THE POLITICS OF GOVERNANCE
IN POST-WAR SUDAN:
PROBLEMS AND PROSPECTS
FOR A UNIFIED STATE

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Thesis submitted towards the degree of Doctor of Philosophy
within the Centre for Arab and Islamic Studies
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DECLARATION

This thesis is my own work. To the best of my knowledge, it contains no material previously published or written by another person, except where due acknowledgment is made in the text of this thesis. Nor does it contain material that to a substantial extent has been accepted for the award of any degree or diploma of a university or institute of higher learning.

The work contained in this thesis has not been submitted for a higher degree to any other university or institution.

Wendy Levy

22 February 2010
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My connection to Sudan dates back to 1983 when I visited friends teaching in the Nuba Mountains and stayed on to work with Sudanow magazine. From that day until this, my friends and colleagues have assisted and inspired me, suggesting avenues for research, facilitating introductions, sharing information and providing hospitality in Sudan and elsewhere. Towards this particular venture, Abbas Younis Adam, Mac Maika Deng, Abuk Ayom and Abdon Agaw provided friendship and support, as did John Ashworth, who was a constant source of knowledge on Sudanese issues, along with Alfred Taban, Gill Lusk, Peter Verney and Carol Berger. My former colleagues from the United Nations Development Programme in Khartoum were both kind and helpful; while in Australia, members of the Sudanese communities shared their views on political developments. To those who for a variety of reasons are not named here, in particular those who helped me with my fieldwork, you have my sincere thanks.

Special thanks are due to my family and friends for their support while I undertook this venture.
ABSTRACT

In January 2005, after more than 20 years of war, Khartoum’s Bashir government and the Sudan People’s Liberation Movement/Army (SPLM/A) signed the Comprehensive Peace Agreement (CPA). In effect, the agreement was less about providing comprehensive peace and more about introducing a six-year cooling-off period of interim arrangements during which the war-torn south could rebuild under a semi-autonomous Government of Southern Sudan (GOSS). Power-sharing protocols decreed that President Bashir and the ruling National Congress Party (NCP) would work with SPLM in a national government, along with opposition groups from north and south. Wealth-sharing protocols ensured the south could profit from their local oil fields, with the money used to bolster the GOSS budget. A census would be followed by elections and in 2011, a referendum in which southerners could vote for separation or to remain part of a united Sudan.

The interim period gave the NCP and the SPLM another chance – perhaps Sudan’s last – to make the north-south partnership work, an opportunity for the north to ‘make unity attractive’ to the south, for both north and south to attempt reconciliation. The south would have some time to get back on its feet, to set up regional and state governments and administrative mechanisms for the region that had spent so long at war.

This thesis looks at the politics of governance in post-war Sudan, specifically its problems and prospects as a unified state. It looks at current events and indications for Sudan’s future as a unified or separate states, as a peaceful and productive region or an area fragmented by war. It investigates how the peace agreement is being implemented in its earlier years, how people talk about it and support it – or not – in both north and south. It discusses the rhetoric of national, southern and state governments and opposition groups, and notes the protracted negotiations between the NCP and SPLM on a variety of CPA issues and the rise of insecurity in southern Sudan. It looks at perceptions of service delivery and the peace dividend and any influence on voters as they head towards elections and the referendum.
## CONTENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declaration</td>
<td>ii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>iii</td>
</tr>
<tr>
<td>Abstract</td>
<td>iv</td>
</tr>
<tr>
<td>Contents</td>
<td>v</td>
</tr>
</tbody>
</table>

## INTRODUCTION

Overview 1

Thesis structure 3

Methodology 5

Literature review 5

## CHAPTER ONE: From celebrations to desolation

Introduction 8

Signing the peace deal 9

The six agreements 10

Governance, self-determination and religion: The Machakos Protocol 11

Keeping Sharia 14

Security 15

Wealth-sharing 17

Oil 19

Power-sharing 20

Southern participation 22

Resolving conflict in Abyei, Southern Kordofan/Nuba Mountains and Blue Nile 23

Abyei 23

Southern Kordofan/Nuba Mountains and Blue Nile 25

Omissions and grey zones in the CPA 27

Who owns the peace agreement? 29

Who are the Sudanese? Who are the citizens? 31
Lessons learned from the 1972 Addis Ababa Agreement 32
Pre-interim period 35
Joint Assessment Mission 36
Preparing an interim national constitution 37
The interim period begins – Garang arrives in Khartoum 39
The fatal crash and the riots 39
New leadership 41
Conclusion 42

CHAPTER TWO: Sudan’s internal actors

Introduction 44
The state and its citizens 45
Government of National Unity 46
President Omar Hassan Al Bashir 47
Second Vice-President Ali Osman Taha 50
National Congress Party 51
Umma Party 53
Democratic Unionists Party 55
National Democratic Alliance 56
Hassan Al Turabi and the Popular Congress Party 57
Sudanese Communist Party 59
Sudan People’s Liberation Movement 61
First Vice-President Salva Kiir Mayardit 64
Government of Southern Sudan 65
Riek Machar Teny Dhurgon 67
Other southern forces 69
National Congress Party in the south 70
The southern states 71
Darfur 72
East 76
### CHAPTER FIVE: Delivering services to the people in post-war Sudan

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>168</td>
</tr>
<tr>
<td>Capacity-building and institutional development</td>
<td>173</td>
</tr>
<tr>
<td>Public service</td>
<td>173</td>
</tr>
<tr>
<td>Governance and rule of law</td>
<td>177</td>
</tr>
<tr>
<td>Law enforcement</td>
<td>178</td>
</tr>
<tr>
<td>Economic policy</td>
<td>182</td>
</tr>
<tr>
<td>Poverty-reduction strategy</td>
<td>183</td>
</tr>
<tr>
<td>Oil sector management and transparency</td>
<td>184</td>
</tr>
<tr>
<td>Productive sectors</td>
<td>187</td>
</tr>
<tr>
<td>Agriculture and livestock</td>
<td>187</td>
</tr>
<tr>
<td>Private sector development</td>
<td>189</td>
</tr>
<tr>
<td>Social services</td>
<td>192</td>
</tr>
<tr>
<td>Basic education</td>
<td>193</td>
</tr>
<tr>
<td>Health system investment and service delivery</td>
<td>197</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>202</td>
</tr>
<tr>
<td>Roads</td>
<td>202</td>
</tr>
<tr>
<td>Electricity</td>
<td>203</td>
</tr>
<tr>
<td>Livelihoods and social protection</td>
<td>205</td>
</tr>
<tr>
<td>Internally displaced people and refugee programs</td>
<td>205</td>
</tr>
<tr>
<td>Mine clearance</td>
<td>207</td>
</tr>
<tr>
<td>Information and monitoring services for Sudan</td>
<td>209</td>
</tr>
<tr>
<td>Census</td>
<td>209</td>
</tr>
<tr>
<td>Conclusion</td>
<td>212</td>
</tr>
</tbody>
</table>

