government in Juba. While there is a need to unpack these South Sudan rebels and militias with a view to put them in proper context as touching their grievance and demands, I do not intend to write the history of these rebel groups, I only want to mention the visible ones to support my claims of potential source of conflict.

We need to understand that South Sudan is not highly diverse with ethnic groups. While they share a common heritage of being victims of the same struggle, the majority Dinka ethnic group having reached the pinnacle, awareness of ethnic differences has begun to set-in. Dinka tribe, aside Nuer, Murle and Shilluk ethnic groups has dominated politics from John Garang to Salva Kiir Mayardit who leads the SPLM today. Following their overwhelming majority, the Dinka ethnics have seen other minority ethnics of the SPLM/A break away to form other opposition groups whenever they have grievances against the mainstream. After the death of John Garang, his successor Salva Kiir was able to reconcile some rebels back to the SPLM fold. For instance, former rebels like Paulino Matip and Riek Machar who are now Deputy Commander-in-Chief of SPLA and Vice President of the Government of south Sudan respectively.

In the tradition of SPLM/A rebels, according to various profile report of the South Sudan Human Security Baseline Assessment of the Small Arms Survey Group,[193] the new generation of rebels who have formed the South Sudan Democratic Movement (SSDM) includes the embittered Former SPLA General George Athor Deng, a Dinka ethnic but lives among Nuer kinsmen. He is aggrieved since he lost in the last April 2010 gubernatorial election in Jonglei state, which he believes was a misnomer. His arguments is however debatable but he surely has blunts to grind with the GoSS, which he has vowed to overthrow as he accused the government in Juba the

[193] Small Arms Survey Group 2011

source of his woes. Others include David Yauyau, based in Jonglei state, a Murle ethnic with the same complain having lost in a contest for parliamentary seat; Gatluak Gai, Nuer ethnic and a low ranking former SPLA soldier who was aggrieved based on election issues in 2010; Lam Akol, head of SPLM-DC who contested against Salva Kiir for presidency in the April 2010 polls; Robert Gwang, a Shilluk and now head of SPLM-DC; Captain Olonyi, a Shilluk ethnic who has launched many fierce attack in Malakal and other areas in the Unity state; Former SPLA General Peter Gadet Yak who recently called on other rebels to overthrow the government of SPLM/A.

The new face of South Sudan rebels seem to have grown out of resentment following the conduct of the 2010 April polls. This is an indication of the fact that they have developed a strong appetite for political power and would do anything to wrestle it over. In the same line of thought, and supported by the timeline in the Appendix, rebels have been responsible for the many attack, outright violence and instability in South Sudan as they have vowed to make the region ungovernable until they overthrow the perceived exclusive and corrupt government led by the SPLM/A.[194] Apart from these, there is the danger of other political parties different from the SPLM in South Sudan; a census of political parties struggling for political control in the region put the number at eight (8), added to these are the ethnic militias who are allegedly funded from outside the region to foment trouble and cause instability in the region. Ethnic militias like those of Misseriya against Ngok-Dinka, Shilluk against mainstream Dinka peoples and the likes have made the security nature of the latter era of the CPA very volatile and restive. The situation is currently tough as SPLM is buffeted with oppositions internally, and also with two externals; rebels in the region. The North is linked with this allegation that the government in Khartoum is accused for its aid to dissenting voice in the south to cause instability.[195] This is upon the inclination that Khartoum would find it hard to come to terms with losing out on its largest source of revenue. Reason prevails that there are elements of truth in this accusation especially for the funding and sophistication of munitions used in the different attacks in South Sudan. Concrete documented evidence is scarce; there are many reasons to justify these claims going by the antecedence of the GoS in the cacophony of crisis that has rocked the country so far.

[194] Sudan Tribune 11 April 2011
[195] Sudan Tribune 8 January 2011

The undoing of the SPLM led government in the South is its high-handed authoritarian style of governance marred with corruption, exclusiveness and overbearing influence to the detriment of smaller ethnic groups in the region. What seriously typifies this undemocratic act was its ruthless bid to wrestle absolute control of power in the region on the heels of the last April 2010 election. No doubt, SPLM enjoys popularity in the region, but there are reports, exceptionally noted is one by Marc-Andre Lagrange of the Small Wars Journal that the party [SPLM] fraudulently sought to make sure that it won majority of political positions in the region upon dangerous maneuvers as alleged by the rebels.[196] It was claimed to have disenfranchised some perceived credible candidates who are likely to become stumbling blocks to the South Sudan Government in the long run. Thus, candidates like Former SPLA Gen. George Athor Deng who contested for governorship of the Jonglei state where he was very popular could not win the SPLM ticket based on some internal mechanisms used to edge him out. This event alone was enough to stir up trouble in the camp of the popular southern party as different episodes of similar event happened in pockets of places across the region. Unperturbed by this development, Athor contested as an independent candidate, according to some report.[197] It appeared that there was some meddling in the election that worked against the popular contestant and he lost to another SPLM-anointed candidate. Herein is one sample of authoritarianism played out and atrocities by the SPLM to which the party might dearly pay-for in the coming era.

Just as the GoSS does not know how much exactly the GoS earns from oil, the SPLM government has been accountable also to nobody in the region on its receipts from oil and how it has been expended.[198] Onlookers and opposition now see former SPLA bush-raiding commandos now living in affluence as the population in the South still languish in poverty and underdevelopment. Inspite of the many woes of the people who now leak their wounds from the insensitivity of the SPLM-led government to their yearning and aspiration regarding an end to violence and conflict, the government has started to engage in arms race and acquisition of munitions in the wake of North Sudan's preparation for attack in Abyei.[199] The common question on the street in the south is nothing but when would all these madness and nightmare be over? In the coming period, I propose that one cannot underestimate the potentials of mass

[196] Lagrange 2010
[197] Op. Cit., Small Arms Survey Group 2011
[198] VOA News 27 December 2010
[199] United Press International 13 April 2011

revolt of people themselves against the political elites in the region. Following the growing resentment against the antics of the ruling elites and spoilers of stability represented in the militias and rebels, the fatigued mass of southerners who are pissed with the unending state of war might take laws into their hands to call to question the atrocities of the movers and shakers of the current order of instability in the region.

