Negotiating the North/South conflict
Sudan's Comprehensive Peace Agreement

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I stayed jailed for about two years. I just lay there. I did not bathe. I had no clothes to change. And I lay on the floor. It was … a house full of insects, dead insects, and all kinds of dead things … My cell was the place into which people were brought when they died. When bodies rotted, they were taken to be thrown wherever they were thrown. Another man would be killed the following day and would be brought into my cell … They beat me and beat me. Hot red pepper was put into my eyes. I said, 'why don't you shoot me, kill me and get it over with? Why do you subject me to this slow death?' They said, 'You have to talk.' I said, 'What do you want me to say?' They said, 'You have to say that this idea of the South wanting to be a separate country is something you do not believe in and that you will never support it …You have to swear to that …You will not be left alone until you swear by both the Bible and the [Sacred] Spear.' I said, 'How can I swear when the whole South is angry? When so many Southerners are in jail? How can I swear that the South will not be separate when this is what everybody wants? This can not be[1] (Meyer 2005:xiv).

Introduction

Sudan is an African state positioned between the Middle East Arab north and the sub-Saharan African south – an empire built on the sands of the Sahara and the waters of the Nile. This diverse state has made the Sudanese a unique people that continue to battle historical differences with modern desires.

Sudan's civil war between the North and the South[2] began in 1955, one year prior to the country's acquisition of independence from Britain. Tensions over religion, resource control, power and ethnicity ravaged the land with war for 18 years. In 1972, with the signing of the Addis Ababa Peace Agreement, the first peace

treaty was ratified, ending the North/South conflict. The agreement established a ceasefire that lasted 11 years. However, in 1983, as historical disagreements resurfaced from the first civil war, renewed conflict ensued between the Government of Sudan (GOS) in the North and the Sudan's People's Liberation Movement/Army (SPLM/A) in the South.

The breakdown of the accords resulted in a 21-year civil war that internally displaced over four million people, resulted in 600 000 refugees, and caused over two million deaths from fighting, famine and disease (USAID 2006). In 2002, the GOS and the SPLM/A recognised the need for peace and came together through negotiations to resolve the North/South conflict. The initial phase of the negotiations began with the Machakos Plan: a roadmap that set the precedent and the direction that the 2002 negotiations would take in order to create a viable Comprehensive Peace Agreement (CPA). Over the next three years the parties worked to build a framework for peace through the formation of a document that would govern the nation.

The CPA is an agreement between the GOS and the SPLM/A to end the civil war in Sudan. In addition, the CPA provides a model for good governance within the country and can be used to resolve additional problems throughout Sudan.

The history of the conflict resides in the positions each party has taken regarding the rule of law, religion, representation, and economic gains from natural resources. The insistence from the international community for a resolution on the civil war, coupled with increased economic strain in Sudan, compelled the parties in the North/South conflict to move towards negotiating a new constitution that encompassed the interests of all the Sudanese (Johnson 2004:102). The CPA was created through a combination of approaches in negotiations, the most significant being the use of single-text documents, which is demonstrated in the

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six protocols that constitute the final agreement. The international community – specifically the mediators that represented the Inter-Governmental Authority on Development (IGAD, consisting of Kenya, Uganda, Ethiopia and Eritrea) and the observer nations of the United States (US), the United Kingdom (UK), Norway and Italy – assisted in drawing up the 2005 CPA, which was signed in Naivasha, Kenya, on 9 January 2005.

The 1956 Line of Demarcation, running across Sudan from the southern border of Southern Darfur along the northern borders of the North Bahr Al Ghazal, Warab, Unity and Upper Nile states, generally sets the division between the northern parties and the southern parties in Sudan (Zoellick 2005). The area of the north tends to gravitate towards Islam and relate to the Arab states, whereas the South tends to have a Christian base and associates itself with sub-Saharan Africa. The boundary between the North and the South of Sudan is relatively vague and is in the process of being demarcated. In each region there are a multitude of parties and states that vie for political power based on their geographic location. During the civil war, the political parties in the respective regions aligned into two distinct camps, the North and the South, to fight for control over the country and regime security. Regional infighting continued throughout the civil war: at different periods various political parties gained political power and led the respective regions in war.

In Sudan's post-civil war era, inter-state rivalries in Jonglei, Abyei and Darfur have been reignited as regional political power and resource control divide parties and their interests. As the nation engages in post-conflict reconstruction, it is necessary to revisit the party's common agenda for peace and the core interests that brought the two sides to the negotiating table. The interests of the parties and the history of the conflict must be kept in mind so that the CPA, as a foundation for peace, can be used to further the needs of the country. With continued internal strife in Sudan, peace remains fragile. Today, Sudan is at a crossroads as it attempts to implement the CPA in the shadow of Darfur and with increasing pressure over the control of resources.

To understand the validity of the CPA and determine its strength and ability to maintain peace, it is necessary to examine the interests of the parties, the options for settlement, and the premise on which the CPA is built. The CPA represents a constitution for a nation that has been engulfed in war; it is inclusive of all people and is ambitious in its rhetoric, which lends strength to a nation that is searching for common ground. If Sudan is able to successfully implement the conditions laid out in the CPA, then the nation can move forward with

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post-conflict reconstruction and build a foundation for governance and peace.

Structure of the paper

This paper will first discuss the background to the conflict. It will then look at the parties and their interests, analyse the options and strategies that were applied, examine peace-building in the post-conflict environment, and conclude by offering recommendations for the future of Sudan and the CPA.

Historical overview of the conflict

Independence and the first civil war, 1947-1972

The culmination of circumstances that fostered the underlying tension between the North and the South began during the British/Egyptian colonial period. It was only in 1947, as the British prepared to grant Sudan independence, that the British Foreign Office recognised the South as part of the nation (Johnson 2004:25). Before this, the British and the GOS gave little attention to southern education and infrastructure development programmes. The reason was the North's lack of interest in the South and a feeling of strategic unimportance; also, the British assumed that the South would be taken care of by its southern neighbours because of its proximity and ethnic similarity to East Africa (Johnson 2004:25). In addition, the British favoured the North as the ruling party because of the North's regional ties with Egypt and the Arab world.

In 1947, at the recommendation of the Egyptians and the Sudanese government in the North to maintain a united Sudan, the British at the Juba Conference established a legislative council in the North that granted the South a position in the assembly (Assefa 1987:49). However, as a result of the underdevelopment of the South and a lack of inclusion in the political process throughout the colonial period, the South was ill prepared to actively participate in government (Johnson 2004:27).

With further degradation of the South and only partial southern representation in the northern transitional government, animosity towards the GOS increased and the notion of an independent South began to be articulated. The first call for self-government by the southern Sudanese was brought up during the 1954 elections when northern military personnel replaced the British posts in the South (Johnson 2004:27). As elections progressed and independence drew near, it became clear that the South would be under-represented in the government, military and police. This caused tensions to escalate. In 1955, on the eve

of independence, southern army officers stationed in the North mutinied over the absence of government representation (Johnson 2004:29). On 1 January 1956, when independence was granted to Sudan, the question of nationhood remained unresolved as civil war engulfed the nation.

Civil war began in 1955 when the southerners that mutinied fled to neighbouring countries to set up camps and establish operational centres. In the 1960s, the southern Sudanese movement known as the Sudan African Nationalist Union (SANU) or Anyanya – an influential separatist group that militarily opposed the North's control over religious freedom and political power (Rolandsen 2005:25) – was officially formed when southern students joined the mutineers and political figures who were targeted and tortured by the northern government (Johnson 2004:31). Throughout the 1960s, as the rift between the North and the South grew, the nation attempted to enact a constitution. However, the North/South divide dramatically increased as a result of the North's aspiration to include Islamic law in the constitution. This was not acceptable to the southerners, as it was in direct conflict with their traditional Christian beliefs.

When William Deng, a prominent political figure of Anyanya, was killed, the civil war escalated when the South realised that compromise with the North would not be possible (Johnson 2004:34). The civil war continued and was amplified when the northern political parties (primarily the Umma and National Islamic Front) in an attempt to unify political power, called for Islamic law to be the main foundation for governance and to unify the nation. This, however, only fuelled opposition, as non-Muslims were denied all political and legal rights (Johnson 2004:35-36).

In 1969, the nation proved ripe for a coup d'état because of the northern parties' rivalry over the interpretation of Islamic law and the deteriorating economic conditions resulting from funding the war (Anderson 2004:67). The North and the South began to experience infighting when political dissent in each region grew over frustrations associated with the war. This fostered the formation of a coalition of northern factions led by Jafar Nimeri. The coalition was joined by southern rebels who argued for federalism and the removal from power of the then president, Sadiq al-Mahdi, who advocated for Islamisation (Johnson 2004:36).

The southern political powers led by Joseph Lagu (a leader in the Anyanya group) joined the northern opposition lead by Jafar Nimeri to seize military power in order to maintain democracy and religious freedom

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and gain political control. This enabled the parties to come together in Ethiopia and formulate the Addis Ababa Agreement, which enacted the first ceasefire since independence.

> Disagreement over policy towards the new regime split SANU, and in the period 1964-70 various political groups of exiled southerners with loose connections to armed groups within the South emerged. The first civil war ended as Joseph Lagu, leader of one, Anyanya group, managed to establish a joint military command of the armed groups in the South, with him as the leader. He opened negotiations with the newly established military regime of Jafar Nimeri in Khartoum. On 27 February 1972 a peace agreement was signed in the Ethiopian capital, and this came to be called the Addis Ababa Agreement (Rolandsen 2005:25).

Attempting peace: The Addis Ababa Agreement

The Addis Ababa Agreement of 1972 was the first attempt to bring peace and understanding to Sudan. It was also the beginning of the quest of the South (dominated by the Southern Sudan Liberation Movement, SSLM) to unite and grasp its freedom as a people. The South articulated its desire for sovereignty and called for a peace that included the recognition of the South as a legitimate governing body. 'Besides peace, the most important result of the Addis Ababa Agreement was the establishment of southern Sudan as an autonomous region, with its own Parliament and High executive council' (Rolandsen 2005:25). This autonomy was limited in that the political parties of the South were given the authority to govern the southern provinces through statehood, leaving national rule to remain in the northern governing body.

After the signing of the agreement, a ceasefire followed and the southern guerrillas were integrated in the national army over the next five years (Johnson 2004:41-42). However, the false perception of self-governance was realised when a large external debt and gross mismanagement of the economy caused the nation's infrastructure to deteriorate. The North used the national economic crisis as a reason to reneged on its obligations to develop southern infrastructure and to include the South in the national government (Johnson 2004:50). In addition to worsening economic conditions, border security issues and disputes over resources ensued. The GOS began to invest in the extraction and refining of oil in the North, at the same time building the Jonglei Canal, which carries water from the South to the North. Southerners became

suspicious of the North's intentions and viewed these developments as a continued exploitation of the region[3] (Rolandsen 2005:25). As the implementation of the agreement stalled and disillusionment with autonomy set in, southern distrust of and resentment towards the North increased and fuelled the pro-war separatist factions in the South.