### CHAPTER SIX: Facing the future: findings from interviews in Sudan

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>217</td>
</tr>
<tr>
<td>Principal findings</td>
<td>219</td>
</tr>
<tr>
<td>Leadership and government</td>
<td>219</td>
</tr>
<tr>
<td>Living conditions and services</td>
<td>226</td>
</tr>
<tr>
<td>Security</td>
<td>236</td>
</tr>
</tbody>
</table>
Census, elections and referendum 240
Conclusion 250

CHAPTER SEVEN: Prospects for post-CPA Sudan: some conclusions

Introduction 254
Governing the south 256
Southern leaders 257
Looking forward 259
Governing the nation 260
National leaders 261
The Darfur factor 262
International viewpoints 263
The West 264
Arab League countries 264
African Union countries 264
China 265
United Nations 266
International Criminal Court 267
Challenges ahead 267
Border demarcation 267
Security 269
Elections 270
Influencing public opinion 273
Referendum 274
Where to from here? 277
Conclusion 280
TABLES

1. Size and distribution of Sudan public service, 2004 173
2. Proposed GOSS average monthly wage, 2005, US$ 175
3. Cost of top six GOSS expenditure priorities, 2008-2011, US$m 292
4. Overall GOSS financing needs, 2008-2011, US$m 292
5. Estimated financing gap for GOSS, 2008-2011, US$m 293

APPENDICES

1. Chronology 282
2. Map of Sudan 285
3. Ethnographical map of Sudan 286
4. Fifth Population and Housing Census, Sudan, 2008 287
5. Livelihood systems by administrative boundaries 288
6. CPA: Sharing of non-oil revenue and taxation matters 289
7. Oil concessions in Sudan 291
8. GOSS expenditure, 2008-2011 292
9. Abyei area: a comparative map 294
10. UNMIS facts and figures 295
11. UNMIS deployment, October 2009 296
12. UNAMID facts and figures 297
13. States parties to the Rome Statute of the International Criminal Court 298
15. UN Security Council Resolution 1870 (2009) 301

BIBLIOGRAPHY 306
INTRODUCTION

Overview

This thesis explores the politics of governance in post-war Sudan, specifically its problems and prospects as a unified state. After looking at the provisions of the Comprehensive Peace Agreement (CPA), it focuses primarily, but not exclusively, on the first four years of the CPA from January 2005 to January 2009. It discusses current events and indications for Sudan's future as a unified state or separate nations, as a peaceful and productive region or an area fragmented by war. The thesis is about the peace agreement between the central government and the south and while it does reflect on the situations in the west in Darfur and in the east, this is in the context of the implications of those conflicts for the CPA.

It investigates how the peace agreement is being implemented, how people talk about it and support it — or not — in both north and south. It discusses the rhetoric of national, southern and state governments and opposition groups, and their commitment to keeping the peace and the experiences of those in civil society. It did not attempt to cover milestones such as the elections, where the timing was uncertain, but it does draw on material into 2010 where relevant, including the charges brought by the International Criminal Court against President Bashir, and pre-election analysis.

At least for now, Sudan is the largest country in Africa. Around 39 million people live within its 2.5 square million kilometres of desert, savannah and forest. They speak more than 100 languages, including Arabic, English, Dinka, Bari and Beja. They follow Islam, Christianity and noble spiritual beliefs. The cultural richness and variety inside the country are echoed in its diverse range of neighbours. Sudan shares borders with Egypt, Eritrea, Ethiopia, Kenya, Uganda, Congo, Central African Republic, Chad and Libya. It belongs to both the African Union and the Arab League. Had history treated Sudan more kindly, its size and strategic location could have made it a bridge between Arab and African, and Islamic and non-Islamic, nations. However, rather than becoming

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1 Sudan Tribune (ST), Census committee say population is at 39 million, Khartoum, 26 Apr 2009.
2 Term coined by then foreign minister Mansour Khalid for use in a past constitution, to describe Sudan's traditional animists and spirit worshippers.
this bridge, or achieving its goal to become the breadbasket of the Arab world, Sudan's progress has been thwarted by civil conflicts, famine and poverty pre-dating independence in 1956 and stretching to the present day.

The CPA signed in Nairobi on 9 January 2005 marked the end of the second, 21-year civil war in the south of the country and provided the opportunity for the nation to develop anew. It addressed long-held grievances such as the Khartoum-centric distribution of resources and limited employment opportunities for people hailing from the south. The peace agreement provided for the formation of both a central Government of National Unity (GNU) and a semi-autonomous Government of Southern Sudan (GOSS), with the leader of the southern government also becoming First Vice-President of Sudan. This system is designed to remain in place for six years, with a census held in 2008 and elections scheduled for 2010. Finally, the peace agreement provides for a referendum in the south in 2011, where southerners vote to keep their region part of Sudan or to form a separate country. The performance of the national and southern governments in delivering services and enhancing peace and strategies of survival for all citizens is crucial to the result of the referendum and the future of Sudan.

In theory at least, the Government of National Unity (GNU) offers Sudanese from all parts of the country a chance to engage in genuine power-sharing. Historically it is the north that fails to grasp the opportunity. This time the south, in particular senior members of the Sudan People's Liberation Movement (SPLM), may already be determined to go it alone.

This thesis studies both the national government and the fledgling southern government, to determine their effectiveness and how their behaviour and attitudes may influence the 2011 referendum. Indicators will include public satisfaction with service provision, elite accommodation in a power-sharing scheme, and the ability of both GNU and GOSS to contain former armed groups such as the South Sudan Defence Force.

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5 The census was delayed from 2007, the elections were scheduled for 2009, but will now take place in April 2010. Lack of preparedness, including poor or non-existent infrastructure, and the considerable logistical difficulties posed by the rainy season have contributed to the delays.
Southerners demand the right to be fully engaged in the national government, to be full citizens of Sudan rather than merely subjects of a northern-dominated power elite.\textsuperscript{6} In the south, GOSS is under pressure to upgrade infrastructure, provide services and ensure security, in effect, to deliver the promised peace dividend to its people after the disruptions of two decades of war.

Northerners also watch developments in the south with interest, knowing the success of the CPA will determine the future of the country as a whole. This thesis looks at northern political attitudes and whether or not people are ready to allow Sudan to be governed on an equal basis.

The conflicts in Darfur and eastern Sudan have also affected the stability and morale of the wider peace process. In March 2009, charges of war crimes laid by the International Criminal Court against President Bashir brought local and international reaction, and put pressure on the alliance between Bashir's National Congress Party and the SPLM. This thesis examines the implications for the CPA.

