

### **Brief analysis of the CPA**

The CPA refers to a series of agreements reached between the government of Sudan (GoS) and the SPLM on 31 December 2004. These agreements were formalised by both parties on the 9 January 2005. Broadly, the CPA's terms included the following:

1. a self-determination referendum for the South<sup>1</sup> after a six-year interim period in exchange for the continuation of Islamic (Sharia) law in the North.
2. The CPA was predicated on extensive sharing of power, wealth and security arrangements and established an asymmetrical federal system, with the Government of Southern Sudan (GoSS)<sup>2</sup> existing as a buffer between the central government and southern states but no parallel regional government in the North.
3. The power sharing arrangements provided for fixed representation in national institutions, including parliament, among the formerly warring parties,<sup>3</sup> who also agreed to conduct elections at all levels of government by the end of the fourth year of the interim period.<sup>4</sup> A number of other institutions, commissions and committees were also created that included a new Upper House in Khartoum -- the Council of States -- with two representatives from each of the 25 states.

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<sup>1</sup> **Southern Sudan** is a region of Sudan that the Sudanese government agreed to grant autonomy in the CPA signed on 9th January 2005 in Naivasha, Kenya. To the North lies the predominantly Arab and Muslim region directly under the control of the central government. The relationship between autonomous Southern Sudan and the neighboring areas of Blue Nile State, Nuba Mountains/Southern Kordofan, and Abyei has yet to be definitively determined, although for the time being these are effectively part of the North. Southern Sudan consists of the ten *wilayas*, or states, formerly part of the provinces of **Equatoria** (namely Bahr al Jabal, East Equatoria, and West Equatoria), **Bahr el Ghazal** (North Bahr al Ghazal, West Bahr al Ghazal, Lakes, and Warab), and **Upper Nile** (Junqali, Wahdah, and Upper Nile). The Dinka – whose population is estimated at more than 1 million – is the largest of the many black African tribes of the Sudan. Along with the Shilluk and the Nuer, they are among the largest Nilotic tribes in the region.

<sup>2</sup> Pending elections, seats in both the Southern Sudan Assembly and the Government of the Southern Sudan are to be divided in a fixed proportion between the SPLM (70%), the NCP (formerly the NIF) (15%), and "other Southern political forces" (15%).

<sup>3</sup> Seats were accorded as follows: 52 % for the ruling National Congress Party; 28 % for the SPLM, 14 % for other northern forces; and 6 % for other southern forces at the national level. The SPLM was granted 70 % of positions in the southern states and the Government of Southern Sudan. The National Congress Party was granted 70 % of positions in the northern states.

<sup>4</sup> The Protocol on Power Sharing actually called for local, state and national (parliamentary) elections to be held by the end of the third year of the interim period but the parties agreed to shift all elections to the fourth year in the final agreement on implementation modalities, signed on 31 December 2004.

4. The detailed wealth sharing agreement provides for a new national currency, the creation of parallel central banks for North and South, and sets specific revenue sharing formulas for the South and the disputed areas of Southern Kordofan state, Blue Nile state, and Abyei. The GoSS and the central government are to split all oil and other revenue derived from the South evenly.
5. The parties (SPLM and GoS) agreed to establish joint integrated units with equal numbers from the SPLA and the Sudan Armed Forces.<sup>5</sup> The SPLA and Sudan Armed Forces are to maintain their troops in the South and North, respectively. The agreement provides in effect for the elimination of the SSDF, since no armed groups other than the SPLA or the Sudan Armed Forces are permitted. However, the SSDF is given the opportunity to qualify for integration into the security structures or civil institutions of either party. The Final Ceasefire Agreement spelled out a clear timetable for SSDF demobilisation.<sup>6</sup>

Also, included in the CPA was a timeline of events that would be undertaken between its signing of the CPA on 9 January 2005 and 2011 when the interim period would end.

#### **Some commonly held views on the CPA**

Key to the implementation of the CPA are issues such as: the formation of the Government of National Unity (GNU), setting up of an integrated army, equitable sharing of oil revenue, elections in three years and a referendum in six years to determine the issue of secession of the South. However, critical to the spirit and letter of the agreement was an attempt to maintain a unified Sudan through making unity attractive and secession unattractive. A year after the signing of the CPA numerous challenges have emerged which, if not addressed, may turn this critical opportunity for peace into disaster and countrywide conflict. One of the key challenges faced by the GNU has been how to integrate the forces from the North and the South to form a Joint Integrated Unit (JIU). The research team met with Commander Lemi Lomuro Logwonga, SPLM technical adviser to the Joint Defence Board (JDB) who pointed out that the constitution of the JDB was yet to be finalized

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<sup>5</sup> There are to be 24,000 joint integrated forces in the South, 6,000 in both Southern Kordofan and Blue Nile states and 3,000 in Khartoum.