The Addis Ababa Agreement failed to establish national governmental provisions that would bring the country together; instead, it gave the South a conditional autonomy based on a false sense of self-governance underscored by northern control. Animosity towards the GOS increased as the financial profits gained from oil failed to materialise in the South. As mistrust grew in the South and economic conditions deteriorated, the southern government was confronted with various issues:

- Conflict with the central government over the southern region's borders (as raised in the Addis Ababa Agreement)
- The role of the southern regional government in developing the region's resources, and more particularly the benefits that were to accrue to it through the exploitation of its oil fields
- The growing confrontation in regional politics between the 'Equatorials' and the 'Nilotics' (particularly the Dinka)
- Dissatisfaction within the region over the fate of the Anyanya guerrillas absorbed into the national army (Johnson 2004:43)

These factors, along with the North's continued imposition of Islamic laws, led to renewed fighting and the second civil war.

The second civil war, 1983–2002

In 1983, the southern militia in the northern army again mutinied, this time over the northern promotion of Islamic law, a shortfall in the implementation of the Addis Ababa Agreement and the continued marginalisation of the South (Johnson 2004:56). The SPLM/A gained popular support and became the dominant political power in the South in 1985, when famine spread through the South. The North blocked domestic and international aid, limiting southern access to supplies and increasing human rights abuse by starving the civilian population (Johnson 2004:81). When Operation Lifeline Sudan was established in 1989, it was the first time that the international community, through the United Nations, the GOS, and the SPLM/A, collaborated to give humanitarian aid to the war-affected areas of Sudan in a time of severe famine (Benjamin 2004:51).

However, fighting continued. Humanitarian assistance was threatened through the assertion by the GOS of its 'sovereign right to deny access to territories'

and used as leverage by the GOS to undermine the South (ICG 2002). The GOS's use of humanitarian assistance as a tool of war strained relations with the South and impacted the international community's ability to provide assistance by setting a precedent for future control of access within Sudan's borders (Jooma 2005). Disagreements increased with the deterioration in humanitarian conditions and as President Nimieri continued to advocate the Islamisation and Arabisation of the South and to promote Islamic law with the creation of the September laws. In a political move to exploit religion and undermine the opposition in the North, the September laws established a set of Islamic principles that implemented Islamic punishments for non-Muslim activities, such as the consumption of alcohol (Anderson 1999:13). These acts continued to marginalise the South and amplified the tensions over religion in the nation.

There was not a significant change in this rhetoric until Sadig al-Madi returned to power in 1986. He did not repeal the September laws, but rather advocated for Islamic law to rule the nation. This was based on the composition of the nation being predominantly Muslim, with a clarification in the rights of the southern Sudanese to practise freedom of religion and tolerance (Johnson 2004:79). It would later set a precedent for future negotiations around religion in the country and the inclusion of different faiths in a national constitution.

During the second civil war, neighbouring nations with congruent conflicts influenced the war in that they would align themselves with the party that served their own interests. This is demonstrated in the context of the parallel Ethiopian civil war with Eritrea in the late 1980s, which primarily influenced the SPLM/A and extended the war throughout the region. Ethiopia supported the SPLM/A by granting them permission to continue to establish command centres from inside the Ethiopian border (Johnson 2004:89, 102, 103). While Ethiopia provided a safe location for the SPLM/A to influence the civil war, the GOS supported the Eritreans by giving them sanctuary in Sudan (Anderson 1999:104). The support of Ethiopia was crucial to the development of the SPLM/A, as it not only provided a safe location for commanding the civil war, but also allowed the South to gain access to arms (Anderson 1999:104-106). However, in 1991 with an increase in international pressure to resolve the regional conflict, Ethiopia expelled the SPLM/A . This required the SPLM/A to rethink its power structure and move its headquarters to Juba in the south, furthering internal party negotiations and fostering new political dissidence in the South (Rolandsen 2005).

The civil war not only encompassed the North and the South, but also included internal debates within each region for power and influence in the decision-making bodies of their respective constituencies.

While the northern political parties were vying for power and facing political reorganisation, the South was developing a new SPLM/A structure that included all the regional political parties. The South consisted of the SPLM, the primary southern party attempting to formulate a governing body; the Anyanya II movement, a group that promoted using precedent from the first civil war and compromise with the North to maintain southern power; and the military branches of the South represented in the Sudan People's Liberation Army (Rolandsen 2005). The opposition groups would come together during the National Convention to form a coalition of southern interests under the auspices of the SPLM/A to negotiate peace in 2002 (Rolandsen 2005).

The SPLM/A's popularity increased as civilian animosity towards the North intensified and the movement's military strength increased (Johnson 2004:83). The southern forces realigned their power structure and developed a frontline organisation that would be stronger in combating the northern forces. In this period the South debated their interests, resulting in the formation of two factions within the SPLM/A, one that advocated federalism and the other demanding secession (Johnson 2004:83). The federalists maintained the rhetoric of a united Sudan, with the South being its own state within the context of the greater Sudan. This would retain a united Sudan wile appeasing the South's interest of self-government.

The second splinter group of the SPLM/A called for an independent southern Sudanese nation. With secession, the South would be granted autonomy and the freedom to pursue self-determination without interference from the North. This position would hinder peace in the negotiations, and as oil reserves are located on the border between the North and the South, secession would increase jockeying for land. Also, because of concern over management of the Nile Basin waters, Egypt would be reluctant to approve the secession of the South, a primary water source for the Nile (ISS 2004). The rhetoric of secession amplified the civil war in that the North increased its military actions against the South in order to secure the border region in case the South succeeded in capturing the oil-wealthy states and annexing them in the process of secession.

In 1989, when President Omar Hassan Ahmed Al-Bashir took power in the North in a military coup, the civil war was in full force as a result of strategies on both sides to capture oil-rich areas. At this time the National Democratic Alliance (NDA) party formed. It comprised southern and northern opponents to the Bashir government and primarily advocated southern secession (Wondu & Lesch 2000, cited in Johnson 2004:174,). This led to the 1992 Abuja I and II talks in Abuja, Nigeria, which were facilitated by the Nigerian government. These talks encompassed the interests of the GOS in maintaining a united Sudan, but consequently served to solidify the South's call for self-determination while reaffirming the GOS position that the unity of Sudan and the centrality of an Islamic state were non-negotiable (Wondu & Lesch 2000, cited in Johnson 2004:174).

In 1994, the SPLM asked for assistance from their partners in the Inter-Governmental Authority on Development (IGAD)[4] to introduce a declaration of principles (DOP) that could be used to mediate the conflict. The DOP proposed the option of a referendum for a self-governing southern Sudan within the context of a greater Sudan (Johnson 2004:175). 'The DOP made reference to religion and state, the question of unity, decentralisation, justice, equality, religious conviction and race, and the issue of giving the people of Southern Sudan the right of self-determination in an internationally supervised referendum, including independent statehood (Benjamin 2004:51).' In 1995, the northern opposition to the GOS attempted to mitigate the conflict by accepting the Asmara Declaration, which asserted that giving the South autonomy, as well as decentralisation, was the only alternative to secession. However, this failed because the northerners, advocating peace through southern autonomy, did not have the authority to implement such measures (Benjamin 2004:165-166).

It was only in 1997, with pressure to create peace in order to mitigate internal fighting and resolve poor economic conditions, that the GOS accepted the DOP as the basis for future negotiations (Benjamin 2004:175). This acceptance signified a willingness to negotiate and find a solution for self-determination. The GOS also promoted a new policy of 'peace from within', which formalised their interest of maintaining a united Sudan, re-emphasised Islamic law as the basis for legislation, and declared that at an unspecified time there will be a referendum for the South to 'determine their political aspirations' (Benjamin 2004:123). This furthered the ambiguity in the conflict, resulting in continued fighting.

Though peace was at the forefront of the nation's thoughts, each party continued to jockey for the lead position in representing their respective side, thus intensifying the civil war. The South captured strategic strongholds along the North/South border. This provoked retaliatory efforts by the North to reclaim these areas, which were not only strategic

Peace was at the forefront of the nation's thoughts

strongholds, but also key access points for oil. As international oil companies from the US, the EU and China begin to bid for development and oil rights, the parties to the conflict began to associate international development with peace. The international community asserted that a viable ceasefire had to be in place before they would invest in projects, thus coupling large-scale development with peace (Benjamin 2004:159). In 1998, as oil was being used for leverage to encourage the parties to negotiate peace, the question of religious freedom again became an obstacle to peace when Osama bin Laden attacked the US embassies in East Africa (Kenya and Tanzania), prompting a US retaliatory attack on al-Qaeda in Sudan and Afghanistan (Johnson 2004:177; BBC News 1998). In 1998, President Bashir appointed a new vice president, Ali Osman Ali Taha, who further advocated Islamic law but pushed for negotiations as a result of continued international pressure and northern underdevelopment.

> After the resumption of war in 1983 and the formation of the SPLM, numerous attempts were made to bring the conflicting parties to constructive dialogue. After two failed attempts with the Nigerian Peace Conferences (Abuja I and II) in 1992, the Inter-Governmental Authority on Development resumed mediation efforts in 1994. The decade long process resulted in the signing of the Machakos Protocol in July 2004 which forms a key part of the 'bundle' of Agreements making up the Comprehensive Peace Agreement (CPA). The significance of the CPA lies in the provision on wealth sharing which marks a fundamental gain for the SPLM. According to this agreement it will now (in theory at least) be an active partner in the economic destiny of the marginalized South (Jooma 2005).

In 2002, the southern parties solidified and unified their opposition to the North by signing a memorandum of understanding to join under the SPLM/A (Johnson 2004:219). This, along with the fatigue from the war, eight years of intermittent attempts at peace, assistance from IGAD, the need for economic development, and international pressure to mitigate terrorism, the GOS and the SPLM/A committed to ending the civil war through direct dialogue and to conduct a serious of negotiations. The process of developing the CPA and the formation of a new document that would govern the nation began.

On 9 January 2005 the CPA came into force and with assistance from the international community, Sudan began the arduous process of reconstruction. The CPA calls for the establishment, composition and responsibilities of a Disarmament, Demobilisation and Reintegration (DDR) Institute (CPA 2005). The UN Security Council mandated on 24 March

2005, through Resolution 1590, that the current UN Mission to Sudan (UNMIS) would be extended to assist with the implementation of the CPA and the DDR programme (UNMIS 2007). The post-conflict environment of Sudan poses a challenge to the CPA. The DDR programme was established to bridge the peace, voluntarily disarm combatants and foster development. If the nation is to move forward with peace, there must be a transition from a state of conflict to one of reconstruction.