**Thesis structure**

The Introduction provides an overview of events in Sudan, an outline of the thesis structure and the literature review and methodology.

Chapter 1 looks at the period from the signing of the CPA in January 2005 to the untimely death of First Vice-President and SPLM leader John Garang de Mabior in July 2005 and the subsequent appointment of his replacement. It analyses the peace deal, looking at what it contained – and what it did not – and the key players. It discusses the support, interest and confidence of different sectors of the population. It investigates why the SPLM agreed to conditions such as keeping Sharia as governing law in the national capital as well as throughout the north, even though Islamic law has been a huge bone of contention for non-Muslims and those Muslims supporting a secular state. It looks at control of the oil fields and other resources and international reactions. It looks at the engagement of ordinary Sudanese in the process. It discusses lessons learned from the highs and lows of the 1972 Addis Ababa Agreement, which ended Sudan's first civil war.

It looks at how these factors contribute to the good management and wellbeing of a future unified Sudan. The three disputed areas – Abyei, Nuba Mountains and Blue Nile – are discussed, including the likelihood of fighting there in the event that the south secedes to form a separate nation. It covers the six-month pre-interim period that began when the CPA was signed and the early days of the six-year interim period that commenced when SPLM leader John Garang was sworn in. It covers preparation of the new constitution, Garang’s death and analyses subsequent race riots across Sudan, exploring effects on public confidence and goodwill.

Chapter 2 provides an overview of the elites in both national and southern governments, discussing regional power structures and the role of militias and other armed groups. It outlines the delineation of responsibilities and the ways the two governments work together for the benefit of Sudan.

Chapter 3 examines the role of civil society in Sudan, including the emerging groupings in the south. It looks at the different racial power groups in both central and southern governments and at the role of religion and patronage in providing advantages. It discusses the major political parties and the influence of groups in the diaspora.

Chapter 4 looks at key international players, that is, foreign governments, the United Nations, African Union and Arab League. It also examines the role of international non-government organisations, their performance and impact on government outcomes. It explores the premise that some groups or agencies may have already expressed their preference for a united or divided Sudan based on past experience working in the southern war zone or elsewhere in Sudan.

Chapter 5 discusses public satisfaction with services provided by official authorities at different levels. It looks at public goods in terms of the effect on economic development, security and equity, social justice and women. It identifies some key ministries at both southern and national levels and examines performance. Portfolio studies include health, education, transport and oil.

Chapter 6 investigates the views of people in the south and in Khartoum, using the author’s fieldwork to discuss the questions raised in Chapters 2 to 5. It draws on interviews with people from a range of backgrounds living and working in Juba, Yei, Rumbek, Malakal and Khartoum.
Chapter 7 provides the conclusions. It discusses the challenges for the second three-year period (January 2008 – January 2011), analysing attitudes in north and south, looking particularly for any public shifts or rapprochement between the groups. It analyses events in the disputed areas of Abyei, Nuba Mountains and Blue Nile and notes the effect of the conflicts in Darfur and the east. It discusses the likely outcome of the referendum and the ability of Sudanese to live separately – or together. It explores whether the internal and external actors have found a way to keep Sudan developing in peace as one country or the contrary has occurred and the opportunity for rapprochement and a truly unified nation has been lost.

Methodology

The thesis is multi-disciplinary and cross-cutting, exploring multiple themes in an effort to look at the realities of the political environment in post-agreement Sudan. It draws on the work of political scientists and/or practitioners experienced in conflict resolution, peace-building and aid delivery to discuss the needs of the nation, in particular, the requirements and aspirations of the people and fledgling government of southern Sudan. It is based on extensive fieldwork in Sudan – including Juba, Yei, Rumbek, Malakal and Khartoum – and on interviews, discussions and correspondence, both formal and informal, with Sudanese and other interested and experienced observers in Australia and around the world. During fieldwork, in particular, it was possible to conduct semi-structured interviews with bureaucrats, politicians, the general public and observers to learn more about views of the CPA and Sudan's future prospects.

Literature review

The thesis focuses on the period from 2005 onwards and has been conducted in 'real time', that is, at the same time as the events discussed are unfolding. This has necessitated keeping a close eye on daily media coverage and analysis, a wide range of reports, articles in journals and other publications and a growing array of books and expert works concerning Sudan.

Taking the media category first, it has been gratifying to note the virtual explosion in coverage of events in Sudan. By this, the author is referring to the increasingly wide
variety of news stories, feature articles and analysis emanating from Sudan, in particular the marked increase in stories sourced from within southern Sudan, including regional areas such as Rumbek and Bor. Traditional sources such as the BBC, *Africa Confidential* and major news agencies have been joined by a variety of local newspapers, radio stations, television and web sites. Local journalists file regular reports from their regions for the online *Sudan Tribune*, papers such as *The Citizen* and *Khartoum Monitor*, and for radio station such as the UN station Miraya FM. The presence of a Reuters reporter on the ground in Juba, as well as the traditional cohort in their bureau in Khartoum, coupled with regular visits from other international news outlets, has also ensured that in this internet age, more news travels more widely — and faster than ever before — out of southern Sudan. The 'Grass Curtain' that bedevilled the south in years gone by has finally lifted, revealing a busy and lively region whose people are keen to move ahead and leave the war years behind. That it can be difficult to work as a journalist in Sudan, especially for those wishing to write freely and fearlessly, makes the contribution of these local and international journalists and publishers even more precious and the efforts of local and international bodies that seek to protect them in their work all the more valuable.

Also invaluable are news reports from the United Nations Integrated Regional Information Networks (IRIN), providing timely and authoritative accounts from a UN perspective on events in Sudan. Stories from the IRIN newsroom can be sourced through the UN's ReliefWeb, which provides a daily feed of aid-related news items and links to some of the latest reports and studies.

This seemingly never-ending stream of information, whether delivered via ReliefWeb or a variety of other players, includes material from government, non-government and UN sources. First and foremost are the reports that deal directly with the workings of the CPA, starting with the 2005 reports by the Joint Assessment Mission.