<sup>6</sup> The parties agreed to set up a Collaborative Committee to deal with the other armed groups, with three representatives each from the government and SPLM, and one UN observer. It is to determine the size and strength of each of the other armed groups and by the six-month mark ascertain the choices for integration of each group. By the end of the first year, the other armed groups are to be fully integrated into either the SPLA or Sudan Armed Forces. The Committee met for the first time in early April and agreed to hold a second meeting in Malakal, and potentially a third in Juba. This process appears to have been overtaken, however, by the SPLA-SSDF dialogue in Nairobi from 30 June-3 July at which the parties agreed to meet again inside Sudan.

resulting in delays in the creation of an integrated military unit<sup>7</sup>. The formation of such a unit would be critical in dealing with the problem of security in various parts of the country. In Logwonga's opinion, as long as the JDB has not been formally constituted as required by presidential decree, the SPLA will remain a rebel army with no say in military agreements signed by the government of Sudan (GoS) prior to and even after the signing of the CPA.

A meeting with the State Minister for International Cooperation, Dr. Barnaba Benjamin, further highlighted similar if not worrying delays in the implementation process. Dr. Benjamin admitted that the implementation of the CPA has fallen behind in as far as the operationalization of commissions on petroleum, ceasefire, finance, defence and the banking sector. According to him, such commissions have not been activated in accordance with the interim constitution. In his opinion, part of the problem lay in the fact that the implementation of the interim constitution itself has not taken place nearly a year after the CPA was signed. This implies that the GoS and government of southern Sudan (GoSS) remain provisional until the ratification and confirmation of the interim constitution takes place.

Meetings with unarmed political parties and groupings based in Khartoum also revealed growing disenchantment with the CPA which they say excludes them from actively participating in the transition process. Most of these groupings pointed out that, besides the obvious delays, the CPA itself only served to accommodate the interests of the two warring (armed) parties (the SPLM and the government) and completely excluded unarmed political groupings and civil society organizations in the National Democratic Alliance (NDA) which the SPLM led. Thus, by extension there was a general view that the implementation of the CPA itself cannot be broad-based. Another point made was that the CPA solely focuses on addressing the problems of the South while ignoring the political concerns of people in the East, North and West, particularly Darfur. Also, there are concerns by unarmed groups or opposition that, while CPA has led to the cessation of hostilities between the North and South, its implementation will breed a culture of impunity or militarize Sudanese opposition politics in general. This was true of opinions expressed by groups from the far North and East which said that some of their membership were beginning to feel that taking up arms is the only way to taken seriously by not only the government but also by the international community. Such feelings were said to have been heightened not just by the nature of the CPA but also by the international community's overwhelming response to the crisis in Darfur, more or less at the expense of the other serious problems that plague greater Sudanese politics. Adding

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<sup>7</sup> Effectively Sudan is still made up of two armies, namely, the SPLA and the Sudan Defence Force.

to the same concerns, was the continued uncertainty around the status of the national capital, Khartoum, a year after the signing of the CPA. The understanding of the opposition groups is that following the signing of the CPA, the status of the city was supposed to change from one governed by *Sharia* law to a secular one, more in keeping with the status of a national capital of a new, religiously diverse and unified Sudan.

### **Views on the situation in Northern Sudan**

According to the Democratic Unionist Party (DUP) and the UMMA party, although the implementation of the CPA has not addressed the concerns of unarmed opposition in the North in general, the CPA brought peace to Sudan. However, the DUP argues that the CPA has several short-comings: a) the CPA provides a basis for secession by dividing the country on the basis of religion; and b) it places emphasis on the distribution of oil resources for the benefit of the South on the basis of geography rather than need. According to the DUP, the South needs oil resources for developmental purposes and should thus be given resources, notwithstanding the fact that oil comes from there. Another point made by the DUP is that the CPA provides for the creation of two *de facto* national armies, thereby providing a pretext for secession. Apart from sharing the broad concerns of other parties in the North about the exclusive nature of the CPA, the DUP representative expressed concern about the government's neglect of the people in the far North, especially over the negative impact caused by the construction of the Merowe dam project funded by the Chinese. The DUP alleged that the government simply seized land around the dam without compensation to the owners and handed such land over to its National Congress Party (NCP) supporters. According to the DUP, the project was started as a way of broadening the NCPs political base in the far North. But the construction of the project led to land dispossession along the banks of the river Nile. Some of the dispossessed communities were said to be seeking redress through armed insurrection.