The actors and their interests[5]

Overview of the actors and interests

The Main Parties

Sudan
- GOS - Government of Sudan – the North
  - Political parties in the North
    - DUP - Democratic Unionist Party – Northern Political Party
    - NIF - National Islamic Front – Northern Political Party
    - Umma - Northern Political Party
- SPLM/A - Sudan People's Liberation Movement/Army – representing the South
  - Political parties in the South
    - SSDF - South Sudan Defence Force – Southern Political Party
    - UDSF - United Democratic Salvation Front - Southern Political Party (these joined the SPLM/A to work together for peace)

International
- IGAD - Intergovernmental Authority on Development – the mediating party
  - Neighbouring nations: Kenya, Uganda, Ethiopia, Eritrea, Chad and the Democratic Republic of Congo
- United States
- African Union
- United Nations
- European Union – primarily United Kingdom, Norway, Italy, Germany and France
- Other influential nations
- Arab League – primarily Libya and Egypt
- China

The Sudanese

The North

The dominant political parties in the North control the Government of the Republic of Sudan (GOS), which is led by President Omar Hassan Ahmed Al-Bashir. The primary negotiator from the North in the peace talks was the vice president, Ali Osman Ali Taha, assisted by Idris Mohamed Abdelgadir and Mohmed Elhassan El Fadil. The GOS power comes from three main political parties of the North: the Umma, a moderate Islamic party from the northwest of Sudan (Johnson 2004:130); the Democratic Unionist Party (DUP), a moderate Islamic party composed of intellectuals with a base in the northeast of Sudan (Johnson 2004:130), which in the late 1990s advocated peace with the

SPLM/A (Johnson 2004:130); and the National Islamic Front (NIF), a hardline Islamic party that primarily advocates Islamic law (Johnson 2004:128-129).

Northern interests and the GOS

- Peace and security
- Resources control
- Islamic law
- International respect
- Avoid Terrorism Stigma of Axis of Evil
- Economic growth/development
- Oil/resource development
- Sudanese unity
- Power (political, societal, and economic)

In the negotiations, the GOS acted for the people of the North, who affiliate themselves with Arab culture and Islam. In 2002 internal animosity towards the GOS as a result of the civil war, insecurity over international reactions to Islamic nations and the US war on terrorism, the declining national economy and the low probability of wining the war, President Bashir and Vice President Taha realised that in order to maintain a viable government they would need to appease their constituency by fostering peace with the South (Johnson 2004:164-175; BBC News 1998).

The North's primary interests were to establish peace, secure the country from being termed part of the axis of evil by the US and improve the economy (Johnson 2004:173). Their interest in maintaining control over the political process, social structures and economic institutions exacerbated the civil war. The reluctance of the North to share power with the South, created an environment of rigid governmental control and a position the North was hesitant to abandon. The North's unwillingness to part with political power stems from its own internal strife that had arisen from infighting between the dominant northern political parties (Umma, DUP and NIF). These parties have been pursuing political control over Sudan since independence and have constantly had to fight for power. Adding a fourth party to the elections threatened their political stability (Johnson 2004). In addition to maintaining power, the North promoted a unified Sudan and advocated for Islamic law to govern the nation because of its large Muslim population (Johnson 2004).

Control over oil and agriculture resources has remained at the forefront of the North's interests. The oil reserves are located on the border between the North and the South and therefore are an important interest to both parties for development. The main interest of the North lies in developing the oil fields without threats of disruption or destruction from southern guerrilla groups. It is estimated that there are 1,6 billion barrels of proven oil reserves in Sudan (CIA 2006). The GOS interests were in developing these fields to generate economic growth; however, without a stable nation, foreign investors were wary of investment in oil wells because of possible political consequences (Johnson 2004:162). In addition, the mismanagement of the economy since independence had created deplorable conditions in the North, resulting in a call by civil society for infrastructure development and economic growth through improved economic practices and stimulation (Anderson 1999:146). The GOS interests also lie in maintaining a good relationship with the international community so that they are eligible to receive aid to improve their economic situation, exert influence in international and regional organisations, and avoid being targeted as a terrorist nation (ISS 2004).

The South

The Sudan People's Liberation Movement/Army (SPLM/A) is the majority political party in the South. It encompasses the southern regions of Northern and Western Bahr el-Ghazal, Warab, Lakes, Jonglei, East Equatoria, Central and Western Equatoria, Upper Nile, Unity, and parts of West and South Kordofan. The South is primarily Christian and tends to be ethnically more African, where the North views itself as more Arab in descent. However, the lines between the two are often blurred, as one person claiming to be Arab may in fact be darker than his neighbour who claims to be African (Johnson 2004:9). These perceptions, based on assumptions and historical ties to ancestors, create tensions and have ravaged the land in ethnic battles causing national political and economic turmoil (Johnson 2004).

Southern interests

- Peace
- Self-governance
- Freedom of religion
- Recognition
- Repatriation of refugees
- Economic growth/developmentt
- Oil/resource development
- Equality
- Representation in Sudan
- Repatriation of internally displaced persons

The SPLM/A was chaired by Dr John Garang de Mabior and assisted in the negotiations for the CPA by Nhial Deng Nhia and Taban Deng Gai. The SPLM/A is composed of a coalition of tribal groups such as the Dinka, the Nuba and the Derg. The SPLM/A became a coalition of forces advocating for the South in the negotiations (Rolandsen 2005). The South had incorporated the areas of the Nuba

Mountains and Abayei into their plight, as they were also disenfranchised by the northern power centre and were victims of the war (Johnson 2004). However, these areas have yet to decide if they belong in the North or the South, and as they are the major oil regions, they remain an area of contention in the North/South conflict (CPA 2005).

Southern Sudan's primary interests are peace, political representation and religious freedom. The South advocated for self-government, either with secession or through federalism. The South's appeal for sovereignty is based on freedom of religion, economic development, resource control and an end to human suffering (Johnson 2004). The South's interests reflect their reaction to a long history of marginalisation and a lack of development. With the North's ambition to spread Islam to the South, southerners faced persecution and discrimination, leading them to advocate for a society that allows freedom of religious practice (Johnson 2004:175).

The northern September laws were an early obstacle to peace, as the South, a predominantly Christian region, would never agree to a government run by Islamic law without any tolerance for other beliefs (Johnson 2004:175). Based on these laws and a continued repression of Christian populations, the South advocated freedom of religious practice, an entitlement articulated in the International Declaration for Human Rights and incorporated into the CPA (CPA 2005). The South had experienced extreme hardship as a result of famine and the displacement of its populations, resulting in further underdevelopment of this area rich in resources.

The South also has an interest in the repatriation of refugees and internally displaced persons (IDPs), economic investment, infrastructure development, and profits from the oil resources in the region (Johnson 2004). In the second civil war, control of resources, particularly oil, became a topic of contention as economic growth and infrastructure development were linked to capturing revenue from resources and to the region's ability to support access to these resources (Johnson 2004:151). The South's interest was in obtaining its share of the profit from the extraction and production of the resources, as well as bringing infrastructure development to the area (Johnson 2004).

The civil war gave the South the ability to assert their interests, ascertain dignity and promote self-determination; however, this was at the expense of economic development and civilian lives. With a repatriation of refugees, the South will gain a stronger work force and reconstruct their social structure. In addition, autonomy will provide the South with international recognition, as well as an opportunity to develop the southern economy.

The international actors

IGAD: The mediators

The principal representatives of the Inter-Governmental Authority on Development (IGAD), a sub-regional economic organisation, were the president of Kenya, Mwai Kibaki, and Lieutenant General Lazaro K Sumbeiywo, who also served as ambassador and part of the Kenya special envoy; Stephen Kalonzo Musyoka from Kenya on behalf of IGAD; and Yoweri Kaguta Museveni from Uganda (CPA 2005). Sumbeiywo also served as a witness to the protocols. IGAD, which is formally composed of nations bordering the country and affected by the conflict, namely Eritrea, Ethiopia, Kenya, and Uganda (Johnson 2004:175), provided a framework for the peace agreement negotiations. In addition there were international observers to the negotiations that were considered friends of IGAD: Canada, Italy, Norway, the Netherlands, Germany, Switzerland, the United States and Britain (Adar et al 2004:50-51).

IGAD: The mediators' interests

- Peace
- Regional security
- Stopping terrorist threats
- Economic/social development
- Maintain legitimacy
- Refugee safety
- Humanitarian law
- Oil/resource development
- Power (political, societal, and economic)
- Border control

IGAD's interests lie in creating peace for the purpose of maintaining regional security, preventing spillover effects into neighbouring nations, developing the economy in order to expand trading relationships, and developing internal national resources to stimulate economic growth (Johnson:2004). In addition, they were concerned with refugee and humanitarian assistance in order to bring an end to the devastation caused by the civil war (Adar et al 2004:50-51). The members of IGAD are Sudan's neighbours who have experienced the war through refugee flows, arms transfers and international pressure to resolve conflicts within their sphere of influence (Johnson 2004). In mediating the conflict, their interest were to stop the flow of people into neighbouring nations, foster trade relations through the formation of trade blocks, gain the respect of the international community, and implement the DOP (Adar et al 2004).

The United States

The US observers were Secretary of State Colin L Powell; Assistant Secretary for African Affairs Jendayi

Frazer; Deputy Secretary of State Robert B Zoellick; and Senator John Danforth. They all served under the authority of US President George W Bush.

The US interests

- Stop the development of terrorist cells in Sudan
- Economic/social development
- Democracy/representation of the South
- Humanitarian law
- Peace
- Regional security
- Regional influence
- Trade relations
- Border control
- Refugee safety
- Border control
- Oil/resource development

The primary interests of the US were in maintaining regional security and peace in the area. Within the context of the war on terrorism, the US interest was to stop the development of terrorist cells in Sudan and the spillover effects of Islamic fundamentalism (Adar et al 2004). US support for the negotiations stemmed from its concern with the development of terrorist organisations in Sudan, and as a party to the talks they were able to exert influence over the possibility of a larger confrontation in the area. Through helping to achieve peace, alleviate human suffering, developing the economy and repatriating refugees, the US worked to gain credibility and influence in the region.

The events of September 11 and the war against terrorism gave a new focus to American efforts in the region, but there are two tracks to the American approach, which are not necessarily connected: the international assault on Usama bin Ladin's al-Qaida network and terrorism generally, and the search for areas of negotiation between the government of the Sudan and the SPLA. The President's special envoy on the Sudan, former Senator John Danforth, has not been involved in the former; yet it is over the issue of terrorism that the US has exerted most pressure on Sudan (Johnson 2004:175).

In addition, the US would like to gain access to oil extraction rights, improve trade relations with Sudan, and counteract China's growing influence in the country (Adar et al 2004).