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7 Also Gurtong, Sudan Mirror, Sudanese Online, Mango FM, etc; and government-owned outlets such as the national news agency SUNA, Radio Omdurman, Omdurman Television and Sudanow magazine.
8 The author worked for local media in Sudan from 1983-1987.
9 Examples include the Association for Media Development in Southern Sudan, International Federation of Journalists, Amnesty International and Human Rights Watch. Another group, the Khartoum Centre for Human Rights and Environmental Development, was closed in March 2009 along with other NGOs in the wake of government reaction to the International Criminal Court's warrant for President Bashir.
that surveyed Sudan's needs and outlined plans for the redevelopment of the south. Follow-up reports and statements from the UN Secretary-General and other senior UN figures continue to prove useful, while reports and analysis from aid agencies both local and international help to flesh out the picture. Reports outlining the findings of focus groups conducted by the Washington-based National Democratic Institute for International Affairs, sometimes with the Southern Sudan Centre for Census, Statistics and Evaluation, provide fresh and comprehensive insights into current opinions in Sudan, especially in rural areas of the south. Reports from the International Crisis Group have provided detailed information and analysis on both the period before and after the signing of the CPA. Studies by the Small Arms Survey have been invaluable for information about security matters and the players involved, while a variety of reports from the Humanitarian Policy Group of Britain's Overseas Development Institute have proved extremely useful reading. Studies by Emeric Rogier provide essential material for studying Sudan during this crucial interim period, while a battery of reports and books by Alex de Waal are invaluable, especially on Darfur.

The works of a number of writers on Sudan from varying backgrounds, covering a range of areas, have been invaluable. Between them, Peter Woodward, Douglas Johnson and others have written seminal works on the history of Sudan up until the peace agreement. Arop Madut-Arop, Lam Akol and others have produced books about the history of the SPLM/SPLA that are enriched by their local perspective. Oystein Rolandsen's works on the transition of the south and the SPLA provide a wealth of detail and cover ground untouched by other researchers. Francis Deng is in a class of his own and is required reading for all students of Sudan, as well as those interested in anthropology, African life and politics and aspects of the work of the UN.

This thesis draws on the experiences of all of the above, and that of the author, to discuss Sudan's progress and prospects for the future. It aims to describe and then analyse a crucial period in Sudan's history, a story that is still unfolding.
CHAPTER ONE

FROM CELEBRATIONS TO DESOLATION

Introduction

The signing of Sudan’s Comprehensive Peace Agreement (CPA) on 9 January 2005 saw celebrations in Sudan and among Sudanese and their supporters across the globe. At the official ceremony in Nairobi, Kenya, Sudan’s First Vice-President, Osman Ali Taha, and Sudan People’s Liberation Movement (SPLM) leader, John Garang de Mabior, picked up their pens to end to nearly 22 years of war. Years of peace negotiations, mostly in Kenya, backed by the Inter-Governmental Authority on Development (IGAD), a seven-member East African regional development organisation, and the international community, had finally brought a result.

From Nairobi, new First Vice-President of Sudan, John Garang, ordered his troops to ‘celebrate wherever you are’, but also warned that Sudan could split if the peace deal was dishonoured. Six months later, massive crowds greeted Garang when he arrived in Khartoum to be sworn in as First Vice-President on 9 July. The celebrations were still underway when barely three weeks later, on 30 July 2005, Garang died in a helicopter crash near the Sudan-Uganda border. There were riots in Khartoum, Juba and other major Sudanese cities, and bets were off for survival of peace in southern Sudan.

Five years have passed and against the odds, in early 2010, the guns in the south remain quiet – most of the time – and the Comprehensive Peace Agreement is still shakily intact. The national census has been held, and the stage is being set for elections in 2010 and finally, the long-awaited referendum on independence for the south.

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1 IGAD was founded in 1986 by Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. Eritrea joined at independence in 1993, but flagged a temporary suspension from April 2008. It was initially known as IGADD, the Inter-Governmental Authority on Drought and Desertification.
2 J Garang, To all units: 001/01/2005: Signing of the Comprehensive Ceasefire Agreement: Celebrate wherever you are, www.southsudan.net, 1 Jan 2005
3 Agence France Presse (AFP), Rebel chief warns of split Sudan if peace deal is dishonoured, Nairobi, 8 Jan 2005
Signing the peace deal

Sudan's CPA heralded a breakthrough, a chance to stop fighting and rebuild the nation on a more equal footing than previously. It was a golden opportunity for ending the violent conflict, and held the promise of a new basis for defining national identity, according to Luka Biong Deng, Minister of Presidential Affairs in the Government of Southern Sudan (GOSS). He told a United States Congress committee in January 2007 that the agreement recognised cultural and religious diversity as a virtue and a basis for peace building, citizenship and legal pluralism. 'Specifically, the new Sudan has been defined as multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversities co-exist and are sources of strength, harmony and inspiration for the Sudanese people and shall not be used for causing division.'

Many shared this view, particularly those from southern Sudan, but also in the north, where citizens took to the streets to celebrate the end of war and what they hoped was the beginning of better times ahead.

The agreement had been a long time coming. There had been numerous attempts over the years to bring the warring parties to the negotiating table. By 1993, the heads of state of the countries of IGAD were on the case. The various demands and requirements of the warring parties covered a wide range of political territory, some issues were to prove relatively easy to resolve, while others were so hot that discussions continued until the eleventh hour. Nevertheless, the talks continued in fits and starts and with persistent efforts from the IGAD member states and from the African Union, United Nations, Italy, Norway, United Kingdom and the United States of America, eventually producing the 2005 accord.

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The six agreements

With IGAD mediating, the Government of Sudan and the SPLM/A\(^6\) signed six protocols. These were:

- Protocol of Machakos – signed Machakos, Kenya, 20 July 2002. The parties agreed to a broad framework, setting the principles of governance, transitional process, structures of government and the right to self determination for the people of South Sudan, and on state and religion.

Negotiations then stalled again. Sticking points included redeployment of forces in eastern Sudan and financing of the SPLM/A. It took sustained pressure from the international community, UN Security Council, UN Secretary-General and his Special Representative for the Sudan, African Union and IGAD, for the parties to agree to resume peace talks in Nairobi on 7 October 2004.\(^7\)

The high-level discussions between Sudanese First Vice-President Ali Osman Taha and SPLM chairman John Garang covered arrangements for a permanent ceasefire during the pre-interim and interim period. By 16 October 2004, they had resolved matters concerning the Joint Integrated Units (JIUs) in Eastern Sudan, establishment of JIU service arms, a collaborative approach for handling other armed groups, and other issues including the role of the United Nations Peace Support Mission.\(^8\)

Final consensus was reached on 31 December 2004, at Lake Naivasha. Sudanese President Omar Hassan Al Bashir flew in to witness the signing. In his memoirs, chief

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\(^6\) SPLM/SPLA and SPLM/A are both used as acronyms for the Sudan People's Liberation Movement/Army.