It was clear from the various meetings with northern based political players that opposition politics in the North had drawn its strength from the SPLM-led National Democratic Alliance (NDA). Not surprisingly, many of the players now mourn of the departure of the SPLM from the NDA to the GNU. The departure of the SPLM weakened them and left groupings in the NDA divided. In the opinion of the UMMA party, the political situation in the North was negatively affected by the collapse of the NDA and led to some of the factionalism now evident in the post-CPA period. For example, the collapse of the NDA along with political manipulation by the ruling NCP allegedly explains the split that occurred recently in both the DUP and the

UMMA parties. Another political party that fell victim to a combination of the same factors was the Communist Party. The most commonly held opinion was that the NCP has played a pivotal role in fuelling factionalism as a way of weakening unarmed political opponents as well as strengthening itself against the SPLM. This accusation is largely based on the fact that some of the splinter groups that emerged just before and after the signing of the CPA strangely share similar names to those of already existing parties. According to various parties, the splinter groups have been absorbed into the GNU to give a false sense of representation by unarmed opposition.

There is also consensus amongst opposition parties in the North that, while the CPA brought peace, it is being exclusively implemented. Such selective implementation, they argue, will not adequately address the issues of democracy, identity, religion, rule of law and corruption which lie at the core of the Sudanese political crisis. To make matters worse, many feel that the shift in the balance of power within the NCP from civilians (led by Osman Taha) to the military (led by al Bashir) will have negative implications for the implementation of the entire peace process. They argue that given Taha's pivotal role in the peace process, the rise of the militarist faction in the NCP has only helped to generate fear and pessimism about the ruling party's commitment to the CPA. The situation is further exacerbated by the regime's alleged predatory economic policies, cronyism and corruption allegations leveled against the ruling party.

#### **Views on the situation in Western Sudan (Darfur)**

Apart from challenges arising out of the implementation of the CPA, the issue of Darfur seems of uppermost concern in the minds of most political groups and civil society organizations across the Sudan. The research witnessed the signing of a petition calling for the speedy resolution of the crisis in Darfur by more than 20 organizations in Khartoum. Subsequent meetings with groups such as the Darfur Forum for Dialogue and Peaceful Co-existence and the Darfur National Peace and Development Forum (*Janjaweed*) provided a valuable opportunity to assess the political tensions among the players from that region. Both groups interviewed agreed that ethnic tensions in Darfur have existed for years, without resulting in open armed conflict such as that now witnessed. For example, they all argued that historically, nomads in the region have lived side by side in peaceful co-existence with farmers. Also, they argue that for a long time, both the farmers and nomads also regarded themselves as Muslims. The *Janjaweed*, however, argued that the crisis started as a direct result of interlinked factors such as: increased and politicised tribal conflict; armed robbery; and mutiny amongst government troops in

Darfur (allegedly fuelled by the interference of Chad, Libya and Eritrea). In their opinion, trickery on the part of the *Zaghawa* (an ethnic group in Darfur and across the border in neighbouring Chad) have colluded with the support of some ethnic groupings in Darfur to fight the government in Khartoum. They also allege that after the old National Islamic Front (NIF) split between Turabi and Bashir's supporters, Turabi convinced the *Fur* (also an ethnic group in Darfur) to rise and fight the government with the assistance of Eritrea. Interestingly, the *Janjaweed* further allege that following the defeat of the rebels by the government, the rebels managed to convince the international community that the government in Khartoum was funding ethnic Arab groups in Darfur against non-ethnic Arabs or black Africans. In their opinion such manipulation of the 'facts' largely explain the 'uninformed' (perhaps even unwarranted) intervention by the international community in Darfur crisis.

In contrast, the Darfur Forum for Dialogue and Peaceful Co-existence led by Gen. Hassan (a former governor of northern Darfur, Sudan Chief of Staff and defence minister) argue that the solution to the crisis in Darfur can only be solved through dialogue between the rebels, on the one hand, and the *Janjaweed* and the government on the other. Furthermore, they argue that Darfurians should sit together and iron out their differences for the sake of peace. They believe that the forum can play a significant role in resolving the Darfur crisis because their organization is not only inclusive of all the tribes and people of Darfur but has a broad development agenda aimed at ending the continued political and economic marginalization of this turbulent western region. Interestingly, both political groups agree that the international community with the assistance of Darfurians can help resolve the crisis. The UMMA party, however, was a bit more cautious and called on the international community to first understand the real dynamics in the Darfur crisis before making a decision to play decisive role in the resolution of the crisis.