Arguments in the conceptual framework relating to authoritarian governance in the immediate postcolonial Africa might play out in south Sudan upon declaration of independence. It appears that election would not be held in July 2011. What is likely to happen therefore is that the SPLM would be in control since it has been at the advent of the struggle. The potential source of instability and conflict thus is the fact that it would raise sentimental arguments to question the role of current group of opposition and refer them to historical rhetorics of the struggle. The problem, like most authoritarian regimes is that the SPLM government is likely to develop penchant to drive compliance by arbitrary use of force in the light of resistance from opposition that might be out to challenge its authority. This is a potential danger that might colour events in the post-independent South Sudan.

As if to share my thought, pessimism, fears and frustration over post-independence era in South Sudan, a recent article in Ethiopian Journal drew a correlation between Eritrea and South Sudan today and the worries of a single party domination in the post independence era.[200] The case of Eritrea, which is still the newest African country ahead of South Sudan, might have some lessons to teach in such a manner that it could present some potentiality that might have a replay in South Sudan. Just as the internal conflict between the revolutionaries in the Popular Liberation Forces gave rise to the Eritrean Liberation Front [ELF] to confront Ethiopia for independence, the Front was ripped apart internally with issues relating to religious rift between the Christian and Muslim elements because it was initially dominated by Muslim intellectuals who formed it in Cairo. Thus giving way to the rise of a new movement called the Eritrean People's Liberation Movement [EPLF]. It was ELPF that later won the war of independence against Ethiopia in 1991.[201] However, the point is that ever since, the revolutionary leader Isaias Afwerki has been at the helm of affairs in the country, he would not permit any appearance of opposition in the

[200] Ethiopia Journal 10 April 2011
[201] UNHCR August 2001: pg 9

country.[202] Some reports from opposition stationed outside Eritrea talked about the ruthlessness of the leader and his undemocratic ideals.[203] Accusations including no press freedom, a single party state, clamp down on churches and dissenting opinions of the National Assembly have been leveled against the authoritarian leader to the extent that many Eritreans kept disappearing and many eloping abroad for security reason.[204] In the case of South Sudan, it may however not get to this point for the diversity present therein and the many competing opinion for power. Authoritarian ideals like those of the Eritrean leader might arise in the forms of hostilities toward dissenting opinion and critics. Therefore, a potential conflict looms in the immediate post-independent era South Sudan if the government in that era beats down on inclusiveness and democratic reforms or portrays an overbearing influence on politics to the detriment and alienation of oppositions.

Given the arguments above and supported by the daily monitoring of events in Sudan, I have attempted to establish the flashpoint issues and areas of potential conflict in the North and south of Sudan. This is done with a view to underline the idea that the CPA ripped apart may not provide solutions to these issues. Also in support of the pessimism that the vicious cycle of conflict may not have been terminated in Sudan even if the two-state solution is implemented come 9 July 2011. Further to this argument is the use of a crisis mapping tool from the Bureau of Crisis Prevention and Recovery [BCPR], UNDP from which mapping data are supplied to support the proposal of potential sources of crisis especially in the South of Sudan.

5.3 UNDP Sudan Crisis Geomapping and the Mandate of Transformation: An Assessment of South Kordofan state and Abyei. [See Appendix for the zoom view of Maps 1 & 2]

The Sudan crisis geomapping tool has been developed by a consortium of UN agencies with Crisis Recovery and Management Agency, UNDP in the lead for the Sudan Information Management Working Group [IMWG]. This is an enormous pool of information and data from on-the-ground in Sudan by community dwellers themselves as well as staff members of the partnering UN agencies who through everyday happenings have professionally collected data

[202] Ibid
[203] Sudan Tribune 3 January 2011
[204] Op. Cit., Ethiopian Journal 10 April 2011

based on their area of work. Before the initiative was developed by UNDP, all these data resided with the agencies that owned them.

Sudan crisis mapping tool is a breakthrough and a reflection of the paradigm shift in development practice, monitoring and assessment upon the use of new technologies; such that from any part of the world with the merger of satellite technology, online maps, data and information, one could access currents from any part of a risk affected area with data and visual reporting facilities upon a combination of criteria and parameters. This is just to introduce a section of the application that focuses on South Kordofan and Abyei. However, it contains enormous information on many states in Sudan including Darfur. The Crisis mapping tool is built on software application called ArcReader 9.3 used to visualize the combination of parameters

I have decided to demonstrate with the aid of the interactive Sudan crisis mapping tool as against traveling round Sudan in the absence of adequate funding. Also there is no need re-inventing the wheel in order to gather new set of data which had been professionally done. This one project I had a contribution in expanding some of its functionalities and dataset through rigorous testing before it goes live on the web. The screen prints or figures in the appendix are the front-end/ user display of the Sudan Crisis Mapping tool in its application platform-ArcReader.

It displays parameter and visual mapping report of Southern Kordofan state and Abyei. On the left is the parameter area and on the right is the map display of whatever criteria or parameter chosen represented with doted lines, coloured circles, triangle or square boxes. The map displays all the states of Sudan but centres on the pre-selected state under observation like I have chosen to analyse South Kordofan State and Abyei in the popular Borderline Belt or The Three Transition Areas because of the centrality if the region.

In the bid to lend some credence to my analysis and argument, visuals of actual security threat and risk and also potential flashpoint of crisis arising from a permutation of sources, in the parameter area, I chose the following parameters; Settlement and Administrative boundaries are a given or optional but it is needed to delineate the specific area under focus. The core parameters include; **THREATS & RISK→ Southern Kordofan Risks (CRMA, 2010) → Community → conflict→** (Sub-parameters represented in Map with Pink Square box numbers