Supporters of IGAD: The UN, The AU, The EU, China and other influential nations

The African Union and the United Nations were observers to the IGAD-mediated Sudanese talks. The international and regional organisations that worked to encourage the negotiation of a peace settlement were represented by AU Chairman Alpha Oumar Konare; UN Secretary General Kofi Annan; the Secretary General's special adviser, Mohamed Sahnoun; and UN Special Representative of the Secretary General Jan Pronk. In addition to these high-level observers from the international community, the EU was represented by the Minister of Development and Co-operation, Charles Goerens; Italy's Deputy

UN and AU interests

- Peace
- Regional security
- Stopping terrorist threats
- Economic/social development
- Trade relations
- Water security
- Refugee safety
- Humanitarian law
- Oil/resource development
- Representation of the south
- Maintain legitimacy
- Border control

The EU interests

- Peace
- Development
- Oil access
- Human Rights

China interests

- Oil access
- Peace
- Development

Interest of other influential nations

- Peace
- Regional security
- Stopping terrorist threats
- Economic/social development
- Trade relations
- Refugee repatriation
- Humanitarian law
- Oil/resource development
- Border control
- Working relations

Minister of Foreign Affairs, Senator Alfredo Mantica; the United Kingdom's and Northern Ireland's Secretary of State for International Development, Hilary Benn, under the authority of Prime Minister Tony Blair; and Norway, which was represented by Special Envoy Fred Racke and Minister of International Development Hilde F Johnson, who also served as a mediator. AU Secretary General Dr Salim A Salim from Tanzania, who advanced the idea of federalism, which was initially introduced in 1992 at the Abuja talks by the president of Nigeria, Ibrahim Babangida, represented the AU.[6]

The AU and UN interests were interconnected in that they both advocated for achieving peace, alleviating human suffering, maintaining regional and continental security, and asserting their roles as influential forces in Africa to maintain peace. They also had an interest in monitoring regional terrorist activities in order to circumvent, through regional dialogue, US anti-terrorist tactics for preventative war (Adar et al 2004). The AU was interested in resolving the conflict from within the context of Africa, while the UN played a supportive role in supervising the negotiations. The UN and the AU represented the interests of the international community. The UN was given authority by the Security Council and the UN member states to participate in offering solutions for the civil war. The members of both organisations had a vested interest in economic development, oil extraction, regional water security, the development of trade relations, refugee repatriation and regional stability in all facets of society (Johnson 2004). Their interest in border security and maintaining human rights stemmed from their desire to increase their legitimacy in representing the concerns of the international community and as a protectorate of civil society in the context of war (Johnson 2004).

EU interests revolved around assisting with 'issues of humanitarianism, human rights, terrorism, multiparty system and the war in the South (Adar et al 2004).' China's primary concern was to gain access to oil in Sudan. In order to develop the oil fields they needed to secure peace so that the infrastructure that would be built around oil extraction facilities could be secured (Adar et al 2004). In addition, without a resolution to the conflict the greater international community was becoming restless, particularly the US, which threatened to impose sanctions limiting international access to resources in Sudan. Together with the US, Britain and Norway took on roles as facilitators to draft agreements and to formulate a working document leading to the Machakos Protocol (Johnson 2004:175).

The Arab League, principally Egypt

Egypt's historical relationship with Sudan and its key position in North African politics gave it a vested interest in ensuring regional stability. The Egyptian Minister of

Foreign Affairs, Ahmed Aboul Gheit, represented the country. The League of Arab States, principally Egypt and Libya, maintained a working relationship with the negotiators through their representative, Amre Moussa, who presented their interest of keeping Sudan in the Arab sphere of influence (Johnson 2004:176).

The Arab League and the interests of Egypt

- A united Sudan
- Water security and control over the Nile
- Regional security/stability
- Oil/resource development
- Economic/social development
- Maintaining a positve relationship with the US regarding the war on terrorism
- Refugee safety
- Peace
- Humanitarian law
- Trade relations
- Representation of the South
- Border control

The interests of the Arab League stemmed from maintaining a united Sudan that would remain within the Arab regional organisation and the power to exert influence over the South, where the Nile waters gain their capacity to feed the lower Nile and the waters of Egypt (Adar et al 2004:63). They were also interested in maintaining a positive relationship with the US regarding the war on terrorism and promoting regional economic development in order to foster new trading partners and improve the regional infrastructure for future growth in the area (Adar et al 2004).

Options for peace

The major obstacles to peace were the question over the role religion should play in the National Government, the self-determination of the South through either secession or federalism, and the wealth-sharing of the nation to further economic development. These were coupled to the formation of a ceasefire and the question of decommissioning forces and integrating combatants in a single army. To address the root causes of the civil war, the parties needed to separate the issues in order to negotiate the interests independently rather than compromising one interest for another. The option that was pursued was the use of single-text documents to formulate multiple working papers that would examine the options for each area of interest.

Religion

The interest of the north to convert the South to Islam and to implement Islamic law in the national constitution proved to be a major point of contention in the negotiation process. Through the politicising of Islam and the adoption of Sharia law (principles

of how one should live based on the Koran) political parties were able to use Islam as a political tool to unite Islamic factions, such as the Sufi Brotherhood, to gain political power in Sudan (Johnson 2004). Power struggles over religion continued in each region throughout the conflict. Religion was used as a political tool to develop political power, but was often detrimental to interstate agreement, as inter-religious fighting took place. There was the option to table the topic of religion at a later date, when there was a cessation of military operations. Another option would be for the North to concede on the religious issue while the South offered, in exchange, unity but with self-governing principles. The South would therefore have a reason to remain part of Sudan while obtaining the right to representation and worship. In addition, the North had the option to acknowledge, through a national decree, the South as Christian and from this formulate an exemption from the Islamic law system based on family religious history. The national constitution would, however, continue to be based on Islamic law with the possibility of a good faith gesture that would repeal the September laws and create less stringent Islamic regulations.

During the negotiations, an option to resolve the question of religion was advanced by the former Nigerian president, Olusegun Obasanjo, who suggested that the nation should put into federal law, the option for local government to apply Islamic law (Anderson 1999:104). This would appease the Muslim populations by continuing to support Islamic law in predominantly Muslim communities, while supporting the South's interest in religious freedom and tolerance. The parties decided to include in the final CPA a provision that stated that there would be freedom of belief and worship throughout the nation. This would leave religious law up to each region (CPA 2005).

Governance

The SPLM/A option for self-government was either secession or the establishment of a federal system that would give the South representation and autonomy within its region. The North, as mentioned above, was interested in keeping Sudan unified and thus agreed to a power-sharing system. Under the Addis Ababa Agreement, the first option for the South, namely to send an elected leader to liaise with the North while governing the South, was again put on the table in the negotiations for the CPA (Johnson 2004:39-41). This concept was expanded to include the provision that the president could be from either the North or the South and that there would be two vice presidents, one representing the North and one representing the South. The principal vice president would be from the opposing region from that of the elected president in order to balance the representation in government (CPA 2005). The country would elect a president from any party of the nation and be assured

representation, as the opposing regions would be allocated the position of the primary vice president. This was established in the CPA within the context of the Power Sharing Protocol between the North and the South (CPA 2005). The parties agreed to try this arrangement for an interim period of six years as an option to maintain unity, but with a clause for separation if unity further disenfranchised the South. 'The option of independence for the South was reconfirmed [in the Machakos Protocol, CPA 2005], but the option for a secular state for the whole of Sudan was removed; non-Muslims living in the north would still be subjected to Sharia law' (Johnson 2004:179). This clause in the CPA encompasses both self-governance and religious practice through division of the country into federal regions and maintaining that the predominantly Muslim areas would remain under Islamic law. Another option for the autonomy of the South would be to allow them secession, but with the stipulation that they remain in an economic and regional block with the North. The parties could also create a framework establishing an interim period for the GOS to demonstrate its commitment to the South. If the North were to renege on the agreement, the South would have the authority to call a referendum and vote to secede. A contingency clause could be added to the agreement to ensure that all parties follow through on their commitment.

Development and the economy

In the wake of the economic crisis, the international community proposed the option of linking peace with development assistance. Egypt, with the support of Libya, in 1999 proposed coupling humanitarian assistance with the formation of a ceasefire, declaring that once peace was established, negotiations for aid would follow (Johnson 2004:176). However, this was dismissed, as it would have created a greater humanitarian disaster and increased opposition in the South because of its negative impact on civil society. As the North and the South came to terms with the realisation that the civil war had paralysed the national business infrastructure, they reached consensus that without peace the nation could not advance. When the parties realised their need for international financial support, the option of tying peace to assistance was used by the international community to link development programmes with peace, thus bring the parties to the table.

In the advent of secession, natural resources could be divided in three ways: the oil areas could be under joint custody; they could be developed and administered by one party and then the proceeds would be divided among the North and the South under a negotiated percentage; or they could be allocated to each nation. If the nation remained united under a federalist system, the revenue from natural resources could be divided provincially or regionally to distribute the wealth to

each district. The North would receive 50 per cent, the South 42 per cent, and each producing district two per cent, as pointed out below. This would provide for the distribution of revenue from natural resources (wealth-sharing), meeting the interests of the parties and keeping the nation united.

Other noteworthy options

The US used the events of September 11 as leverage over the GOS. President Bashir did not want to be deemed a part of the axis of evil, thus it was in his and Sudan's interests to negotiate and appear to be officers of peace (Johnson 2004:177). The US option to use military force would have been threatened if the nation continued to engage in civil war.

Below is a list of options that the parties used to demonstrate to the international community their commitment to peace:

- Integrate the military under a joint command to ensure the demobilisation of forces
- Establish a plan to repatriate and resettle refugees with the assistance of the international community, utilising UN reintegration programmes
- Foster education programmes about refugees in the southern provinces
- Work with neighbouring nations to ensure safe passage back to Sudan
- Inform refugees about peace
- Rehabilitate the infrastructure by building schools, public facilities and roads

Best alternatives to a negotiated agreement[7]

Overview of BATNAs

• GOS	Continue fighting
• SPLM/A	Continue fighting
• IGAD mediators	Walk away and allow fighting to continue
• International community	
o UN and AU	Sanctions/blame and shame/ send in peacekeepers/ revocation of international stature/look the other way
o US	Use military force/NATO
o Libya and Egypt	Use military force/support one party in fighting (Arab League)
o Neighbouring nations	Support one party in fighting

The North

The best alternative to a negotiated agreement (BATNA) for the GOS was to continue fighting. The GOS would need to seek outside assistance, primarily from their Arab partners, in order to win the war against the separatist movement in the South. Though this is preferable and a better alternative to having the SPLM/A take over the government, a continuation of civil war would raise the death toll and foster turmoil throughout the country. If the negotiations did not yield a positive response to their interests, the GOS could resume fighting and work to defeat the South in a new civil war. This would result in deteriorating economic conditions through the underdevelopment of agricultural lands because open space would be used for battle and landmines. A continuation of the civil war would also threaten the development of the oil fields and would detract from international development assistance. In addition, with continued human rights violations and the inability to mitigate conflict, the standing of the GOS in the international community would decline. This was demonstrated in the revocation of their appointed AU chairmanship in 2006 over matters pertaining to Darfur (BBC News 2006). A new eruption in the North/South conflict would further degrade their international standing. An escalation in the war could also threaten the White Nile and access to water, thus bringing international actors into the civil war, heightening the casualties (Adar et al 2004:63).

The South

The BATNA of the SPLM/A was to continue fighting. If the North was unwilling to compromise on religious issues, wealth-sharing, and self-determination, the South's best option would be to return to fighting and attempt to serve their fundamental interests through war. However, this would further internal strife within the region over continued disenfranchisement and underdevelopment, promoting a breakdown in the SPLM/A alliance. The war would continue to cost lives and limit access to basic necessities, thus exacerbating famine-like conditions in seasons of failed crops. A continuation of the war would further reduce access to resource development and would increase the number of displaced persons in the country. The war would also force people to take refuge in neighbouring countries where refugees have resided since the start of the war, furthering tensions with border areas and destabilising the region. If the South were to declare secession, a new civil war would ensue.