#### **Views on the situation in Eastern Sudan**

In the east of the country, minority groups such as the *Beja* Congress pointed out that the Beja have historically been disadvantaged and marginalized politically, economically and culturally first by the National Islamic Front's (NIF) 'Islamisation' and 'Arabisation' project and then by the NCP's own policies. Such policies, argued the representatives from the Beja Congress, put the Beja at logger-heads with pro-government Arabs groups in eastern Sudan such as the *Rashaida*. They pointed to the loss of land and forced Arabization (involving the forced adoption of the Arabic language and culture) as evidence of the negative effects of the Khartoum government's policies.

In order to deal with this, the *Beja* (through Beja Congress or BC) sought the help and support of other Sudanese political groupings under the auspices of the NDA. However, like other unarmed political groupings in Sudan, the Beja now feel excluded from the political process initiated under the CPA. Evidence of this disillusionment, the Beja Congress representatives argued, was the bombing of the oil pipelines in the Kordofan and Port Sudan areas of eastern Sudan after the signing of the CPA. In the IGD team's own opinion, these attacks seem to indicate an emerging shift towards armed resistance by marginalized and unarmed groups in Sudan in general. During further discussion, the Beja Congress emphasized the need for inclusive implementation of the CPA in order to deal with the insecurities of the marginalized groups. Furthermore, the Beja Congress also feels that the CPA should have served as a mechanism for opening the space for various fundamental freedoms and rights for minority groups, including the sharing of political power and wealth as well as strong representation in parliament. According to them, the establishment of a true democracy should also guarantee self determination for marginalized groups (such as the Beja) in a united Sudan.

#### **Views on the situation in South Sudan**

An interesting revelation was that while northern political parties are generally of the opinion that the CPA was largely meant to solve the problems of the South, they also admit that the SPLM itself still faces insurmountable political and economic challenges that might derail the transition process. For example, since the death of Dr. John Garang, many argue that divisions within the SPLM have sharpened thereby creating an atmosphere of uncertainty both in the South and amongst the NDA membership which Garang led. Since Garang's death, two contending camps have emerged, with one group made up of the so-called 'Garang boys/orphans' and the other composed of alleged Salva Kiir loyalists. What was clear was that groupings closer or sympathetic to the 'Garang orphans' tend to regard Salva Kiir as weak, politically inexperienced and vulnerable to manipulation by the GoS. Such views were particularly evident in discussions with the representative of the Southern Salvation Front (SSF). Similar sentiments also emerged from other major political parties such as the UMMA and the Democratic Unionist Party (DUP). In contrast, some pro-Kiir groups such as the Southern Sudan Democratic Forum (SSDF) expressed the opinion that the death of Dr Garang could have been a blessing in disguise since it helped free the SPLM from his dictatorial and autocratic leadership style. In the opinion of various groups and following the death of Dr Garang, his former loyalists quietly retreated to the South and now dominate the structures of the Government of Southern Sudan (GoSS) while those loyal to the new SPLM leader, Salva Kiir, dominate the GNU in Khartoum. In the opinion of

some of the parties based in Khartoum, the emerging divisions in the SPLM may make it difficult for the organization to transform itself from a rebel movement into an effective political structure capable of governing. Some observers are even worried about the implications of increased disunity and mistrust that has emerged between unionists and secessionists in the SPLM.

Concerns were expressed that internal political tensions facing the SPLM serve as a dangerous distraction to the main challenge of reconstructing the South. To begin with, the GoSS has to construct roads, dykes, schools, health facilities and establish communication links, among other things. Added to this are problems which Dr Benjamin acknowledged, such as the development of manpower and capacity to set up working institutions in the South. Part of the problem lies in attracting skilled labour from the developed North and from the diaspora. This is because most professionals who are already embedded in the northern economy feel that there is absolutely nothing to go back to in the South. Others are aware of the country's long history of reneging and violating peace agreements and are reportedly generally pessimistic about returning. Although the GoSS has now said that the location of the capital is Rumbek, at the time of the visit in November and early December 2005, many people were of the opinion that the decision on the location of South's capital had to be resolved soon so that development planning could be properly managed.