311-316 respectively except 313: conflict over land/boundaries, water, natural resources, tribal/group conflict and other issues related to conflict) →**Tension**→ (Sub-Parameters represented in the Map with pink square box numbers 312-316: Tension over land/boundary, water, natural resources, tribal/group conflict and other issues related to tension/unrest) → **Personal**→ Mines and UXOs (Unexploded Ordnance)→ (Sub-parameters represented in Map with Brown Square box numbers 411; Real threat from mines and UXOs) → **SALW Proliferation** (SALW-Small and Light weapons) →(Sub-parameters represented in Map with Brown Square box numbers 421-423: Armed communities and other issues related to SALW proliferation) → **Criminal activities and Banditry** → (Sub-parameter represented with Brown Square box number 431-432: Criminal Activity and Large scale banditry/raids)→ Abyei _Meiram Threat and Risk (TRMA 2007)→ **Demining** (UNMAO 2010) → (Sub =-parameters in terms of Hazard type and status represented by small coloured box with à, á, ˜, Yellow = Closed, red = Open: Dangerous Area, Open; Dangerous, Closed; LISH Area, open, LISH, closed. (LISH: Landmine Impact Survey Suspected Hazard Area))→ **Oil**→ (Sub-parameter: **Pipeline** (red Line) → **Conflict caused by oil mining activities** (green triangle with number 34) →**Tension related to oil mineral extractions (CRMA 2010).**

When all of the parameters and sub-parameters are feed into the application, the maps in the Appendix are the results showing the number of places each parameter of threat and risk have occurred based on data collated since 2007. It also displays where it currently occurs and likely to become a source of concerns post -2010. The visuals says it all according to information gathered as at October 2010, there has been serious conflicts in Southern Kordofan state and Abyei over land and boundaries, water as well as tribal/ group conflicts. The second display shows a large concentration of open area of landmines around the center of South Kordofan state; both north and southwards. This is exactly around Kadugli (the site of the Kadugli Agreement between the belligerent divide to stop hostilities against eachother in January 2011 but violated early March 2011), which has witnessed a lot of skirmishes between the polarized JIUs and militias on the one hand and has been a theatre of war between the North and South Sudan on the other hand. The northern part of Abyei inhabited by the Misseriya is well displayed by the tool, which may not have been very clear to capture should a short visit be made to the area. It shows no trace of landmines, while substantial chunk of landmine coloured the Ngok-Dinka portion in the Abyei south. These are strategic instrument of war and an affirmation that

crisis may not have ended as these areas are ready conflict zones. It is also interesting to see the redline that depict the flow of oil pipeline that originates around the borderline between Unity state in the South and South Kordofan state in the North. The end of that line is around the Unity oil field connecting with Heglig oil field, which has now been ceded to North Sudan. The flow of oil and its environs cannot be exonerated from conflict, which is much-expected in Southern Kordofan state that is highly polarized between the pro and anti-Khartoum elements. The tool perfectly puts this in context in the Appendix 1. The current government of the state is led by NCP and its governor Ahmed Haroun has been indicted with war crimes by the ICC, for the fear of which he had tenaciously clung to power and has blocked the conduct of elections in the state in the last election in April 2010. Even in recent reports as documented in the timeline in the Appendix also, the Governor has been accused of inciting his militias to attack some sections of the state wrecking havoc just to prevent the forthcoming elections in the state that might edge him out of power.

The show of conflict and tension in Map Appendix 1 is in affirmation of the fact that crisis is still largely prevalent in the volatile TTAs and that it might not end soon. Just as was discussed earlier in this paper, conflicts arising from rights and access to resources like water, grazing, land, boundaries, tribal and groups conflict have taken the centre-stage as against the religious and ideological misperception. Here, the visual display of a substantial number of the parameters all over southern kordofan state and Abyei affirmed that these areas are neck deep in hostilities. The potential tension is also depicted by the increased presence of small and light weapons, which are precursors of conflicts. Criminal activities and banditry is also evident occasioned by the proliferation of guns and munitions, except they are mopped-up in proper post-conflict security reform context otherwise, these would continue to dictate instability in the region.

From such wealth of information, what one could deduce is that there is more that meets the eye about Sudan and that the crisis is still emerging based on the fact that there is a vicious circle of issues and outgrowths that continue to lead to hostilities and violence with intermittent peace periods. The future of the country in all of these, even in the eventual implementation of the two-state solution, appear gloomy as the perceived windows of opportunity for stable transformation appear slim but that of vulnerability remains wide open. Would the CPA ever survive all of these as it draws to a close?

Chapter 6

Beyond the CPA: A Reflection on the Future of Sudan

I would like to engage this ending section with some philosophical answers to the main questions raised both in the research questions and the problem focus of this study with a view to draw final conclusion from the manifold issue-content of this endeavor.

6.1 Critical Questions: The Way Forward.

The first part of the conceptual framework of this study perfectly puts in context the question regarding the indices for the failure and success of peace agreement in conflict societies. In the light of arguments from contending thoughts on this issue-area, it is clear that success or failure of peace agreements is not necessarily a product of quality of agreement document or legion of troops present to drive compliance as many Mediationalist scholars suggest. It is rather a function of window of opportunity versus window of perceived vulnerability made permitted by the authoritarian posture of the belligerent divide as the theories reflected. The Mutual vulnerability school, by extension leverage on the idea of 'ripeness' to create a window for intervention. However, the need for incentives and security guarantee cannot be completely ruled out but precursor of this agenda lies essentially on the political will of concerned actors following their perceived scale of vulnerability. This is possible if only the class struggle, stereotypes and misperception of the groups are done without and institutional structures that promote unity are in place. Put in context, Sudan host the largest UN peacekeeping contingent forces ever and it has amounted to nothing; hostilities and skirmishes still happen by impulse. If we count success in Sudan at all, especially with regards to the CPA, may be upon the successful conduct of the referendum, it is based on perceived vulnerability and parochial objectives of the contending sides. In that each side got what it wanted and worked to fulfill the divided vision. This says something about the inestimable importance of attitudes, behavior, perception, needs as the real basis for contention between factional groups, which should be taken together as central targets in future peace settlements.