IGAD

The BATNA for the mediating party, IGAD, was to leave the negotiations if either side was to remain positional, revert to war, and/or revolt against the mediators. Since IGAD is composed of neighbouring nations and regional destabilisation and border security would be compromised if the war continued, walking away would undermine their interests in regional security. However, if the parties are unwilling to negotiate in good faith, it may be better to walk away and resume talks at a later date, when the parties are wiling to work towards peace. IGAD could also choose to support

one party in the civil war and disengage from the peace process.

The US

The US BATNA was to walk away from the negotiations and pursue military action in the region in the event that terrorism became a threat in the country. The US could also impose sanctions, which may have undermined their credibility as a result of the humanitarian crisis that might occur. Also, the lack of foreign direct investment opportunities for US companies may have had political consequences on a national level. The US could use its leverage to facilitate a regional block that raises awareness about the civil war. In addition, the US had the option to deal only with one side in all facets of development and politics.

The AU, the UN and the international community

The international community's BATNAs were based on a 'blame and shame' campaign that included options to: impose sanctions, generate detrimental media reports, remove international and regional representation and the option to look the other way and talk with the representing parties as separate entities. The last option may have helped to bring the parties to the negotiating table, because when dialogue is facilitated and relations are maintained, there is a greater chance to develop influence and pursue shuttle diplomacy.

Sanctions would have exerted pressure on the government, but may have limited the prospects for oil development and could increase human suffering, which would cause a need for increased outside assistance. In addition, oil sanctions would require the consensus of the entire international community, and both China and the EU's interests conflicted with this option (Johnson 2004). Therefore sanctions may not have been effective in ending the civil war. The international community's other BATNA, to militarily separate the two parties, could potentially bring peace to the region, but may also have had adverse consequences and exacerbated the civil war.

The Arab League and Egypt

Egypt's and the Arab League's BATNA, based on their interest to keep Sudan unified, would be to take military action in the South (Johnson 2004:176). The Arab League was likely to take military action if the South was to secede and the fate of the Nile waters was in question: Egypt would most likely have sent troops to protect access to the White Nile (ISS 2004).

The past precedent from internal Sudanese documents to international charters served as the foundation for negotiations

Objective criteria and the precedent for peace

The past precedent from internal Sudanese documents to international charters served as the foundation for negotiations and as a catalyst for the initial framework for the CPA. The historical documents formulated throughout the independence of Sudan served as a basis for options for peace. Though they played a role, demonstrating frustrations as well as examples of shared interests between the North and the South, the previous agreement and regulations were only rough outlines that would need to be reinvented in order for the nation to negotiate for their common interests rather than their positions.

The initial constitution of Sudan recognised the right of the Sudanese to self-determination and originally, though minimally, granted power-sharing to all parties of Sudan (Johnson 2004). The primary position the North had regarding Islamic law was strictly articulated in the September laws, which were used by both parties to gain power, by the North as an example of historical legality in the country and by the South as an example of the oppressive measures used by the North to marginalise the South. Past agreements such as the Koka Dam Accord and the Addis Ababa Agreement were used as examples of the parties working together and were brought to the table as catalysts for negotiations. They served as models for sharing government as well as a formula to enact a ceasefire.

The CPA and its protocols were the actual documents that were negotiated and signed by the parties. They articulated the options of the parties for peace.

The Sudanese documents were supported in the negotiations by international charters and conventions that clarify human rights and give authority to international organisations to intervene in nations on behalf of its citizenry. Sudan is also a signatory to these international regulations and therefore must adhere to their rules. Members of the international community must abide by their own sovereign interests and act within their constitutions and governmental mandates, and they are given precedent to take action within Sudan. Listed below is a sampling of the documents used to give validity to the negotiations and to examine the parties' interests.

- **Transitional Constitution of Sudan 1956** Set the precedent for the control of the government by the North, while recognising the self-determination of Sudan and including all political parties in the legislative body (Johnson 2004:26)
- **September laws 1983** A set of Islamic principles that were to strictly govern Sudan through Sharia

law. 'Numayri's [President of Sudan, 1969-1985] introduction of the Islamic "September laws" of 1983, including implementation of Islamic punishments, such as amputation of limbs for theft and flogging for alcohol consumption, was an effort to exploit religion to undermine opponents' (Anderson 1999:13)

- **Koka Dam Accord 1988** A meeting between the GOS and SPLM/A that set the conditions for a revocation of the September laws, a lifting of the state of emergency, the establishment of pacts with Egypt and Libya, and for steps that would lead to a ceasefire (Anderson 1999:74)

- **Addis Ababa Agreement 1972** The first peace agreement between the North and the South. Was established in 1972 and set up grounds for the southern militia to be absorbed in the national government while maintaining power within the presidency for all of Sudan (Johnson 2004:41)

- **National Convention 1994-2000** The platform that formed the basis on which the South formulated its authority. The National Convention met throughout the period 1994-2000 to discuss the law of the new Sudan. Through this they established the National Convention resolutions, which set up an outline for formalising the SPLM/A into a governing political body for the South. This was followed by the draft constitution, which set up an elaborate structure for the SPLM/A. Though it was formally referenced as precedence, it was never formally adopted. This, in turn, was followed by the Peace Through Development doctrine, which was used to formalise the organisational structure of the SPLM/A and move the organisation forward as a political party. The South organised itself into a cohesive body that advocated for all southern groups under the auspices of the SPLM/A. Prior to this, fighting and political jockeying had created a multitude of parties divided along ethnic lines and military stance. The National Convention solidified the South and set up a governing system for southern parties. This cessation of fighting allowed the South to come to the negotiating table in 2002 with a unified voice (Rolandsen 2005)

- **Declaration of Principles 1994** 'The IGAD Declaration of Principles which is accepted by both parties defines the north and the south of the Sudan according to the administrative boundaries inherited from the Anglo-Egyptian colonial rule on January 1st, 1956. According to those boundaries the three areas, the southern Blue Nile, the Nuba Mountains and Abyei are integral parts of the northern Sudan. Hence, they are outside of the mandate of the IGAD initiative for peace in Sudan … The Machakos Protocol signed by both parties in July, 2002 again defines the north and south of Sudan according to the boundaries left by the Anglo-Egyptian rule in 1956' (Ahmed 2004). Established, with the assistance of IGAD (1994), the right of the South to pursue self-determination

- **Juba Conference 1947** A conference held by the British which secured the South's participation in the Legislative Assembly. This furthered the segregation of the South from the North, however, as it continued the colonial rule that the South would be represented in the North, yet power remained in the North. The North claims this conference as a precedent for remaining united (Johnson 2004:25)

- **The six protocols of the CPA, 2002-2004**
  - o **The Protocol of Machakos** The Machakos Protocol signed on 20 July 2002 was hailed as a major step towards peace (as it was a framework for future discussions about peace), resolving the issue of self-determination and state and religion (CPA 2005)
  - o **The Protocol on Security Arrangements**, signed on 23 September 2003, established a joint force for the military and articulated ceasefire arrangements (CPA 2005)
  - o **The Protocol on Wealth Sharing**, signed in Naivasha, Kenya, on 7 January 2004, outlined the division of natural resources within the nation (CPA 2005)
  - o **The Protocol on Power Sharing**, signed in Naivasha, Kenya, on 26 May 2004, explicitly outlined a new government structure (CPA 2005)
  - o **The Protocol on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States**, signed in Naivasha, Kenya, on 26 May 2004, discussed the inclusion of the Nuba Mountains and Blue Nile states in the CPA and formulated options for self-government for these regions (CPA 2005)
  - o **The Protocol on the Resolution of Conflict in Abyei**, signed in Naivasha, Kenya, on 26 May 2004, discussed the inclusion of Abyei state in the CPA and formulated options for oil-sharing for the nation (CPA 2005)

- **UN Mission in Sudan, Mandate** United Nations Security Council, Resolution 1590, S/RES/1590, 24 March 2005

- **US Foreign Policy** National security interests, the war on terrorism, and the State Department's policy recommendations and mandate in Sudan

- **The AU Charter and Policy in Sudan 2002** The AU, within its mandate, has the authority to intervene in a member nation if it is in violation of the principles of the AU charter, which includes human rights laws (AU website)

Negotiating the CPA

A permanent cease-fire and power sharing protocol that was remaining to realize lasting peace in Sudan was finally signed last night at a ceremony held in Naivasha. President Omar El Bashir and Dr John Garang, Sudan

first vice president Osman Taha, South African President Thabo Mbeki and Vice President Moody Awori were present. The protocols signed were on three contentious areas and were on the integration of the SPLA into the national army, permanent cessation of hostility and implementation modalities of the peace agreement. The rest of the protocols, key among them power and wealth sharing, had already been signed. Mbeki, in his brief speech, said it was now the obligation of African countries and the international community to help Sudan to realize lasting peace (Ramani & Murimi 2005).

Strategies and processes

- **Track II:**
  o Back-channelling
  o Shuttle diplomacy
  o Deconstructing underlying interests
- **Linkage:** Infrastructure and resource development with peace
- **Ripeness:** War fatigue
- **Track I:**
  o Face to face
  o Mediators
  o Use of single-text documents
- **Neutral Negotiating Ground:** Kenya

In 1955, with Britain eager to withdraw and civil war erupting, independence was thrust upon the Sudanese. Sudan became a nation not through national consensus or constitutional decree, but rather through a handover of power to the North (Johnson 2004:29). It was not until the finalisation of the CPA in 2005, and the creation of its preceding protocol, that Sudan truly established a national manifesto that outlined the principles and underlying precedent to govern the nation.

The initial appeal for a resolution of the North/South conflict was instigated at the granting of independence in 1955. As issues remained unresolved and interests unmet, the re-emergence of violence sparked increasing calls from within the country as well as from neighbouring nations to end the war. However, throughout the second civil war, negotiations were slow to commence, as both parties were caught up in cold war politics. The multitude of conflicts in the surrounding nations impacted on Sudan as arms transfers passed through the nation and international actors sought spheres of influence within the continent.

Track II negotiations

As the civil war in Sudan spiralled out of control and the effects of the conflict began to impact on the entire region, neighbouring nations and the broader international community represented in the UN called for peace. In the 1990s, the negotiation process began with the first meeting of the parties through shuttle diplomacy. Leaders from Nigeria, Uganda and Egypt held talks with individual representatives to try and determine the underlying interests of each side. This Track II diplomacy option not only helped each region to uncover its interests, but also helped establish the need for negotiations and peace. Through dialogue, international actors like IGAD and Nigerian President Ibrahim Babangida were able to find common interests on which to base the negotiations.