\(^8\) UNMIS, p. 2.
negotiator Kenyan General Lazaro Sumbeiywo, recalled the last-minute hitches and the rush to organise the official signing ceremony in Nairobi nine days later:

That night, all the parties stayed up late, signing every single page of the Comprehensive Peace Agreement. They did not notice the old year slide into the new. At about midnight, someone popped open a bottle of champagne. Its pop went largely unnoticed by the parties. Some were busy translating the agreement into Arabic, because the parties had insisted that the agreement would not be complete without an Arabic translation. But as the New Year came upon the country, Sumbeiywo and the negotiating parties also knew that a new era, more significant than the New Year, had dawned upon their country.9

John Garang told southerners that the south’s future would now be decided through a referendum rather than the barrel of a gun. ‘While I am and remain a convinced believer in a united secular Sudan on a new basis, a Sudan where no stronger clever persons can cheat their weaker compatriots, I cannot impose my will on the people of South Sudan. The people of South Sudan should use the democratic process given to them by the CPA in order to get their rights.’10

However, there were mixed reactions to the peace deal in both north and south, as Sudanese journalist Arop Madut-Arop explains.

Whereas the majority of the people accepted the peace deal as a means to an end, the northern political leaders, particularly the old guard politicians who have been holding power in the country and those waiting on the wing amid political bickering among themselves, were very elusive in their response. They neither accepted it, in totality, nor rejected it altogether ... It soon became crystal clear that the majority of politicians in the north would accept self-determination for the south as a process that will only bring about voluntary unity in a devolved Sudan but not that would enable the south to secede.11

Governance, self-determination and religion: The Machakos Protocol

The Machakos Protocol covered governance, the transitional process, structures of government and the right to self-determination for the people of South Sudan, and

state and religion. It was 'sensitive to the historical injustices and inequalities in
development between the different regions that need to be addressed'. IGAD mediator
Fink Haysom said Machakos was a breakthrough: 'It not only generated a basis for a
common text, but it also saw the parties agree on both principles and details on issues that
had previously seemed intractable.'

In Machakos the parties agreed that Sudan's unity was based on 'the free will of its
citizens and that it was 'possible to address the grievances of the people of South Sudan
and to meet their aspirations within such a framework'. The parties outlined a
framework for the transition from war to peace, setting down a pre-interim period of six
months from 9 January 2005 (that is, from the date the CPA was signed), followed by an
interim period of six years till 9 July 2011. They discussed the need for a comprehensive
ceasefire and monitoring and for international assistance, and agreed to establish a
constitutional framework for the peace agreement. The people of South Sudan would
have the right to control and govern their region and to participate equitably in the
national government. At the end of the interim period in 2011, they would have the right
to self-determination through a referendum to determine their future status, to be
organised jointly by the Sudanese Government and SPLM.

The Machakos Protocol recognised the obvious – 'that Sudan is a multicultural,
multi-racial, multi-ethnic, multi-religious and multi-lingual country' and confirmed that
religion should not be a divisive factor. There should be freedom of belief and 'all
personal and family matters, including marriage, divorce, inheritance, succession and
affiliation may be governed by the personal laws (including Sharia or other religious
laws, customs or traditions) of those concerned'. There would be a national constitution,
which would be the supreme law of the land. It would 'regulate the relations and allocate

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12 Sudan Government & SPLM/SPLA, Sudan: The CPA: The Machakos Protocol, Embassy of the
13 N Haysom, 'Reflecting on the IGAD peace process: An interview with Nicholas (Fink) Haysom,' in
Accord 18: Peace by piece: addressing Sudan's conflicts, M Simmons & P Dixon (eds), Conciliation
15 Sudan Government & SPLM/SPLA, Mar 2003, p. 3-4.
16 Sudan Government & SPLM/SPLA, Mar 2003, pp. 2-4, 8.
17 Sudan Government & SPLM/SPLA, Mar 2003, p. 5.
the powers and functions between different levels of government as well as prescribe the wealth-sharing arrangements between the same'. All laws must comply with the constitution and it would 'guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens'. It would be drafted by a special commission in the pre-interim period and reviewed during the interim period.\(^\text{18}\)

Sudan's diversity and the need to respect all beliefs were emphasised over and over again. For example, when outlining the framework for a national government, Machakos stated that the government 'in all its laws shall take into account the religious and cultural diversity of the Sudanese people'.\(^\text{19}\) All Sudanese would be eligible for public office, 'including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs'.\(^\text{20}\)

The protocol also addressed a long-standing dispute regarding the source of legislation. It stated that 'nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people. Nationally enacted legislation applicable to the Southern States and/or the Southern region shall have as its source of legislation popular consensus, the values and customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity)'.\(^\text{21}\) The parties agreed to 'design and implement the peace agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan' and to find 'a framework by which these common objectives can be best realised and expressed for the benefit of all the Sudanese'.\(^\text{22}\)

An independent Assessment and Evaluation Commission would be established during the pre-interim period, to monitor implementation of the peace agreement and conduct a mid-term evaluation of the unity arrangements. It would have equal representation from the national government and SPLM, and not more than two representatives from member states of the IGAD sub-committee on Sudan (Djibouti,

\(^{19}\) Sudan Government & SPLM/SPLA, Mar 2003, p. 7.
\(^{20}\) Sudan Government & SPLM/SPLA, Mar 2003, p. 5.
\(^{22}\) Sudan Government & SPLM/SPLA, Mar 2003, p. 3.
Eritrea, Ethiopia, Kenya and Uganda); observer states (Britain, Italy, Norway, United States) and any other countries or regional or international bodies as agreed by the parties.23

**Keeping Sharia**

One issue that remained contentious was whether Islamic law would apply in the national capital, Khartoum. How could the mostly non-Muslim Southerners live there equitably if they were to be subject to Sharia?

The International Crisis Group (ICG) noted the national capital's status had always been one of the most difficult issues, and would be one of the last to be resolved, as the government was unwilling to compromise. The government argues, with some merit, that the SPLA is trying to renegotiate issues resolved implicitly in the Machakos Protocol, while the SPLA says that this is a national matter and thus not addressed by the agreement to allow Sharia law in the north.24 The ICG argued that the ruling party would be unable to keep its constituencies in line if it accepted a secular capital. However, some accommodation on the status of non-Muslims – with specific legal and institutional safeguards for religious and racial minorities – could facilitate agreement.25 The ICG also stressed the dangers of keeping Sharia for all Khartoum residents, saying anything less than a neutral administrative capital would go 'a long way towards dissuading southerners from voting for unity and limit the SPLA’s willingness to support unity'.26 Their suggestion for an administrative enclave was not taken up and Sharia remained in place, albeit for Muslims only.

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Security

After two decades of war, Sudan was awash with arms. Weapons were carried by the two armies, the Sudanese Armed Forces (SAF), 100,000 personnel;\(^{27}\) and the Sudan Peoples Liberation Army (SPLA), for which estimates range between 20-30,000 and 80,000 personnel,\(^{28}\) and by police, prisons, intelligence and wildlife forces. There were large and numerous groups of weapons-carrying militia with varying agendas, in particular the Southern Sudan Defence Forces (SSDF), estimated at around 35,000,\(^{29}\) and there was insecurity along much of the borders, especially with Uganda, where the Lord's Resistance Army wreaked havoc.