It would seem that part of the dilemma facing the SPLM arises out of the expectation that, following the signing of the CPA, the international community would quickly move to assist the GoSS in its reconstruction effort. However, the outbreak of the conflict in Darfur, has soaked up much-needed international support and attention. Thus, even though the South needs development assistance desperately, for now the international community's main priority seems to be on finding a solution to the crisis in Darfur. According to some local observers, the ruling National Congress Party (NCP) is now hiding behind international concerns in Darfur and may in fact be using Darfur as an excuse to abdicate from its shared responsibility in developing the South. Ironically, some observers noted that the ruling party's support of the *Janjaweed* and its tendency to defer on the issue of developing the South may in the end actually make the prospects of unity between the North and the South even more unattractive!

It emerged from various discussions that since the signing of the peace deal and particularly following the death of Dr John Garang, Sudan has experienced a dramatic increase in the number of previously internally displaced refugees trekking



back to the South. This relatively unreported mass exodus of southerners from the North (also dubbed by the BBC as the largest movement of people in recent history) has seen an estimated 6 million people relocate to the South largely on foot.<sup>8</sup> The returnees travel in groups, opting to walk 400km to Raga (south-west Sudan) while others use available trucks and boats on the Nile. Unfortunately for the returnees, they are coming back to very little or virtually nothing in some cases due to lack of adequate housing and infrastructure in most areas of the South. This exodus has added pressure on the GoSS. Wary of poor people moving into camps in the South and becoming dependant on aid, the UN has reportedly been reluctant to embrace returnees. Still, this has not deterred the movement of internally displaced people, thus creating the possibility of another humanitarian crisis occurring, albeit in a time of peace. Despite limited funding officials from UNOCHA, WFP, the ICRC, and IRC<sup>9</sup> are registering people in camps and distributing food and medical aid with the assistance of and coordination by the GoSS.

According to some, part of the problem is that the UN's appeals for aiding the South have fallen on deaf ears due to the 'Darfur effect'.<sup>10</sup> It would seem that the more immediate humanitarian crisis in Darfur is soaking up all available funding from willing donors.

According to the New Sudan Council of Churches (NSCC), southern Sudan faces numerous challenges. As a result, one of the most important tasks being undertaken by the NSCC is to help facilitate the spontaneous repatriation of southerners in the diaspora (from northern Sudan and neighboring countries). For a start, the NSCC (with the help of international organizations) has sought to ensure that returnees have adequate shelter. However, the NSCC revealed that the resettlement of returnees is complicated by the heavily mined terrain in the South and non-existent health services or facilities. The situation is made worse by what the NSCC said is a lack of a strong civil society presence that can take part in poverty reduction. In the absence of resources and capacity on the part of GoSS, the NSCC has found itself playing a role in various development projects, including civic education programmes aimed at combating HIV/AIDS and promoting good governance and human rights. According to NSCC, the Equatoria region has the highest prevalence of HIV infections and with the increased movement of internally displaced people, the virus has spread inland at an alarming rate. Due to this

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<sup>8</sup> David Loyn, 30 September 2005, Sudan struggles as millions head south, BBC News, [www.news.bbc.co.uk](http://www.news.bbc.co.uk)

<sup>9</sup> UN Office for Civilian and Humanitarian Assistance, the World Food Programme, the International Committee for the Red Cross and the International Rescue Committee.

<sup>10</sup> These sentiments were echoed in interviews with Dr Barnaba Benjamin, State Minister for International Cooperation and Bona Malwal, advisers to both Bashir and Salva Kiir

movement, other areas such as Yei have seen infection rates rise to between a 20-30%, while Yambio had recorded an increase of between 10-20% by the end of 2005.

One of the biggest problems facing the NSCC is the widespread availability of small arms and light weapons which have seen most families in the South arm themselves. In its opinion, the problem of small arms explains the rise in post-war violence in Yambio and Yizo. Added to this is the threat of militias in the region such as the Lords Resistance Army (LRA) in northern Uganda and Arab nomads fighting to wrest control of pasture and water sources from indigenous groups in the South.

According to the New Sudanese Indigenous Non-Governmental organizations (NESI-Network) (another civil society organization in the South), GoSS faces numerous problems in ensuring that southerners have access to education, health facilities and sanitation. Although NESI claims to be playing its part in providing such services, it says it is worried about the activities of well funded 'indigenized' NGOs backed by northern Islamic ideologues who are bent on creating religious tension in the South. Like most NGOs in other countries, NESI says its presence on the ground has enabled it to monitor human right abuses and to document and issue public statements highlighting any evidence of ethnic cleansing. The organization has used this strategy to internationalize the crisis in the South and mobilise support from the international community.