Linkage

The parties began to broach the subject of a mediated negotiation as Sudan's infrastructure became severely impaired. One of the main ways in which the UN assisted in bringing civil society into the realm of negotiations was to link peace with the development of the entire country. The international donors, particularly the US, began to decrease their investment in infrastructure and development programmes in Sudan in order to demonstrate the true cost of war on the national economy. The primary reasons for the international communities' withdrawal of funds were based on the fact that 'the UN agencies willingly embraced the strategy of linking rehabilitation, development and peace. Their programs in the Southern Sector, with a general failure to recognise that relief for conflict-affected populations arises from the impact of war, not from structural food deficits (Johnson 2004:159).' This fostered a demand from civil society for a resolution to the conflict when the nation's economic degradation became apparent and the need for outside assistance was realised.

Ripeness

With the fatigue of war, the two parties acknowledged the toll that the conflict had taken on the nation in economic degradation, loss of international credibility and human suffering. The GOS and SPLM/A were ripe to negotiate. They came to terms with the idea that neither party would win the war and that their best alternative was to negotiate face to face in a Track I dialogue. IGAD's role as a mediator initially was to bring the parties to the table. IGAD exerted leverage through dialogue with the parties and communicated the dire needs of the nation, cessation of international assistance, and the likely military response of the international community if the nation did not come to terms with its civil war. The neighbouring countries incorporated in IGAD were concerned with regional stability and the pressing refugee issues that threatened their security. With the threat of potential terrorist developments in Sudan and thus the potential for US military action in the region, the concern over foreign interference, further persuaded the parties to come together.

Track I negotiations: Paraphrasing the CPA[8]

Machakos Protocol

The Machakos Protocol, signed in July 2002, was the first of six protocols and the preliminary step towards peace, as it outlines a framework for solving the conflict by discussing the issues of government, security, resource allocation, religion and human rights. The protocol also reaffirms a declaration of principles that afford all Sudanese a unity based on a just government while recognising the grievances of the South; articulates the rights of the South to self-determination through a referendum; underscores the right of all religions and races to be represented in a democratic system; and presses for the need to negotiate a ceasefire and to create a peace agreement that will be attractive to all Sudanese (CPA 2005).

Under the Machakos Protocol, an outline for a pre-interim period of six months was reached. It was also declared that:

- The institutions and mechanisms provided for in the peace agreement shall be established
- If not already in force, there shall be a cessation of hostilities with appropriate monitoring mechanisms established
- Mechanisms to implement and monitor the peace agreement shall be created
- Preparations shall be made for the implementation of a comprehensive ceasefire as soon as possible
- International assistance shall be sought
- A constitutional framework for the peace agreement and the institutions referred to above shall be established (CPA 2005)

Following the pre-interim period of six months (9 January 2005 to 9 June 2005), an interim period of six years was established to enact the provisions for peace outlined in the CPA. In the interim period a working government is to be developed that incorporates the southern interests in the northern government (Zoellick 2005). The power-sharing arrangement was enforced and the South gained a vice presidential position in the northern government, as explained below (UNMIS 2007),

The most significant aspect of the Machakos Protocol is that it established the premises for formulating the CPA through a series of single-text documents. This was important in the negotiations in that it gave the parties the option to use single-text documents and to focus on each option on its own merits. This furthered the peace process in that issues were separated to find solutions pertaining to each particular interest, thus minimising unwarranted compromise on the key issues of religion, governance and economics. The protocols exemplify the use of single-text documents, as each agreement was a signed document that would be implemented on the basis of the particular issue.

Protocol on Security Arrangements

This protocol includes a clause pertaining to the establishment of a ceasefire and lays the foundation for incorporating combatants into the police and military forces. The ceasefire agreement declares a cessation of hostilities and a commitment by the respective parties' armies to commit to peace within 72 hours of signing the CPA. The military units of the SPLM/A are to remain within the authority of the SPLM/A until the end of the six-year interim period, when they will be completely integrated in the Sudanese army. The ceasefire agreement also mentions security zones between the two regions and provides a timeframe for decommissioning activities. Throughout the ceasefire and the interim period, there was to be – and has been – a joint/integrated unit which would bring the two forces together to form an equally represented militia to implement the ceasefire.

The ceasefire implementation annex outlines disarmament, demobilisation, and reintegration (DDR) supervisory guidelines for international actors such as the UN and IGAD. It formally explains the roles of each party and how the police and the army will be integrated to form a cohesive force. The protocol specifically outlines how the nation will move forward with a new integrated army, what the goals are, a timeframe for activities, and how the nation will remove minefields to remove threats from civil society. These regulations are all within the security guidelines and have been adapted not only in establishing a more effective military, but in setting up a code of conduct for all sections of the armed forces.

Protocol on Wealth Sharing

This protocol deconstructs how to allocate profits from land and natural resources. The revenue from national ventures will be divided among the respective parties and then allocated to their governing districts. The funds are to be used to assist civil society in areas such as infrastructure development pertaining to roads and government facilities. The protocol further divides oil resources and gives control of this division to the National Petroleum Commission, while setting up a body that fiscally monitors the allocations. This protocol formalises a tax collection system as well a formula for sharing oil and non-oil revenues within the government structure. In addition, it lays the foundation for a government economic body and determines the fiscal responsibility of each branch of the government. (See below for the division of oil under the Abyei Protocol.)

Protocol on Power Sharing

The most challenging aspect of the CPA was to formulate a new government arrangement. The

Machakos Protocol outlines the call for federalism and self-determination for each region, but the structure of the government is mainly articulated in the power-sharing protocol. This protocol asserts dual representation between the North and South in that the president may either be from the North or the South, depending on which candidate gains the majority of the votes in the national election, and that there will be two vice presidents, one from the North and one from the South (CPA 2005). The protocol explains that 'at the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession' (CPA 2005).

The establishment of a government structure that is headed by the president and supported by two vice presidents, one from each region, ensures unity while giving the South equal representation and autonomy in the government. The South would remain part of Sudan, but would be granted autonomy to govern the southern provinces, representation in the central government, and revenue from the extraction of oil. Through the explicit articulation of these rights in the peace agreement, the South was assured that the North would take measures to implement the provisions.

Southern mistrust of the North to act in good faith and include the South into the greater Sudan stemmed from the lack of a contingency clause included in the Addis Ababa Agreement. When the North reneged on its southern obligations in the past, the South's only option for reciprocity was to return to fighting. However, within the CPA, the South was presented with the option to withdraw from the union after six years through a referendum for secession. This is a contingency plan that allows the South to re-evaluate its position vis-à-vis the North and to secede legitimately under the terms of the CPA.

> The third issue addressed in the CPA is that of power sharing. To reflect the 'one country two systems' model there will an asymmetric system of two Governments, a Government of National Unity (GONU) at the centre for the whole country, and a largely autonomous Government of Southern Sudan (GOSS), that shall have under it ten of Sudan's 25 States, while the 15 States of the North will be under the GONU. There will also be strong local governments under the States in both

North and South. The GOSS is linked to the GONU mainly through the constitutional Court, the Central Bank, the Joint Defence Board and the office of the 1st Vice President, who is also President of GOSS, otherwise Southern Sudan shall be largely autonomous in all its three branches of government: the executive, legislature and judiciary including a Supreme Court of Southern Sudan. The State Governments in both North and South also have considerable degree of autonomy. Power and sovereignty are truly shared between North and South and with the Sates. This system has a great potential and advantage of preserving and protecting the rights of all people belonging to different ethnic, racial, religious and linguistic groups who live in diverse parts of the Sudan (Garang de Mabior 2005).

In 2011, the South will hold a referendum to vote on its status as part of a unified Sudan. This meets southern interests, but whether the regional Arab block of Egypt and Libya (mentioned above) would allow secession remains to be seen. There was controversy over this clause when the international community realised that the South could separate from the North after the interim period. Fearing northern retribution and Arab interference, there were attempts to stop the negotiations by the US, which threatened the further drafting of the peace agreement when international concerns tried to interfere and block any talk of disunity (Johnson 2004:177-179). The protocol addresses freedom of worship and explicitly outlines the new government structures for power-sharing which, as mentioned above, will initially be based on federalism with the possibility of secession in six years. The power-sharing protocol brings together the various regions of Sudan, linking the North with the South in a decentralised government at the local, state and national levels. This is important in that it not only reaffirms area governance, but also legitimises the South's right to self-government while respecting all areas of autonomy in the nation.

The most significant aspect of the power-sharing protocol is that it explains and incorporates human rights in the rule of law for Sudan (CPA 2005). The document is very progressive in that it explicitly declares numerous freedoms that are articulated in many international laws, such as due process of law, voting, association, representation and expression. It also addresses and outlaws slavery and torture. The protocol then establishes a new government structure with Legislative, Executive, and Judicial branches and sets up a system for governance throughout the nation.

The document is very progressive in that it explicitly declares numerous freedoms that are articulated in many international laws

*Protocol on the Resolution of Conflict
in Southern Kordofan/Nuba Mountains
and the Blue Nile States*

This protocol addresses the regions on the periphery of the conflict. It recognises the marginalisation of the region and formally includes the Nuba Mountains and Blue Nile states in the CPA. In addition, the protocol reaffirms the self-determination of the region and formulates a new legislative system for their particular areas in an attempt to mitigate and stop the internal struggle in their states. As the Nuba Mountains and Blue Nile states lie on the border, they have served as battlegrounds for both parties and were also victims of the North's power structure. This agreement was included in the CPA as it attempted to mitigate all regions of internal strife within Sudan.

During the dialogue around the Nuba Mountains, the mediators and the international community raised the question of Darfur. The international debate over what should be done to assist Darfur began to be articulated in the negotiations. However, this proved to be an obstacle to North/South peace as Darfur was not a party to the mediation, and President Bashir threatened to walk away from the negotiations if the international community pursued a policy to mediate in Darfur.

> The Sudan government has effectively played on fears that its peace talks with the SPLA in Naivasha (the regional, Intergovernmental Authority on Development, IGAD, process) might unravel as a means to continue its brutal strategy while shielding itself from criticism. Western governments have played directly into that strategy. They have given total priority to Naivasha while only quietly engaging Khartoum about Darfur in an effort to secure incremental improvements in humanitarian access. They have refrained from directly challenging it there even while attacks continue and access is continually impeded. But a failure to resolve the catastrophic Darfur situation will undermine not only the last stages of negotiation in Naivasha but also the prospects for implementing whatever agreement is ultimately reached there (ICG 2004).

This may have caused the CPA to be rushed in its implementation as a result of the international communities' insistence on resolving the negotiations as soon as possible in order to avoid a break down in the mediation over Darfur. Though including Darfur in the negotiations and the CPA would have furthered the legitimacy and the validity of the CPA, it may have also halted the negotiations and furthered the civil war.

Protocol on the Resolution of Conflict in Abyei

This protocol establishes a percentage system to divide the oil wealth among the states. The Abyei region is situated on the border between the North and the South and is the site of most of the nation's oil deposits. The agreement outlines how the area will be administered and how the oil revenues will be partitioned. The following system of partitioning was devised:

• Fifty per cent to the National Government
• Forty two per cent to the Government of Southern Sudan
• Two per cent to the Bahr el Ghazal region
• Two per cent to Western Kordofan
• Two per cent locally with the Ngok Dinka
• Two per cent locally with the Misseriya people (CPA 2005)

The above formula would ensure adequate resource allocation to the North and the South, as well as maintain a portion of the wealth in the region where the oil is extracted. In addition, it is explicitly stated that the Abyei region will have a special referendum if the South chooses to secede after the interim period (Bekoe et al 2005). At the time of the referendum the region would vote whether to remain part of the North or be annexed with the South.