The concerns of future peace agreement strategy bring me to the next question of how effective is power-sharing in driving national unity in conflict societies. I have noticed the trend of this prescription in many peace deals from Angola, to Bosnia and even in Sudan. This is represented

by the clause of the right to self-determination and efforts toward building a government of national unity at Machakos. This is not bad for most negotiators. I perceive that it appears the easiest way out to pacify aggrieved party(s), but it has an embedded tendency of fragmentation. Fragmentation in the sense that it strengthens the push for greater autonomy once a small space is given. With this, I do not therefore justify a union that make a sect subservient to the whims and caprices of a tyrant or tyrant-sect rather the quest to deter unnecessary or preventable divorce. The power sharing episode had been legitimized in Sudan since 1972 Addis Ababa Accord that granted limited autonomy to the southern region. From that moment onward, the path for independence of the South was only a matter of time, as was seen earlier, where it became an instrument of negotiation and finally found its way into the peace deals from Machakos protocol in 2002. I guess this is a counterproductive strategy in driving national unity. Of course, with a possibility of independence and forced unity included in a peace deal, one could only expect the choice of secession by the aggrieved. What alternative then are we left with in future peace strategy? I guess we need to start to critically think about how intelligibly this could be worked out in the future.

If we try to zero-in on Sudan and its transformational issues, the third research question asks; of what relevance is democratic enthronement to transformation in Sudan? I would just say right way; of great relevance! The bane of Sudan crisis arises majorly from authoritarian profile and identity posture of governance; more specifically rigid attitudinal approach. It was the lack of inclusiveness that escalated small issues of differences in background, culture, religion and ethnicity. These were the important issues raised by the Social Identity theory. By 'democratic', I do not imply the best system of government rather a demonstration of wide political mobilization and participation in the shared heritage reflected wealth distribution and inclusiveness in decision making with a view to drive a sense of national belongingness. If these were implemented since independence from colonial rule, the story in Sudan would have been different as the differences among the ethnic groups would not have been this pronounced. However, if a sect sought to dominate or enslave the rest on the out-group who by nature have been endowed access to the wealth of a society, it is much expected that the Sudan scenario would emerge. The same is the cause for struggles of Niger-Delta in Nigeria. North Sudan may not be able to atone for these grievous sins making the window of opportunity for a reversal slightly impossible.

The critical question if all will be well with Sudan following the referendum or why is that the CPA may be impotent to arrest the cycle of conflicts and bring about transformation inspite of the successful conduct of referendum remains crucial. It is the whole essence of this study and at this point I would like to comment and put this in proper perspective. Given all the findings and analysis in the preceding chapters, I think it might be dicey and difficult in the light of overwhelming evidence gathered not to stay negative with a view to underestimate what other positives the CPA could deliver. It is however not a straight-jacket or cast in bricks answer in any case. I do not under-rate the fact that independence of South Sudan is equally a form of transformation for the down-trodden of that society. Those who have forgotten what development looks like in the light of convulsive violence and hostilities that has rocked the region for more than twenty years now. The initial purpose for the CPA, which was stability and equality, inclusiveness and togetherness as country, has been defeated; first by leaving the CPA implementation oversight function in the hands of the NCP led government- the crisis common denominator and then in the failure to elect a credible government of national unity in April 2010 polls. Even the ceasefire component of the CPA could not stop several skirmishes from occurring under the so-called peace period. This was why I used the phrase 'relative kind of order' throughout the study as against outright stability.

Furthermore, it has become obvious from the daily monitoring of events in Sudan and from the brewing tendency for crisis as July 9 draws-in that the stakes are high as well as potential threat and risks. The security environment of the present Sudan on either side of the divide but largely in the South is most volatile and an arrest of this trend by the impotent CPA is largely in doubt. This is because when a conflict touches on the core issues of resources and control, people would do anything for access. In a tacit attempt to show the looming vulnerability of North Sudan ahead of the 9 July 2011, IMF on the 19 April 2011 anticipated a drastic fall in the earning of North Sudan of about 70%, with external debt overhang of about $37billion. This is a reason for fear and basis for strategies to make July 9 not a reality or at least to truncate the process. In support of this claim, the Sudan Army on the 20 - 27 April 2011 threatened to intervene in South Sudan with an alleged accusation of supporting rebels in Darfur and should it claim Abyei through its drafted constitution respectively. The question is; the so-called counter-insurgency strategy has been used by both belligerent governments in their war proxies overtime. Why the

sudden threat of military intervention now? These are difficult issues the CPA was wrongly wired to tackle. Be that as it may, these belligerents, in the words of the sage South Sudan politician, Abel Alier Kwai, *'have dishonored too many agreements'*. The CPA in this case is not an exception because from inception it has been wrongly focused; its most important provision-consolidation of NCP's strangle-hold on power and the self determination of south Sudan have been achieved but is that the end? Without mincing words, complexities with grave implications have been created in the end making prospects for future return to hostilities in and between the emerging two-state Sudan imminent. As it appears, I would rely on miracle for a reversal of this gloomy prospect provided a corresponding reversed action in the attitudes and approach of the dictators of the current Sudan order is taken. In a more critical thought, a sudden tear-down or termination of the hallmark of oppression, ideas and ideals of the NCP regime replaced with an inclusive regime that knows the value of unity in spite of diversity and the worth of human life only then could the situation take a new turn.

All of these then brings me to the pertinent questions of what to expect in the post referendum and immediate post-independence era in the emerging two-state Sudan. Is stability in sight any sooner or are we faced with potential total disintegration or dismemberment of Sudan as we know it today? In a very candid tone, stability in the prevailing circumstance might be very expensive to negotiate because of the manifold potential sources of instability. If the Abyei episode of arms build-up does not escalate into a full blown conflict, the Dinka-Misseriya struggle on a 'soft-border' balance cannot guarantee stability. How about Southern Kordofan with its oppressive government that has launched attack against the very citizens it was meant to protect? The forthcoming election in the state embodies a potential risk of instability. The popular consultation in Blue Nile state tilts toward call for power and autonomy in solidarity after the order of South Sudan. How about the neglected Eastern Sudanese in the same state begging for attention who believed that they would suffer greater neglect should the South secede from the government in Khartoum? The fate of SPLM in the hands of Khartoum-incited rebellion and opposition calling for the overthrow of the current regime for the same offense NCP committed- exclusion and neglect is another bucket of gun-powder waiting to explode. How about the growing call from Sudan youths and opposition political party for the overthrow of the NCP-led government in Khartoum? If all these do not portend instability enough, is the

dreaded, never-ending Darfur crisis not another flashpoint of trouble? Would Sudan even in the two-state solution know peace any sooner? I propose the answer is clear especially for the increasing rally and common cry by other parts of Sudan for autonomy. The economy of Sudan may not be able to finance its arsenal of munitions in the coming period, which might aggravate the security risk of the period and in the end might limit the capacity of the government to deliver public goods and prevent a total fragmentation of the country. In a possible twist of fate, there might be relative stability provided a permutation of events take place to change the course of doom dangling over the future of Sudan and it is in the hands of the few trouble-making political elites to change the course of destiny of the country however.