In NESI's view, the peace process in Sudan was concluded too rapidly with the result that the SPLM was caught ill-prepared or was overwhelmed by the events and challenges that the post-CPA dynamics have presented the South. The representative pointed out that the influx of returnees has fuelled tension in the South in the sense that those who remained behind tend to label the former as collaborators. The tension between those who perceive themselves as indigenous southerners and those characterized as arabised southerners may act as a source instability during the transition, NESI argues. The situation is made worse by the activities of northern backed NGOs that are fueling ethno-religious divisions and allegedly running an 'arabisation agenda'. Of particular concern to NESI has been the emergence of a multiplicity of militia groups within the South. NESI estimates that the numbers of these militia groups have increased from 10 – 30 in the year following the signing of the CPA. In its opinion, the emergence of this militia is reflective of the general tendency towards the militarization and politicization of historical or already pre-existing ethnic tensions in the South. According to NESI, the situation is made worse by the fact that some of these militias are loyal to some

SPLM commanders. To resolve these ethnic tensions and divisions in the South, NESI echoed the need for a South/South dialogue.

### **Brief analysis of the state of the transition**

There is no doubt that the signing of the CPA brought a measure of peace to Sudan. However, numerous problems remain unresolved as the discussions with various stakeholders clearly revealed during the IGD team's brief visit. One of the greatest challenges facing the transition is how to quickly turn the cessation of hostilities into a discernible peace dividend. There is clearly a need for the African Union (AU) and the broader international community led by the UN to speedily mobilize resources for development, (particularly in the South). More importantly, the resolution of the Darfur crisis remains critical if sustainable peace is to hold in Sudan as whole. What is needed is - a way to make the transition process as inclusive as possible. The danger is that the CPA will continue to be seen as a pact between two warring parties, negotiating a power-sharing arrangement for themselves. The commonly held view was that major peace brokers such as the United States need to avoid high-handed strategies that alienate other players and thus hinder a more nuanced understanding of the internal political dynamics in Sudan. One proposal was that dialogue involving the various political parties outside the CPA or the unarmed opposition needs to be initiated. Such dialogue could help establish consensus over contentious issues arising from the skewed implementation of the CPA such as: the status of Abyei, Southern Kordofan and the Southern Blue Nile; the status of the national capital; the issue of secession; and political repression by the ruling NCP.

There is no doubt in the minds of unarmed opposition leaders that the CPA, its positive aspects notwithstanding, may have set the stage for the effective division of Sudan into a North and South. If this is true, the split between the North and South will inevitably trigger new conflict, particularly in the three districts of Abyei, Southern Kordofan and Southern Blue Nile which lie in the oil-rich border region between the North and the South. Assuming that these three districts opt to join the South, this could have adverse effects on the livelihood of northern nomadic tribes that rely on these areas for grazing and water during the dry season. Besides, the issue of oil alone could either trigger inter-ethnic conflict such as that witnessed in Darfur, or worse, presage a return to war between the North and South.

The current situation is complicated by the fact that the status of the national capital remains unresolved. This is particularly important for the unarmed opposition that yearns for more democratic space in the capital. Already some

observers say that they have evidence that the government has delayed settling the issue in order to use *Sharia* law to maintain its stranglehold on the SPLM and to reclaim lost political ground.

There may also be some substance in the argument that the CPA helped set the stage for secession by creating two separate governments, both with different structures and different armies. If the objective is to make unity attractive, then the slow or rather piecemeal implementation of the peace agreement will most likely result in the opposite happening. After all, contained in the CPA is an implied opt-out clause for the South to secede should unity prove unattractive. At present, there are just too many reasons that make such unity completely unattractive. These may provide the SPLM with an excuse to opt for secession rather than unity. However, if the South were to secede, this would open a Pandora's Box in the whole of Sudan. Not only would such a decision violate the African Union (AU) Charter on secession but it would also set a negative precedent for other regions already characterized by conflict both within and around Sudan. While secession may look 'attractive', it may be worth noting that no seceding entities have ever lived in peace with each other or their neighbours. The case of Ethiopia/Eritrea, Western Sahara/Morocco, India/Pakistan and North Korea/South Korea are instructive. In any case, secession would mean that the South itself would automatically become landlocked. When this happens, it will be at the mercy of the North, especially in as far as access to sea ports is concerned.