Another important aspect of the negotiations was the hosting of the mediation in Naivasha. Kenya provided a secure and neutral negotiating forum to mediate the conflict and sign the CPA of 9 January 2005 that ended the 21-year civil war.

Establishing peace – post-conflict reconstruction/the DDR process

Subsequent to the successful negotiation of the CPA, Sudan, with the assistance of the international community, began the daunting task of reconciling the past in order to move into a peaceful future. Once a peace agreement has been reached, there remains the influence of the conflict and the aftermath of war. The post-conflict reconstruction of a war-torn nation is critical in order to maintain peace and foster security and development.

Following the arduous process of finding common interests and agreeing on peace, the period of rebuilding conflict-affected areas requires retraining, development and public awareness to move the nation forward. Peace agreements such as the CPA contain provisions to account for this period of reconstruction by including a mandate that calls for the establishment

> The post-conflict reconstruction of a war-torn nation is critical in order to maintain peace and foster security and development

of a disarmament, demobilisation, reintegration and reconciliation (DDR) programme to reintegrate ex-combatants into society. Through a DDR programme, weapons are removed from society and ex-combatants are retrained to re-enter society with vocational skills.

Sudan's DDR programme

In Sudan, the CPA calls for a DDR programme that includes reconciliation and falls under the jurisdiction of the DDR Institute. The DRR programme is outlined in Part III of the ceasefire agreement and states two objectives: 'to contribute to creating an enabling environment to human security and to support post-peace-agreement social stabilisation across the Sudan, particularly in war-affected areas (CPA 2005).' The agreement further articulates the principles for and structure of the DDR institutions and calls for the parties to take steps in order 'to avoid any possibilities of relapsing into war' (CPA 2005). This process is assisted by the UN Mission to Sudan (UNMIS), which was mandated in March 2005 by Security Council Resolution 1590 'to assist in the establishment of the DDR programme as called for in the CPA, with particular attention to the special needs of women and child combatants, and its implementation through voluntary disarmament and weapons collection and destruction (UNSC S/RES/1590 2005).' Owing to the challenges of rebuilding a nation after conflict, an interim DDR programme (IDDRP) was established to identify specific groups and outline needs and build capacity for a full-scale DDR programme in Sudan (UNDDR 2007). Within the context of the DDR programme, the National DDR Coordination Council (NDDRCC) oversees policy formation and coordinates the national DDR process (UNDDR 2007).

In Sudan, the DDR process was divided into regional implementing bodies that would administer the DDR programme in the North and the South. These bodies fall under the jurisdiction of the North Sudan DDR Commission (NSDDRC) and the South Sudan DDR Commission, which 'are mandated to design, implement and manage the DDR process at the northern and southern sub-national levels respectively (UNDDR 2007).' In addition to the North and South focus for DDR, other armed groups (OAGs) have been targeted for disarmament and incorporation into the DDR process in order to further peace by including all parties involved in the conflict.

Disarmament

Disarmament, the first stage of the DDR process, is a long, arduous and prolonged process following conflict. Combatants are scattered across the nation and separated into regions and ethnicities. The DDR process in Sudan was first split between the North and the South, providing the two regions with autonomy in the DDR process. This process allows the parties to remain independent under a federal system. The political will to carry out the DDR programme and integrate the ex-combatants into the joint forces or back into society remains within the respective regions. Therefore there must be a system that monitors the progress of the programme to ensure compliance in order to reduce suspicions that the other parties are not acting in good faith. When designing a peace process and a DDR programme, it is necessary to lay out the expectations of the process and to take into account the possibility of unintended consequences that may serve to hamper the process.

The DDR provisions within the CPA called for the disarmament of ex-combatants and the reconfiguration of the national armed forces throughout the North and the South. In order to maintain a working military in the nation, combatants were to be delineated into one of four processes: the formation of a northern working military; the formation of a southern working military; the establishment of a new national North/South combined force known as the Joint Integrated Forces (JIU); or into the DDR programme for retraining and integration into civilian society (*Escola de cultura de pau* 2007). The DDR process also includes retraining of personnel to serve in the police. The process of either redeploying ex-combatants into the JIUs or into the new regional military branches, as stipulated in the CPA, is to take place in support of the disarmament of ex-combatants that are to be demobilised and reintegrated into society. This process meets the interests of all parties by providing for regional military forces, joint national forces and the reintegration of excess combatants into society after they have been disarmed and retrained with skills that can assist the communities they are returning to.

Intraregional conflict and disarmament

The South

During Sudan's civil war, the northern factions joined forces to fight the South and the southern factions joined together to fight the North. With the newly established peace, the old North/North and South/South rivalries once again reignited in an effort for sub-regional groups to gain power and control over resources. The DDR process must account for these factions in the respective areas and assist communities in identifying interests and options for disarmament.

> The DDR provisions within the CPA called for the disarmament of ex-combatants and the reconfiguration of the national armed forces

The CPA and the parties to the peace agreement agreed on the establishment of a voluntary DDR programme, encouraging ex-combatants to enter the DDR programme. In return, the ex-combatants receive vocational training where they develop skills that can be used to advance community development. A voluntary approach to DDR encourages all parties to participate in the peace process while minimising the tensions associated with forcing specific groups to disarm. When all parties have ownership of the process, they will understand the reasons for disarming and the options associated with the programme. This will limit interregional conflict and assist the parties with implementing the peace outlined in the CPA.

The South of Sudan has been divided into multiple parties that are based primary on regional divisions and ethnic divides. Though the factions in the South were united under the SPLM/A during the civil war, as power and resources begin to be divided, there is an increased potential for infighting in the South. The DDR programme in the South has concentrated on recognising these divisions and disarming specific groups. As each group's interest is to develop and make progress towards earning a livelihood, there remains a common cause for southern autonomy and self-reliance.

The splinter groups that make up the SPLM/A, the main power of the Government of Southern Sudan, include the ethnic groups of the Nuer, Dinka Murle, Taposa, Jikan, Shiluk, Rufa and Umbero (Young 2007). In addition, ethnic groups such as the Nuer, united under the Southern Sudan Defence Force (SSDF), are subdivided into groups like the Gawaar Nuer and Lou Nuer, which are further divided into groups such as the Lou Nuer Uror and the Luo Nuer Niyirol (Young 2007). These factions, though recently united for the war against the North, are historically significant and must be taken into account in the DDR programme. The establishment of the CPA and the DDR programme has been stagnant due to mistrust between the parties, a lack of resources to implement peace and internal political rivalries (UNSC Res S/2007/41 2007).

The Juba Declaration of 8 January 2006 followed the CPA as an effort to maintain unity between the SPLM/A and the SSDF in the South (Young 2007). This signified the initial efforts of the South to recognise the need to maintain a unified South and begin the disarmament of civilians in the region by absorbing various factions into one body (Young 2007). As the DDR programme is implemented, it is important to look back at the CPA and the interests of the parties involved and ensure that their needs and interests are taken into consideration as options are put on the table.

> When all parties have ownership of the process, they will understand the reasons for disarming and the options associated with the programme

One of the main mandates of the DDR programme in Sudan is to disarm youth. When disarming groups such as the White Army – a coalition of Lou youth that fight for their ethnic group and have fought for the South – the interest of the youth in having weapons as a symbol of manhood and a means to obtain wealth through armed cattle raiding must be accounted for (Young 2007). The impact a lifetime of war has had on the psychosocial aspect of society must be assessed and community mapping must be done in order to determine externalities that may occur when one part of the DDR process is implemented in the community.

In a voluntary disarmament process, as outlined in the CPA (2005), there must be public awareness campaigns to encourage combatants to disarm. This process cannot be forced or rushed and must continuously factor in culture and fears that there will be a re-emergence of the conflict. Therefore, there must be regional reconciliation between the various groups and indicators that symbolise stability in the peace. Negotiations do not end with the signing of a peace agreement. They must continue through the process to ensure that the parties build upon their commitment to peace and continue to find common ground with similar interests.

The North

In the North of Sudan, there are also multiple groups that have in the past fought for power and political control. Today, the various factions in the North are united under the National Congress Party (formally the National Islamic Front); however, infighting remains as regions continue to vie for political power. The parties in the North are divided over the level of religious influence the government should have as well as issues related to ethnicity. The political parties of the North include the Umma Party, the Democratic Unionist Party, the Popular National Party, and the Sudanese Communist Party (UNMIS 2007).

The conflict in Darfur exemplifies the North/North conflict and the reluctance on the part of the northern government to unify the North and move forward with peace. In addition, conflicts like that in Darfur demonstrates the potential for factions to emerge out of a region that previously united for a common cause. The divisions in the North over Darfur are complicated by the emergence of sub-regional splinter groups in Darfur. This lack of cohesion impacts the DDR process, as implementation is stagnant and unable to further peace in the region. It is difficult to disarm and retrain combatants when the shadow of conflict continues to linger. The DDR programme provides an opportunity for the North to demonstrate its commitment to peace.

It can be used to reunite the groups and foster peace if the different factions participate in the process and revisit the interests asserted in the CPA.

Interests and options

Sudan's interest in establishing the DDR programme is rooted in the nation's desire to implement the CPA. The peace agreement and peace process have paved the way for DDR programmes. Limiting the proliferation of weapons and removing the various aspects of conflict assist a nation not only to recover from war, but also to move forward with peace. The DDR programme in Sudan must take into account all the interests of the parties if the process is to support the peace.

In Sudan, personalities and regional ties have played a major role in uniting people and demonstrating the nation's commitment to peace. The North must help the South to move forward with development and disarmament if peace is to hold and the current federal system is to survive.

The options for the DDR programme include:

- Carrying out a census in the North and the South to identify ex-combatants that can be involved in the process
- Establishing satellite DDR programmes in each state or province
- Conducting psychosocial, greed and grievance programmes to assist with the trauma of war and to prepare the communities for the reintegration of ex-combatants
- Focusing on target groups such as youth and women, as stipulated in the United Nations Integrated DDR Standards[9]
- Implementing the regulations and government provisions articulated in the CPA

Disarming demonstrates a commitment to peace by removing the violence associated with the proliferation of weapons and the military aspects of the conflict. However, without trust in the peace agreement and in view of the continued violence throughout the country, the incentive for combatants to disarm remains in question.

Sudan's CPA outlines the peace process and the DDR programme establishes the interest of all parties by moving away from armed violence and towards development in the implementation of peace and the reconstruction of post-conflict society.

Conclusion

The CPA is an ambitious piece of writing that incorporates the interests of the people of Sudan in a tangible document. The use of single-text documents allowed the parties to separate their interests and deconstruct each issue on its own merits. This created a premise to build on and to negotiate a document that would be appropriate for all the Sudanese.