A major scenario neglected by the mainstream discussion over Sudan that I would like to comment on is that; what if Abyei does not go with the South and retains a special administrative status, or joined with Northern Sudan, what is the fate of South Sudan in the absence of oil, even with the so-called oil, any hope for survival? This scenario is best imagined because the reality is an ill-wind would blow the emerging country no good. From analysis, a substantial content of its revenue derives from its receipt of oil aside this nothing else. If Abyei is not actualized by South Sudan vision, the South might remain landlocked forever. This does not suggest that Abyei is a gateway to the sea but for its abundant oil investment and resources. At best South Sudan would rely on other sources in the region, foreign aid and assistance. The oil boom might mean nothing else but doom just as some oil-producing nations on the overall have not fared well. The resource curse theory puts this in perspective as well as the many lessons the world has learnt from unguided economic activities in developing countries. Over-reliance on crude oil export without divesting into other sectors for structural transformation to take its course and for the fluctuating prices of crude oil in the international market, it does not guarantee a constant level of income. It does not also guarantee that the common man on the streets of Juba would begin to live in affluence from the largess of oil upon independence. Therefore, there is a serious need to thread with caution in South Sudan as the emerging state becomes a reality.

6.2 Democratic Governance and the Leadership Gap in Southern Sudan

The independence of South Sudan is almost certain but may not come cheap and the possibility of wrestling through the myriad sources of instability is very slim. This gives the pessimism

about the chance of survival of the South even if it swims in its wealth from resource endowment. There are many reasons to worry about South Sudan as an independent country and many of these borders on leadership. The course of the new era would largely depend on the kind of leaders that steer the affairs of the country after the struggle for independence is over. From the Authoritarian Governance framework, I would like to draw a correlation between colonial fighters in most of Africa against the situation currently in South Sudan to indicate the direction of my worries over South Sudan after independence.

Most colonial fighters in Africa having helped to liberate their countries from the shackles of colonialism saw it as a right or at least compensation for their struggles to automatically assume leadership roles. Having reached the pinnacle, they developed strong resentment to opposition and many became tyrants and others were architect of the ruins of their respective countries: examples abound in Africa; leaders like Kwame Nkrumah of Ghana, Julius Nyerere of Tanzania, and Robert Mugabe of Zimbabwe. These are great leaders no doubt, but some of them lack the acumen of leadership while some grew weary of opposition and introduced radical economic policies based on emotions regardless of the untoward negative impact on their economies. They were not accountable to anyone not even their parliaments, talk less of the people they serve. My worries over South Sudan are also in this fashion. Already, there are allegations of authoritarianism, non-transparency, corruption, poor service delivery and absence of the dividends of oil resources leveled against the crop of leaders in the region. The current leadership and its cohorts are all liberation fighters. Therefore, I fear they might not have best of credentials to lead the emerging country into its desired future upon independence rather it could be a repeat of the episode of some of African countries.

South Sudan obviously lacks capacity, human resources and institutions to support political development and democracy ideals. The problems of militias and opposition to the current regime might be a serious source of worry in the incoming period. The struggle for inclusiveness has a tendency of spiraling conflict in the region just as SPLM won most of the major government seats in the last election to the exclusion of other political parties in the region. The new face of rising opposition against the SPLM started from this election episode, which may not have come to an end as independence draw-in. In the midst of all these, I doubt that SPLM is

showing signs of repentance. This is the leadership gap I foresee in South Sudan upon independence ahead of a repeat of the Eritrean episode.

I believe the people of South Sudan would expect a more inclusive government that respects democratic principles of rule of law, justice, human rights, accountability; one that is sensitive to the yearning and aspiration of its citizenry. A government the delivers quality public good, transparent for all to have a sense of belongingness, which eschew segregation and factional ethnic domination and treat everyone with equity; only then can the fears of the people be assuaged. And on a finally note aside the advice for more role for the international community to partner with the new government to deliver on its promises of stability and security for the citizens, I would like to end with words of advice from the opposition leader of the South Sudan Parliament Onyoti Adigo Nyikwec who said… *but if you ask me the way forward, I will say that for any government to succeed in its political transition, it must fully take into account the views expressed by the other political forces; that is what democracy entails."*[205]

6.3 Conclusion

Many critics might argue that this endeavour is premature because the end of the CPA is still approximately two months away and as such no one could ascertain the turn of events. I agree, but for the fact that it makes a case by exposing underestimated fronts and echo the need to re-strategize for an expected sustainable result in Sudan, this endeavour is important. If not for anything at all, at least to capture and analyse live events in Sudan as they occur from the end of the referendum with a view to raise an alarm on the possible truncating factors that might derail the successful termination of the CPA and how not to strike a peace deal in the future.

This study endeavour however imperfect remains crucial on the Sudan case in that it exposes the security risk of the post–referendum Sudan and sensitize the awareness of the international community to reshape its strategies in dealing with issues relating to stability in the Sudan and to closely work with the partners to properly address the current concerns and possible future contentions. The study however in its own little way contributes to the body of knowledge on the problems of Sudan upon its findings, which simultaneously opens up new frontiers of

[205] Sudan Tribune 20 April 2011

research in the future especially in the adventure to evaluate and assess situations in post-independent South Sudan and the remains of Sudan; to observe what eventually happens; whether there is a confirmation of the pessimism raised in this study or otherwise.

In the same direction, it might be interesting to see how events finally turned out in the post-independent Republic of South Sudan and what becomes of the NCP-led government in the North; whether Sudan could hold its members together in a single fold and the eventualities around President Al-Bashir and his ICC indictment would be good to also watch out. Since the study terminates toward the tail-end of the CPA implementation, it might be interesting to observe how the emerging states would transcend the major challenges that confront them today. Also to see further analysis or research work done in the future that properly assesses the end of the comprehensive peace agreement, its eventual appraisal of success or failure, which could not be properly ascertained within the scope of this work.