Furthermore, ample evidence emerged in meetings with Sudanese groups that the ruling party is openly violating the spirit of the CPA. For example, opposition parties argue that in the months leading to the signing of the CPA (and the formation of the GNU), the GoS passed a series of laws aimed at weakening the future role of the SPLM in the GNU. They also alleged that the GoS denuded all strategic ministries before the agreement was signed and then handed over institutional shells to the SPLM. For example, they argue that before the agreement was signed, the Ministry of Foreign Affairs was divided into two, thereby effectively giving the former minister of foreign affairs (now the presidential diplomatic adviser) effective power over the SPLM in foreign policy decision-making and in the appointment of Sudan's ambassadors and diplomats. Hence, while the SPLM holds the foreign ministry, decisions over foreign policy and diplomatic appointments have been placed directly under the president. This means that the SPLM's role in shaping foreign policy is severely weakened. Yet another example is that of the Ministry of Agriculture where authority over the control of strategic irrigation schemes was moved to a separate and 'independent' body controlled by the president Al Bashir.

## **Conclusion**

There is an obvious sense of restlessness in Sudan over the handling of the implementation of the peace process and the uneasy state of its transition among political groupings in general. While, unarmed opposition parties feel completely left out of the CPA, the SPLM, a supposedly equal partner in GNU, itself appears weak against the more organized NCP. To make matters worse, the SPLM seems to be divided between Garang loyalists, on the one hand, and Salva Kiir's followers, on the other. Although some opposition parties sense that the NCPs grip is weakening, they also point out that the shift of political power from the civilians to the military in the ruling party not only explains the attitude of the government to the CPA, but also does not augur well for the establishment of sustainable peace in Sudan. Clearly, the role of the international community remains central to the success of the transition and could be enhanced in the form of development assistance and the promotion of broad-based internal dialogue amongst Sudanese political parties, armed groups and civil society. Crucially, several interesting scenarios emerge out of this analysis of the state of Sudan's year-long transition.

### **Scenario One: The 'Somaliarization' and the continued withering away of the Sudanese state:**

If a precedent is set for secession, it is highly likely that regions such as Darfur, eastern Sudan and the far North will follow suit. There is likely to be more evidence of armed activity in the North and the East. More importantly, within the South, secession will effectively remove the single most important issue that kept it united for so long: the 'enemy' or the North. When this happens, the fragile identity that the South has forged during two and a half decades of war will quickly dissipate, thereby opening the way for intra-ethnic conflict. It thus needs to be pointed out that while secession may be an option, the South (which is by no means a politically homogenous entity), may help set-off ethnic conflict in the northern parts of Uganda. Here, the Acholi (linked to the Lord Resistance Army and who also share close historical ethnic links with some southerners such as the *Shilluk*) may also seek independence.

### **Scenario Two: The continued internationalization of Sudanese crisis:**

In order to avoid the Somaliarization (fragmentation) of Sudan, the international community may be compelled to play a much more prominent role in the internal affairs of Sudan. A suggestion from one of the major political parties was that if Sudan is allowed to descend into further chaos, the UN may be forced to take over governing the territory via a trusteeship arrangement.

**Scenario Three: The CODESA option:** In the opinion of most political parties, a viable solution to the problems facing the transition will be an internationally

sponsored internal dialogue, aimed at establishing consensus amongst all political players. Such a dialogue would set the stage for a process of truth and reconciliation in Sudan. The parties argued that the South African model (Codesa talks) could go a long way in helping to resolve's Sudan's seemingly intractable internal political crisis and open the way for sustainable peace, democracy and development.

**Addendum 1:**

**The Comprehensive Peace Agreement timeline**

- 9 January 2005:** Signing of the Comprehensive Peace Agreement in Nairobi; beginning of the six month pre-interim period.
- 30 April 2005:** Formation of the National Constitutional Review Commission.
- 18 June 2005:** Agreement signed between the Government of Sudan and the National Democratic Alliance (NDA).
- 26 June 2005:** The National Constitutional Review Commission concludes work on the new interim national constitution and sends it to the parliamentary bodies of the government and the SPLM for ratification.
- 9 July 2005:** SPLM Chairman Dr John Garang sworn in as 1<sup>st</sup> Vice-President, launching the new institution of the presidency; Interim National Constitution signed by Garang and President Omer el-Bashir; pre-interim period ends, six-year interim period begins.
- 18 July 2005:** The Southern Sudan Constitution drafting committee is formed.
- 19 July 2005:** Garang dissolves existing administrative structures in the South and appoints caretaker administrators in the ten southern states to unify the SPLM and government administrations in the South ahead of the formation of the Government of Southern Sudan.
- 9 August 2005:** The Government of National Unity is expected to be formed.
- 9 September 2005:** The Government of Southern Sudan is expected to be formed.