A survey in April 2007 estimated 1.9 to 3.2 million small arms were in circulation in Sudan, with two-thirds held by civilians, 20 percent by the Government of National Unity and the rest split between the Government of Southern Sudan and current and former armed groups.\(^{30}\) The fear and distrust among the warring parties made it paramount that two armed forces be kept throughout the interim period. Both groups were to be treated equally as Sudan's national armed forces and would begin downsizing in a regulated manner after the comprehensive ceasefire.\(^{31}\) Joint Integrated Units (JIU) would be formed during the interim period, with equal numbers from the SAF and SPLA. It was envisaged that these units would be a symbol of national unity and sovereignty during that period and would 'constitute a nucleus of a post-referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and


\(^{28}\) Cited as 20,000-30,000 in International Institute for Strategic Studies, 2004, p. 29. Cited as 30-40,000 to 80,000 (if pastoralists included) in E Rogier, *Designing an integrated strategy, for peace, security and development in post-agreement Sudan*, Netherlands Institute of International Relations, Clingendael, The Hague, Apr 2005, p. 20. See also ICG, *Capturing the Moment: Sudan’s Peace Process in the Balance*, *Africa Report No. 42*, Khartoum/Nairobi/Brussels, 3 Apr 2002, pp. 2-3, which notes that SPLA numbers were boosted by 30,000 in January 2002 when Riek Machar's largely Nuer Sudan People's Democratic Front rejoined Garang.

\(^{29}\) E Rogier, Apr 2005, p. 20.


the component parts integrated into their respective forces'. The size and deployment of the JIUs was made clear: 24,000 for Southern Sudan, 6000 for the Nuba Mountains, 6000 for Southern Blue Nile and 3000 for Khartoum.

The two parties also agreed to withdraw their forces behind certain lines. The SAF was to withdraw north of the 1956 north/south border (that is, the border at independence) within two and a half years of signing of the CPA. The SPLA was to withdraw from its bases in Nuba Mountains and Southern Blue Nile to south of the same border, as soon as the JIUs were formed. These redeployments would be assisted and monitored by the international community, and did not include the JIUs.

The security protocol outlined 'a collaborative or partnership approach to security institutions and organisations'; by providing the nucleus of a new national army through the JIU, the parties could gradually downsize their forces and allow the government to mobilise resources for the SPLM/A. Separate forces had been recommended by influential bodies such as the ICG, which argued that southerners were right to believe 'the only guarantee they can rely on, to ensure implementation of whatever is agreed, is for the SPLA to maintain a separate military force during the interim period'. During that period, 'it would be beneficial for joint activities and preparation for the creation of one unified army to be part of the implementation process in tangible ways'.

The protocol was clear that no other armed groups, such as militias allied to either party, would be allowed to operate. Members of those groups could be incorporated into army, police, prisons or wildlife forces, or reintegrated into the fledgling civil society.

The CPA referred to the militias as Other Armed Groups (OAGs) and recognised that bringing them into the fold would not be straightforward. They would be 'a challenge for security arrangements, as long as their position within the south remains unclear'. There were substantial numbers of Khartoum-aligned southern militias, the umbrella

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34 Sudan Government & SPLM/SPLA, Jan 2005, p. 87.
38 ICG, 7 Jul 2003, p. 16.
Southern Sudan Defence Forces (SSDF) being the largest and strongest. In January 2005 it comprised around 30 government-aligned militias that were drawn from local armed tribal groups that arose to protect their communities from the SPLA or from soldiers who followed senior SPLA members Riek Machar and Lam Akol when they split from Garang in 1991. The SSDF not only threatened to undermine the authority of the SPLM/A and the legitimacy of the CPA, but also severely disrupted civilian livelihoods in many parts of the south.39

**Wealth-sharing**

This protocol covers the sharing and allocation of Sudan's common wealth – especially oil – and notes the special needs of the war-affected south, Nuba Mountains, Southern Blue Nile and Abyei areas. It discusses ownership of land and natural resources, sets out a framework for allocation of taxation revenue,40 outlines monetary policy, banking, currency and borrowing systems and established a number of funds for reconstruction and development. Sudan's wealth was to be shared equitably, allowing each level of government to discharge its responsibilities and duties. All parts of Sudan were entitled to development, and the wealth from resources should be allocated to ensure that the 'quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language or region'.41 The agreement established a National Land Commission, a Southern Sudan Land Commission and processes to develop and amend laws as appropriate to 'incorporate customary laws and practices, local heritage and international trends and practices'.42

The protocol provided 'a framework for resource allocation and sustainable decentralisation, establishing comparative underdevelopment and war-affected status as the key criteria for prioritisation of public revenue allocations' and assigned 'a share of oil revenue to the South as well as the right to collect additional local revenue and external

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40 See Appendix 6 for CPA provisions for taxation (sharing of non-oil revenue).
41 Sudan Government & SPLM/SPLA, Jan 2005, p. 47.
42 Sudan Government & SPLM/SPLA, Jan 2005, p. 49.
assistance, and the right to have its own banking system within the framework of the Central Bank of Sudan'.

In negotiations thus far, scant attention had been paid to local government in terms of powers and resources. 'There is little mention of wealth-sharing other than oil, particularly lacking is a vision on important wealth resources, such as water and the land'.

During the peace discussions at Naivasha, several SPLA positions on wealth-sharing had favoured a secession vote. The SPLA's demand for a separate currency was perceived as a step towards independence, while its demand for a southern central bank was just, 'but only within the context of a national Sudanese economic framework, and in coordination with the central bank in Khartoum'.

The wealth-sharing protocol included agreement to establish a separate Bank of Southern Sudan (BOSS), headquartered in Juba. The call for separate currencies was dropped: Sudan introduced new bank notes for the whole country, and returned to the 'pound,' rejecting the 'dinar' that had been introduced by President Bashir.

The protocol also established the Southern Sudan Reconstruction and Development Fund (SSRDF), National Reconstruction and Development Fund (NRDF) and Multi-Donor Trust Funds (MDTFs). The southern fund would raise money for reconstruction and rehabilitation in the south, for resettlement of refugees and displaced people and address past imbalances in regional development, and would be spent by the Government of Southern Sudan. The national fund would develop war-affected and least developed areas outside the south, with its steering committee including representatives from those areas. Two multi-donor trust funds, one for the south and one for the national government, would be established in the pre-interim period for 'urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components'.