However, a recap of some of the major findings of this is study reveals that the Sudan cacophony of crisis is not just a product of struggles arising from ethnicity or religiosity; these are only symptoms, but a product of core issues of struggles over resource control; of rights and access and lack of political development. It also exposes the fact that events not initially envisaged at peace settlements as potential source of concern often arise with complexities and grave implications for stability. And with the use of the Sudan crisis mapping tool as well as other identified analyzed facts and evidence of potential threats to security, stability may not be expected any sooner in the two-state Sudan. Fundamental thoughts on the CPA, inspite of the referendum, reveals that the agreement has been rendered impotent to bring about transformational unity and stability by the unbridled attitudes and myopic interests of factional actors as against the quality of the peace agreement.

Therefore, the sources of worry for the continued cycle of hostilities and conflict in the absence of opportunities for transformational stability and unity are hereby established ahead of the emerging two-state Sudan. Except a government that takes a more inclusive approach and responsibility for collective, equal participation backed by service delivery of peace and democratic dividend is enthroned, the cycle of conflict may not have been arrested.

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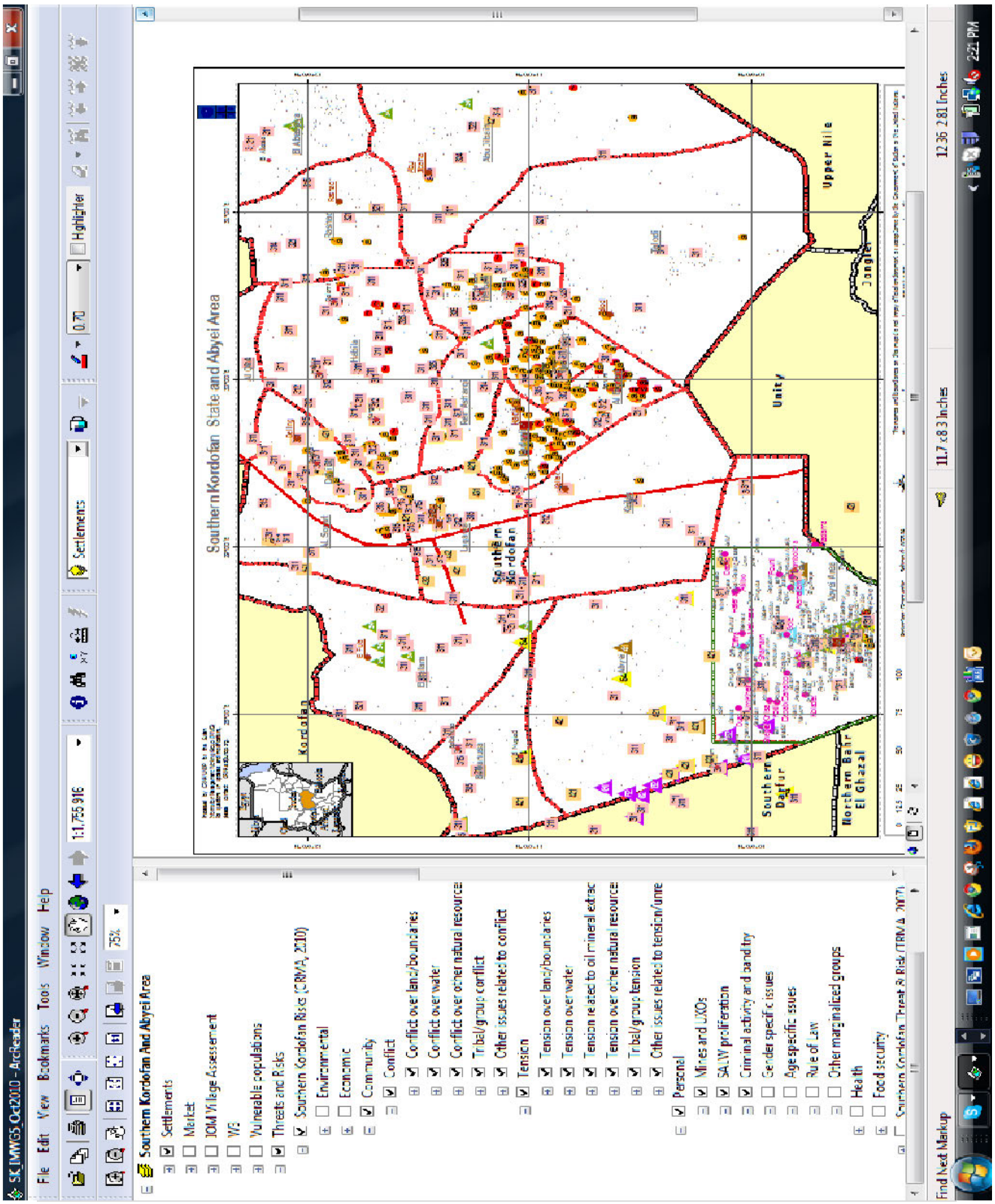
Appendix 1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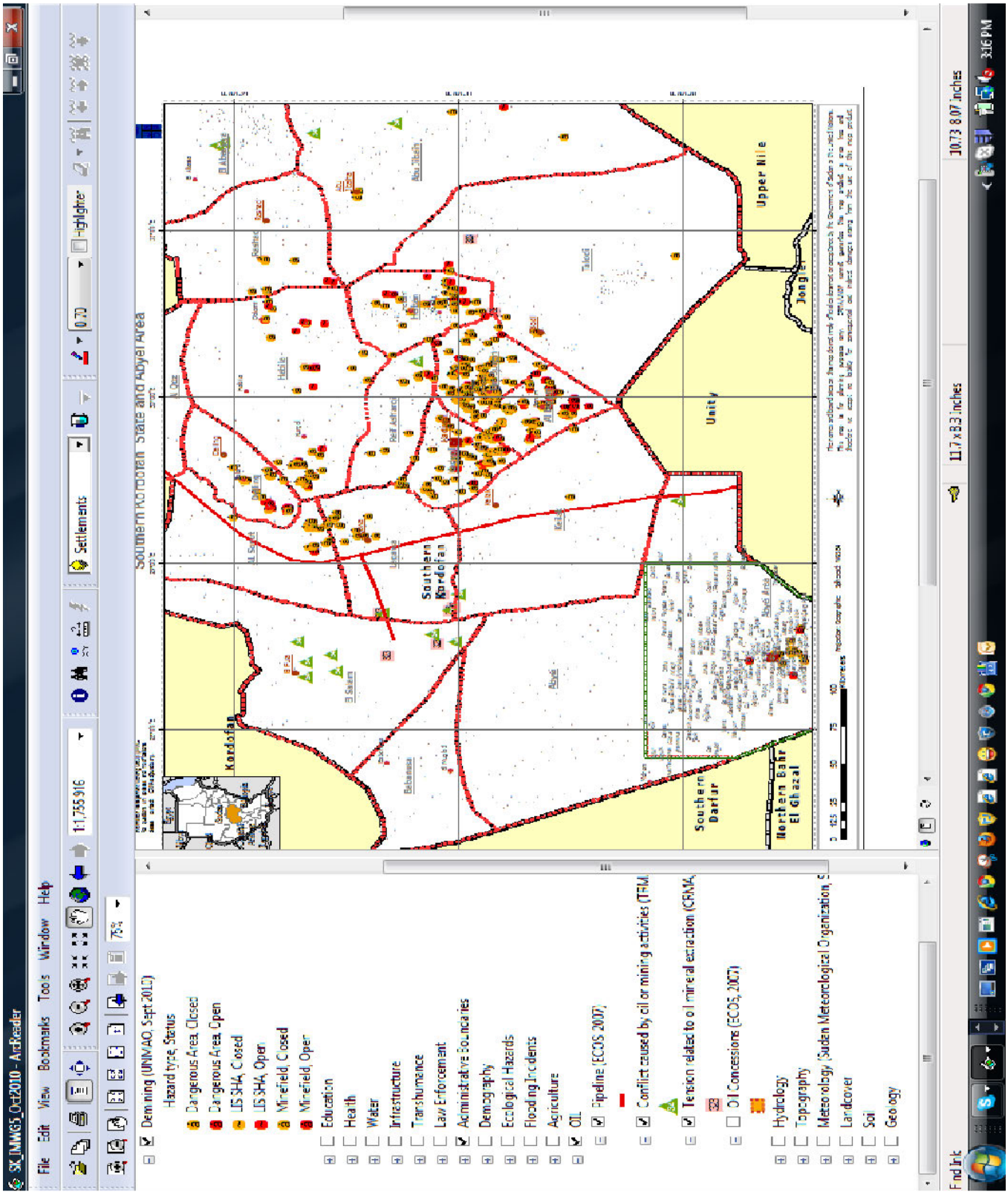
Settlements
Market
IOM Village Assessment
WS
Vulnerable populations
Threats and Risks
Southern Kordofan Risks (CRMA, 2010)
Environmental
Economic
Community
Conflict
Conflict over land/boundaries
Conflict over water
Conflict over other natural resources
Tribal/group conflict
Other issues related to conflict
Tension
Tension over land/boundaries
Tension over water
Tension related to oil mineral extrac
Tension over other natural resources
Tribal/group tension
Other issues related to tension/unre
Personal
Mines and UXOs
SALW proliferation
Criminal activity and banditry
Gender specific issues
Age specific issues
Rule of Law
Other marginalized groups
Health
Food security
Southern Kordofan State and Abyei Area
Kordofan
Southern Kordofan
Southern Darfur
Northern Bahr El Ghazal
Unity
Upper Nile
Jonglei
Find Next Markup
11.7 x 8.3 Inches
12.36 x 2.81 Inches