In 2002, when the North and the South came together to negotiate peace, they drafted the nation's future. The CPA represents a new constitution for Sudan, as it is the first complex and collaborating document since the British colonial mandate. The formation of the CPA is the only time that Sudan as a nation has come together to outline both its interests and a framework for government.

Prior to the CPA, the northern elite controlled the country and neglected to include all members of this diverse nation. Within each area there were internal power plays and ideas how to move the country forward, making it clear that Sudan's North/South conflict went beyond that of regional disputes. In the past, the country chose to play upon differences, marginalising those with less power and differing religious beliefs. The power struggle focused on gaining control within traditional ethnic affiliations, rather than embracing the tribal and regional differences. The North/South conflict symbolises the continued colonial influence based on the principle of divide and conquer. The CPA represents an adoption of inclusive politics and human rights, fostering a new era and the opportunity for Sudan to move forward as one nation. It encompasses a rule of law that is based on principles that meet each side's interests. It is an idea that can heal a nation that has been devastated by war. However, it will take time, understanding and work to implement.

The CPA is inclusive for all Sudanese in that it outlines a foundation for the entire nation; however, it lacks support from the groups that were not represented in the negotiations. Areas such as Darfur do not have ownership of the CPA. The lack of inclusion of all actors in the country is based on a continued vying for power by the dominant leadership in the North and the South and a sustained individualist positional approach. The CPA has the potential to be interpreted as a unifying doctrine but requires an understanding and a communal acceptance of the principles outlined for all Sudanese. Cases such as Darfur could be included as a separate protocol; however, this would require that parties in the North relinquish political posturing by displaying a good faith gesture indicating that all political factions are willing to include the greater Sudan in the CPA. Though Darfur was not a part of the negotiations, the rhetoric includes it through association, fostering the option for the negotiation of an additional protocol to the CPA that is specifically tailored to the interests involving Darfur. It is therefore necessary for the parties to return to their underlying interests and re-examine what brought them to the table. By using the CPA as a starting point, they can

demonstrate how all Sudanese can be incorporated in the nation state and the peace agreement. The parties must remember that in order to move forward with economic, infrastructural and humanitarian development, it is necessary that Sudan as a whole maintain a viable peace. The North and the South must accept that those parties that were not privy to the negotiations were represented through their status as Sudanese.

The CPA can be used in Darfur as objective criterion for the implementation of power-sharing and human rights. The CPA, as a constitution for Sudan, explicitly states that all human rights and those articulated in the CPA are for the whole of Sudan. As Sudan continues to battle ethnic divisions in Darfur, the tribal lines remain and prejudices persist, creating a fragile foundation for peace. The implementation of the CPA offers hope to Sudan in the text of the protocols and expresses what the future of Sudan can be. However, there must be a commitment on the part of the government to implement all facets of the protocols.

Implementation of the DDR programme gives the signatories to the CPA the opportunity to demonstrate their commitment to peace and to afford those parties that were not privy to the negotiations the option to engage in the peace process. The DDR programme is in the initial stage of identifying ex-combatants through a census and targeting the needs of the community. Through participatory assessments and community mapping exercises, programme managers are able to identify areas for implementation. Following the guidelines established in the IDDRS, each section of society is to be considered in order to establish peace.

The process is long and arduous. Without adequate programme plans and funds, the DDR programme will not be able to meet the goals established under the CPA. With the forthcoming elections in the South and the referendum for secession, the DDR programme must be used to build peace and bridge gaps in the post-conflict society. If the South continues to be marginalised by the North and ascertains that all parties are waiting for the pre-election period to end in order to resume fighting, then each party will return to their BATNA.

The DDR programme offers the opportunity to help the region develop through training ex-combatants in vocational skills that can be used to improve the national infrastructure and develop the country. It is essential that oil funds from the Abyei region be used in the DDR process for pension funds, shelters, training of ex-combatants and job creation. The CPA paved

the way for DDR, now DDR can be used to lay the foundations for peace.

Without a commitment to peace and the disarmament of combatants throughout Sudan, the CPA cannot move forward, as communities will remain sceptical of the process and prepare for a resumption of the conflict. There must be the political will on all sides to achieve peace and a conscious effort to ensure reintegration of a society that has been shaped and devastated by a climate of war. Fears and security issues must be addressed when working to achieve a living peace by two sides that have built their reputation on advocating war.

The parties' BATNAs were weak in that a return to fighting would not meet their interests. Prior to the CPA the nation had regressed to a point where there was limited infrastructure, civilian disenfranchisement in both regions, and neither party was likely to win the war without outside resource assistance, which was unlikely in the post September 11 era. A new war would cost many more lives and destroy what is left of a fragile nation. Disarmament and the retraining of ex-combatants not only have a positive influence on the peace process by demonstrating a commitment to peace, but also serve to reinvigorate the economy, build infrastructure, and develop the country through the deployment of skilled labourers to the communities.

The CPA may have been rushed in its implementation, for society at grassroots level was not explicitly acknowledged or brought into the decision-making periphery. The conflicts in Sudan include all regions, going beyond the concept of the North and the South. For national peace to take place, all the areas, such as the Eastern Region and Darfur, must be included in the process. Peace remains fragile when some actors are not party to negotiations and when groups that were marginalised in the conflict remain outside the scope of a peace agreement. In Sudan the parties that were excluded from the negotiations pose a threat to peace, as they do not have a vested interest in the process or in peace.

In the South, a lack in education facilities, limited government services and a brain drain to the North (Jooma 2007) further limit the capacity of the region to rapidly implement the provisions (such as DDR) of the CPA. The wording of the CPA specified an inclusion for all; however, as long as the signatories do not accept their obligation to enact those words within their own parties as well as in the greater societal context, the opportunity for peace will have been missed. The rhetoric advocates for peace, but the

> Implementation of the DDR programme gives the signatories to the CPA the opportunity to demonstrate their commitment to peace

will of the people must follow. This can only happen if the leaders are able to place national interests above individual aspirations. Once the leaders demonstrate this commitment to peace and move forward with the DDR programme, additional challenges will be met. Identifying ex-combatants and informing them of the voluntary DDR programme is a long process and requires infrastructure for cantonment sites and processing centres. Developing a working system that identifies ex-combatants and vulnerable groups such as women and children and assesses the needs of the receiving communities, further slows the process. As the timeframe for implementation is extended and the DDR programme is pushed back as a result of complications in the process, the peace process will continue to be called to question and the parties will remain stagnant in their commitment to peace. It is therefore imperative that the DDR programme advance in a timely fashion and that all parties commit to the process, so that peace can move forward.

There have been efforts to implement the CPA through the formation of the new government, the enacting of power-sharing programmes, the development and facilitation of demobilisation and reintegration programmes, and the sharing of the profits from oil revenue (UNMIS 2007). However, six years is a short time for a nation to reorganise its structure and let go of historical biases. The process is slow, not only for the implementation of such sweeping programmes, but also in informing people of the new government structure and determining how to divide the funds from oil so that they reach civil society.

After the interim period, the South will hold a referendum and vote whether to secede from the North. Their vote will be determined by the way in which their interests have been met through federalism, if at all. If the South continues to be marginalised, then they will choose secession. Secession by the South will have detrimental consequences. Control over natural resources will be disputed as the parties try to capture strategic oil areas in the Abyei region and water in the Nile region. Neighbouring nations will join in the regional acquisition for valuable resource areas, spreading war. For civil society to believe that the CPA is meeting the nation's interests, it is vital that the CPA be implemented and that the DDR programme lays a foundation for peace. If the nation does not work together to achieve unity under the CPA, the option to return to war may be used, further hampering the progress of a nation that has the ability to move forward with development in the 21st century. A new war will bring increased casualties, heightened security risks, economic degradation, international speculation, neighbouring intervention, and devastating consequences for future prospects.

The Sudanese have a working constitution that should be shared with all its citizenry and implemented by its leaders. The North and the South must commit to the disarmament of the nation so that communities do not fear a resumption of the conflict. If Sudan is able to truly set aside its traditional animosity and move forward with a DDR programme that embraces all parties, then the nation will succeed, as a union, in peace.

On being Sudan

There is a time, a place for war
Have we not seen enough?
Are we beyond the Snowball of history?
Or must we relive atrocities
That continue to plague the earth
To foster a living hell and to forget
Love
Peace
And Happiness
To weep for the days of old
When we did not know
To want

(Schafer 2006)

Notes

1 This quote is prefaced, on the same page, with the following: 'Chief Stephen Thongkol Anyijong of the Atwot tribe was arrested because he was suspected for sympathy with southern rebels as a result of information furnished by an Arab trader with whom he had a hostile encounter.'

2 The terms 'North' and 'South' used here do not always correspond with the strict geographical division north/south of Sudan but rather refer to GOS-controlled areas (the North) and opposition-controlled SPLM/A areas (the South).

3 The Joglei Canal was built to develop the agricultural economy in the North. The water would be diverted from the Nile to northern irrigation systems.

4 The IGAD members are Ethiopia, Eritrea, Kenya and Uganda. IGAD was formerly the Inter-Governmental Authority on Drought and Desertification (IGADD).

5 If not otherwise noted, the actors and their interests were derived through an analysis of Anderson 1999, Johnson 2003, Adar et al 2004 and the Comprehensive Peace Agreement and Its Protocols 2005.

6 The African Union (AU) emerged out of the Organisation of African Unity (OAU) and I use them interchangeably.

7 The concept of a best alternative to a negotiated agreement (BATNA) comes from Fisher and Ury 1991. If not otherwise noted, the BATNAs for each actor were derived from an analysis of Anderson 1999, Johnson 2003, Adar et al 2004, and the Comprehensive Peace Agreement and its Protocols 2005.

8 If not otherwise noted, all information pertaining to the protocols has been adapted directly from the text of the Comprehensive Peace Agreement and Its Protocols 2005.

9   The IDDRS are a UN interagency approach to DDR. The standards set guidelines and make recommendations for implementing DDR programmes throughout the world. 'The IDDRS are a comprehensive set of policies, guidelines and procedures covering 24 areas of DDR. The IDDRS consolidate policy guidance on DDR, providing a United Nations integrated approach on the planning, management and implementation of DDR processes. They are also the most complete repository and best practices drawn from the experience of all United Nations departments, agencies, funds and programmes involved in DDR' (United Nations Integrated Disarmament, Demobilization and Reintegration Standards, IDDRS.

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About this paper

Sudan's Comprehensive Peace Agreement (CPA), signed in January 2005, signified the end of the North/South civil war and the beginning of peace in a country ravaged by war. The principles and the interests articulated in the CPA set the precedent for the negotiations. Revisiting the CPA and understanding the foundations for peace is necessary so that the parties are able to move forward with post-conflict reconstruction. The paper discusses the history of Sudan's civil war and the negotiations that led to the development of Sudan's CPA. It has been modified and updated from an original paper written for Professor William Monning at the Monterey Institute of International Studies Seminar Analysis in International Negotiations. The structure of the paper is based on the conflict resolution model outlined in Fisher and Ury 1991.

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