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43 Berghof Foundation, 2006, p. 70.
Oil

Sudan has proven oil reserves of 6.6 billion barrels, and in 2008 produced around 480,000 barrels a day, with production forecast to rise to 590,000 barrels per day in 2010.\textsuperscript{47} The black gold was discovered in the 1970s, but civil war forced Chevron and Shell out in 1984, and production did not begin until 1999. At the signing of the CPA, the main players were the state-controlled companies Chinese National Petroleum Company (CNPC) and Petronas Caligary from Malaysia, with Lundin Petroleum from Sweden and ONGC Videsh from India.\textsuperscript{48} Not surprisingly, oil and the revenue it could bring were among the hottest topics of contention for the warring parties. The protocol set out guiding principles for sharing the wealth coming from oil resources in the south, stating that it should 'balance the needs for national development and reconstruction of Southern Sudan'.\textsuperscript{49} Oil was a finite resource and its utilisation must be sustainable, consistent with:

- the national interest and public good
- the interest of affected states and regions
- the interests of the local population in affected areas
- national environmental policies, biodiversity conservation guidelines and cultural heritage protection principles.\textsuperscript{50}

The CPA established a National Petroleum Commission to manage the oil and gas sector. A framework was defined for sharing the revenue raised after payments had been made to an oil revenue stabilisation account. The oil-producing states/regions would receive at least two percent of oil generated in their area. Once payments had been made to the oil-producing area and to the stabilisation account, the remainder would be split 50/50 between the southern government and the national and state governments in the north.\textsuperscript{51} The government argued it had 'already invested in the development of the oil fields and attracted international partners, and that this should be taken into account when dividing oil proceeds'. The SPLA responded that since most of the oil was in the south

\textsuperscript{48} European Coalition on Oil in Sudan (ECOS), *Fact Sheet II: The Economy of Sudan's Oil Industry*, Utrecht, Oct 2007, p. 2.
\textsuperscript{49} Sudan Government & SPLM/SPLA, Jan 2005, p. 52.
\textsuperscript{50} Sudan Government & SPLM/SPLA, Jan 2005, p. 51.
\textsuperscript{51} Sudan Government & SPLM/SPLA, Jan 2005, p. 54.
(according to their geographical definition) and had been taken at the cost of many southern lives, the south deserved the lion’s share.\textsuperscript{52}

Petroleum revenues are the major source of income for Sudan, accounting for 18 percent of GDP, 50 percent of revenue and 80 percent of cash flows in 2009.\textsuperscript{53} The oilfields were in the south and in disputed areas such as Abyei. 'In suggesting a revenue-sharing model, the resource persons at the talks had to strike a balance between the enormous needs for reconstruction and development in the south, on the one hand, and the limited ability of the central government – highly indebted and in considerable financial problems – to share revenues during the first years of the interim period, on the other.'\textsuperscript{54}

Oil wealth had to be linked to reconstruction and rehabilitation of the south to meet the high expectations of the Southern Sudanese. 'But all too often natural resources have turned out to be a curse rather than a blessing for developing countries – they are closely associated with corruption, conflict and severe environmental damage. Increasingly, analysts are arguing that the discovery of oil and minerals in such countries often comes at a price for local industry and agricultural producers in particular.'\textsuperscript{55}

\textbf{Power-sharing}

This protocol outlined the framework of government at national, southern, state and local levels. Government was to be decentralised with a significant devolution of power. The governments would respect each other’s autonomy, collaborate rather than compete, and perform their functions and exercise their powers so as not to encroach on or assume those of another level.\textsuperscript{56}

\textsuperscript{52} ICG, 7 Jul 2003, p. 14.
\textsuperscript{56} Sudan Government & SPLM/SPLA, Jan 2005, p. 13.
A national census\textsuperscript{57} would be conducted before the end of the interim period's second year (scheduled for July 2007, but delayed until April 2008) and general elections at all governmental levels of governments completed by the end of its third year (scheduled for July 2008, but postponed to April 2010).\textsuperscript{58} Crucially, representation of north and south at national level would be based on population ratio. Percentages agreed in the protocol could be confirmed or adjusted following the census. Until the elections, seats in the national assembly would be divided thus:

- 52 percent: National Congress Party (NCP)
- 28 percent: SPLM
- 14 percent: other northern political forces
- 6 percent: other southern political forces.\textsuperscript{59}

The presidency and the specific percentage of southern participation at various levels of the national government were extremely contentious, noted the ICG. 'Discussion of making John Garang (or whoever the president of the South is) the First Vice-President sparked government fears that there could be a southern President if something happened to President Bashir. This issue was further complicated by fears among Vice-President Taha's allies within the government delegation that a Garang First Vice-Presidency would inevitably be at the expense of Taha and his closest – and very powerful – allies.\textsuperscript{60} Nevertheless, the parties agreed that the First Vice-President would come from the SPLM and Taha stepped down to allow Garang to take his position. ICG proposals for a rotating presidency came to nought, although it noted that 'the symbolic value to southerners would be enormous and help solidify SPLA backing for a unity outcome in the referendum'.\textsuperscript{61}

\textsuperscript{57} A milestone for the CPA, it was the first census to include all people of southern Sudan since independence – in part, because civil war had hampered past counts.
\textsuperscript{58} Sudan Government & SPLM/SPLA, Jan 2005, p. 17.
\textsuperscript{59} Sudan Government & SPLM/SPLA, Jan 2005, pp. 18, 20.
\textsuperscript{60} ICG, 18 Dec 2002, p. 17.
\textsuperscript{61} ICG, 7 Jul 2003, p. 11.
Southern participation

Equitable representation in government and the civil service had always been an issue for the south, so the CPA had to address it clearly. The national government was to ensure that the national civil service, notably at senior and middle levels, was representative of the people of Sudan. Existing imbalances and disadvantages must be addressed, there must be fair competition and no discrimination on the basis of religion, ethnicity, region, gender or political beliefs. Targets were set for recruitment into upper to middle level positions, including under-secretaries. Within three years (2008) not less than 20 percent of these positions must be filled by qualified people from the south, rising to 25 percent by five years (2010) and 30 percent by six years (2011). Similar targets were set for general civil service recruitment and training, taking into account the results of the proposed census.

The CPA provided for broader participation in government and the civil service. This will allow the devolution of power from the centre to the peripheries and the restructuring of all the national institutions which must be preceded by the promulgation of a new national constitution that recognises the international conventions on human rights, Sudanese diversities, free and fair elections and good governance etc.

The Southern Sudan Assembly and the various state assemblies also had seats allocated by party, at least until elections were held. In the Southern Sudan Assembly, the SPLM took 70 percent of the seats, the NCP and other southern political forces each took 15 percent and all selected cadres to fill them. In the northern state legislative assemblies, the NCP would hold 70 percent of seats, with 20 percent going to other northern political forces and 10 percent to the SPLA. In the south, the situation was reversed, with the SPLM taking 70 percent of seats, other southern forces 20 percent and the NCP 10 percent. The parties also agreed to begin a process of national reconciliation, its mechanisms and forms to be worked out by the national government.