Appendix 2


SK_IMM365_Oct2010 - ArcReader
File Edit View Bookmarks Tools Window Help
Demining (UNMAO, Sept 2012)
Hazard type, Status
Dangerous Area, Closed
Dangerous Area, Open
UXO/HA, Closed
UXO/HA, Open
Minefield, Closed
Minefield, Open
Education
Health
Water
Infrastructure
Transhumance
Law Enforcement
Administrative Boundaries
Demography
Ecological Hazards
Flooding Incidents
Agriculture
Oil
Pipeline (ECOS, 2007)
Conflict caused by oil or mining activities (TFM
Tension related to oil mineral extraction (CPA/M
Oil Concessions (ECOS, 2007)
Hydrology
Topography
Meteorology (Sudan Meteorological Organization,
Landcover
Soil
Geology
Southern Kordofan State and Abyei Area
Kordofan
Southern Kordofan
Unity
Upper Nile
Jonglei
Southern Darfur
Northern Bahr El Ghazal
Settlements
Highlighter
1:1,755,916
10.73 8.07 inches
11.7 x 8.3 inches
Find link
3:16 PM

Appendix 3

Timeline of Events since Referendum

Date	Site of Conflict	Belligerents	Rationale/Cause	No of Casualties	Risk Indicator
7-9 January	Makir Abior, about 10km to the north of Abyei town	Misseriya Vs Southern Police Force & Ngok Dinka Youths	Conflict over Land, Resources, Nomad movement & Abyei referendum.	30 killed	
4-5 February	Malakal, Upper Nile State	Sudan Armed Forces [SAF] Vs SPLA [JIUs division]	Implementation of the demobilization of JIUs from Malakal to the 1956 border point and hand over of heavy military equipment in the north. SPLA component refused to comply since they opted for secession.	10- killed 50-wounded	
7 February	**OFFICIAL RELEASE OF REFERENDUM RESULT**				
9-10 February	Fangak county & Dor village Jonglei state	George Athor Militia Vs SPLA	The cause of conflict remain unclear as George Athor claimed that his men were attacked at Dor, Koliet, and Kolnyang and he revenged the next day while the SPLA said his troops were the first to unleash terror on civilians.	More than 200 civilians killed; 0ver 100 injured	
14 February	Abyei market	Police Vs Soldiers component in the JIU	Mis-trust between the polarized components of the JIU.	3-killed; 300-sought refuge at a UN fort	
27-28 February	Todach, Abyei	Popular Defense Force [PDF] Vs Southern Police Force [Ngok Dinka]	Unclear reason for attack. Attack on a police station by 100-strong Misseriya Arab militiamen and militants of the Khartoum-backed Popular Defense Force (PDF).	27th–7Police killed & 6 wounded 28th-100 Policemen and youths killed	
2 March	Maker Abior, Abyei region	1000 Misseriya, PDF & SAF elements	Continuation of the 27th Feb attack	33-killed and settlements burned down	
3 March	Abyei		Abyei Residents fled the town	45,000 displaced	
6 March	Panyikang County, North of Malakal	Shilluk Militias under Captain Olonyi Vs SPLA	Shilluk Militia beef for the SPLM since they lost in the April 2010 Election. Fighting sparked by an unsettled Shilluk-Dinka land disputes.	Over 50 people killed	
12 March	Panyikang County, North of Malakal	Shilluk Militias under Captain Olonyi Vs SPLA	Capt. Olonyi regrouped and re-engages SPLA in heavy fight.	Over 30-Killed	