**9 July 2009:** The deadline for holding local, state, national and presidential elections, according to the CPA.

**9 July 2011:** The end of the interim period, and the holding of the southern self-determination referendum.

**Addendum 2:**

**List of Interviewees**

The research team conducted extensive formal and informal interviews with the following key players, stakeholders, political parties, armed groups and civil society:

1. Presidential adviser Dr. Ghazi Salahuddin Atabani – adviser to president Bashir
2. Presidential adviser Bona Malwal – adviser to both Bashir and Salva Kiir of the SPLM.
3. Al Immam Sadiq al Mahdi - President, UMMA Party.
4. Hassan al Turabi of the Popular Congress
5. Ali Mohamoud Hassanein - Deputy President of the Democratic Union Party (DUP)
6. Dr. Barnaba Muriel Benjamin (State Minister for International Cooperation).
7. Commander Lemi Lomuro Logwonga, SPLM technical adviser to the Joint Defence Board (JDB).
8. Mr Faroug Jad Koth, a leader in Southern Salvation Front.
9. Akuei Bona Malwal, southerner activist from SSDF (Southern Sudan Democratic Forum) was based in USA.
10. Women in Politics UNDP Program for politically active women & women from NGOs.
11. Prof. Faroug Kadouda of the Sudanese Communist Party.
12. Mohamed Ibrahim Nugud – Secretary General of the Sudanese Communist Party.
13. Media Personnel:
  - Taha Mohammed Al-Numan – Al-Wataan Daily
  - Mahgoub Erwa – Journalist
  - Abdulseed Jahis – Alayam Daily
  - Amel Ahmed Tabidi – Journalist
  - Abdallah Adam Khalil – Journalist
  - Afaf Abukousharow – Journalist
  - Ekhlash Hassan - Journalist
14. Darfur Forum for Peaceful Coexistence:

- Gen. Ibrahim Suliman Hassan(Forum Leader)
- Mohammed Issa
- Zeidan Abdelkarim Youssef
- Faroug Adam Abubaker

15. Darfur National Peace and Development Forum (*Janjaweed*):

- Lt. Gen. Adam Hamid Musa (Forum Leader)
- Mohammed Ibrahim Izzat
- Mohammed Ahmed Maala
- Awad Ishage Dihaish
- Abdullah Rayas
- Asma Mohammed

16. Beja Congress representative.

17. Mr. Peter Tibi, Executive Secretary of the New Sudan Council of Churches (NSCC), Nairobi.

18. Ms. Susan Jambo, Coordinator of the New Sudanese Indigenous NGO Network (NESI), Nairobi.

**Addendum 3: List of Acronyms**

BC - Beja Congress

CPA - Comprehensive Peace Agreement

DUP - Democratic Unionist Party

GNU - Government of National Unity

GoS - Government of Sudan

GoSS - Government of Southern Sudan

ICRC – International Committee for the Red Cross

IRC - International Rescue Committee.

JDB - Joint Defence Board

JIU - Joint Integrated Unit

LRA - Lords Resistance Army

NCP - National Congress Party

NDA - National Democratic Alliance

NESI - New Sudanese Indigenous Non-Governmental organizations (NESI-Network)



NGO's - Non-Governmental organizations

NIF - National Islamic Front

NSCC - New Sudan Council of Churches

SPLA - Sudan People's Liberation Army

SPLM - Sudan People's Liberation Movement

SSDF – Southern Sudan Defence Force

SSDF - Southern Sudan Democratic Forum

SSF - Southern Salvation Front

UNOCHA – UN Office for Civilian and Humanitarian Assistance

WFP – World Food Programme

**Che Ajulu is a Researcher in the Africa and Southern Africa Programme,**

**Dr Timothy Othieno is a Senior Researcher also in the Africa and Southern Africa Programme, and**

**Dr Nhamo Samasuwo is Programme Director: Multilateral; all are with the Institute for Global Dialogue.**

# Map of the Republic of Sudan



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Department of Peacekeeping Operations  
Cartographic Section