17 March	Riak Payam, Mayom county of Unity st ate.	SPLA Vs Militias under Bapiny Muonytuel Wijang & Gai Yoach	Unclear cause of conflict. But seen as show of discontent with the SPLM and GoSS.	Over 30-killed	
21 March	Dungop Village, Abyei	PDF Vs Abyei residents	The Abyei Minister of Finances accused the Khartoum-backed PDF for the arson on its residents.	5-killed 1-wounded	
24 March	Sultan Abdel Bagi Ayii, Army General from Northern Bahr el-Ghazal state, announces his rebellion in Khartoum and defection from SPLA				
25 March	Rebel Gen. George Athor the various rebels were uniting to form the Southern Sudan Democratic Movement, fighting the SPLA under a unified command. Bapiny Monituel, former SAF commander also joined this rebel movement				
27 March	The SPLA announces that Major-General Peter Gatdet has defected. SPLA Deputy Commander in Chief Paulino Matiep is rumoured to have left the country, purportedly for Nairobi for health reasons, but the talk is he is angry				
31 March	Sudanese youth group launches anti-government radio on short waves.				
1 April	An attempt to assassinate the SPLM Vice-President Riek Machar. Gen George Athor promised he is still committed to the peace agreement but many SPLM/A were skeptical about his statement.				
4 April	DUP threatens to join regime-change seekers in North Sudan. Anti-government demonstrations in Khartoum and Kordofan. Sudan's NCP says "no compromise" over Abyei.				
7 April	North Sudan Army deployed military hardware in Abyei.				
10 April	Sudanese Hassan Al Turabi opposition leader hospitalized as his party vows to topple government.				
11-13 April	Mayom Declaration- New Rebel Group under a Former General of the SPLA, Peter Gadet Yak calls for the overthrow of south Sudan government. SPLA began a massive drive of forceful recruitment of Youths in Unity state.				
14 April	Militia attacks in Sudan's South Kordofan State kill dozens ahead of sensitive polls.				
17 April	North Sudan: NCP-NUP dialogue fails to agree on government-participation.				
19 April	North Sudan rejects extension of CPA deadline, official.				
20 April	SLM supporters protest in different Sudanese towns against Bashir's government. North Sudan's defense minister threatens South with military intervention for Alleged South Support for Militias in Darfur.				
23 April	BREAKING NEWS: South Sudan army clashes with forces of Gabriel Tanginya in Jonglei state.				
24 April	The rebel forces under the command of the renegade general Peter Gatdet Yak today have claimed making more advances and inflicting heavy losses on SPLA forces of Division Four in Unity state. (NCP) has accused the northern sector of the Sudan People's Liberation Movement (SPLM) of inciting the U.S to wage a new war on the country.				
25 April	South Sudan Army says contained rebel fighting in greater Upper Nile, 165 killed.				
26 April	Unknown assailants shot dead a senior official from the United Nations World Food Programme (WFP) in Jonglei state, raising more fears of escalating insecurity in South Sudan ahead of its independence declaration due in July.				
27 April	President Al-Bashir threatens war and to reconsider its recognition of South Sudan state if its new constitution states that Abyei is part of the south.				
30 April	Sudan's Central Bank fires southerners in the north.				
02 May	Five people killed, one wounded in Rumbek Central County in revenge attack.				
02 May	Eight killed in fresh violence in Abyei, administration faults Sudanese army.				
03 May	27 killed, 3,000 families displaced in Jonglei cattle rustling – governor.				

03 May	South Sudan Renegade Gabriel Tanginye under house arrest.
10 May	86 people have been confirmed dead in two separate clashes involving armed groups of the Nuer tribe from the south of Unity state, against local residents predominantly members of Dinka tribe in Gogrial East county, Warrap state.
10 May	(SPLA) has attacked militias loyal to rebel leader Peter Gatdet in the Nyadiet area of Unity state on Sunday and Monday killing 84 according to a local official alleging that Gatdet is backed by the Sudan's northern army, the Sudan Armed Forces (SAF) in a bid to destabilize the region ahead of its independence in July.
10 May	Four UN peacekeepers shot in Sudan's Abyei.
17 May	SPLM's Al-Hilu vows to buck result of South Kordofan polls as killing incident stokes tension. South Sudan accuses the North of imposing a blockade.
19 May	Sudan Army claims SPLA launched deadly attack in Abyei.
20 May	S. Sudan: Nine killed and over 80 wounded in clash between SPLA and Gatdet's militia. Sudan says 22 soldiers killed, 84 wounded in Abyei ambush, as local officials denounce air and ground attacks
24 May	Sudanese president rules out withdrawal from Abyei SPLA set fire to over 7,800 homes in Unity state in search of SSLA Militias.
01 June	SPLA rejects Khartoum's proposal of rotating Abyei administration.
01 June	Five Killed by unknown gunmen suspected to be a gang of pastoralist youth from Rumbek Central County seeking revenge for previous murders, according to local officials.
05 June	Clashes erupt in South Kordofan between SAF and SPLA
09 June	North Sudan army carries out air attacks in Unity state.
09 June	Salva Kiir Exposes rift with His Deputy, Riek Machar.
10 June	Haroun vows to punish SPLM's Al-Hilu as South Kordofan conflagration continues.
14 June	No deal between Khartoum and Juba over Abyei in Addis Ababa.