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64 Berghof Foundation, 2006, p. 70.
65 Sudan Government & SPLM/SPLA, Jan 2005, p. 32.
66 Sudan Government & SPLM/SPLA, Jan 2005, p. 36.
Resolving conflict in Abyei, South Kordofan/Nuba Mountains and Blue Nile

The regions of Abyei, Nuba Mountains and Blue Nile are hotly contested. Also known as the Three Areas – or the Transitional Zone in the lead-up to the CPA – these were the territories most likely to experience fighting during the interim period. They – in particular Abyei – represent the 'fault line' along which Sudan would split if a referendum supported secession. In that case, conflict could be expected to continue for some time.

All three areas are economically important, holding national resources 'including oil, significant rain-fed and irrigated agricultural land, water (including a significant dam on the Blue Nile), gold, gum Arabic and other wood products as well as pasture allowing for the migration of nomads southwards'.\(^{68}\) Nationalising them, 'specifically the removal of customary owners and commercial development by a minority of wealthy investors who are mostly from outside the three areas' is a root cause of the war and 'remains the most likely trigger for renewed conflict'.\(^{69}\)

Abyei

The Abyei area of around 250-300,000 people\(^{70}\) includes lands that are home to the Ngok Dinka, parts of which are also used seasonally as grazing lands by the nomadic northern tribe, the Misseriya. In the past, disputes over grazing and water were handled by tribal leaders, and there was some intermarriage between the two groups. During the war years, the Sudanese government armed tribes such as the Misseriya as front-line militias to fight the SPLA. Numerous reports of plundering, pillaging and abduction of people to work as servants or slaves in the north have been laid at the feet of such militias. The discovery and exploitation of oil in the area further inflamed disputes. However, in the CPA, the parties agreed that Abyei is 'a bridge between the north and south, linking the people of Sudan'. They defined Abyei as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905, and agreed that the Misseriya and

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\(^{68}\) J Matus, 'The three areas: a template for regional agreements,' in M Simmons & P Dixon (eds), 2006, p. 3.

\(^{69}\) J Matus, 2006, p. 3

\(^{70}\) J Matus 2006, p. 2.
other nomads would retain their 'traditional rights to graze cattle and move across the territory of Abyei'.

The agreement gave Abyei special administrative status. Abyei residents were defined as members of the Ngok Dinka community and other Sudanese residing in the area. They would be part of both Western Kordofan (in the north) and Bahr el Ghazal (in the south), and have representatives in both state assemblies. At the same time as the south voted in its referendum, the people of Abyei would vote separately to decide whether it would retain its special administrative status in the north or become part of Bahr el Ghazal. During the interim period, Abyei would be administered by a local executive council, elected by residents.

Abyei had its own wealth-sharing agreement, marking its special status as an oil-producing region. Money from its oil would be divided as follows:

- 50 percent to the national government
- 42 percent to the government of Southern Sudan
- 2 percent to Bahr el Ghazal
- 2 percent to Western Kordofan
- 2 percent locally to the Ngok Dinka
- 2 percent locally to the Misseriya.

The area was also entitled to its share of national revenue as agreed in the main wealth-sharing agreement, and other monies.

To resolve once and for all the thorny issues of geographic boundaries, the Abyei Boundaries Commission (ABC) was established. It included international experts, and had two years to define and demarcate the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905. However, it was not the first time Abyei had been recognised as a special area. The 1972 Addis Ababa Agreement promised Abyei a referendum on its status and alignment, but this never came to fruition, eventually leading to abrogation of the whole agreement.

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74 Sudan Government & SPLM/SPLA, Jan 2005, p. 68.
The ICG argued that the government saw the problem 'as one of underdevelopment, and so a northern problem that is not a legitimate SPLA interest or within IGAD’s mandate. It considers the SPLA has raised the issue as a tactic with which to gain maximum concessions at Machakos’\textsuperscript{75} and later described Abyei as maybe 'the single hardest nut to crack because there is no foreseeable win-win for both parties.'\textsuperscript{76} Finally the nut was cracked when the parties agreed to accept a strongly-worded internationally-drafted agreement. But although Abyei has the strongest agreement, 'it is the most difficult to implement. At the time of signing the agreement, an estimated 85 percent of Abyei people were outside of Abyei, displaced to the north, south and abroad. National oil interest and the referendum have politicised most local issues. In addition, the Misseriya whose cattle graze in the area have lost a lot in the talks'.\textsuperscript{77}

Southern Kordofan/Nuba Mountains and Blue Nile

While Abyei was a thorny issue at Naivasha, the areas of Southern Kordofan/Nuba Mountains and Southern Blue Nile were able to secure their own protocol only 'at the very end of the talks and in the final hours of negotiation'.\textsuperscript{78} The ICG had flagged the problems some years before, noting that the SPLA had had units there since the 1980s, and would feel a loyalty to the area. 'SPLA strategy is focused on securing an opportunity for the citizens of these areas to have their own forum for deciding their future, tied into the IGAD process. Officially, the SPLA demands that each have a referendum for choosing to belong to the North or South, prior to the broader southern referendum.'\textsuperscript{79}

The parties agreed on definitions of the two areas, and that each oil-producing state would be entitled to two percent of oil revenue, as specified in the wealth-sharing protocol. They would also receive the lion's share of the National Reconstruction and Development Fund – in recognition of their war-affected status, Southern Kordofan and

\textsuperscript{75} ICG, 18 Dec 2002, p. 16.
\textsuperscript{76} ICG, 7 Jul 2003, p. 8.
\textsuperscript{77} J Matus, 2006, p. 3.
\textsuperscript{78} J Matus, 2006, p. 3.
\textsuperscript{79} ICG, 18 Dec 2002, p. 16.
Blue Nile states were allocated 75 percent of the fund, with the remainder going to the least developed areas.\textsuperscript{80}

During the interim period, the levels of Sudan Armed Forces in Southern Kordofan and Blue Nile would be determined by the presidency. Until elections were held, the position of governor in each state would rotate equally between the NCP and the SPLM, while the deputy governors would come from the opposite party. The NCP had the edge in the state assemblies, however, with 55 percent of seats allocated to it and 45 percent to the SPLM. Pending elections, the states were also guaranteed representation in national institutions at least proportionate to their populations.\textsuperscript{81}

However, the protocol does not address the root of the conflict in the areas, namely, 'the government's Islamicisation policy and land expropriation'.\textsuperscript{82} Khartoum had been politicising land in the Nuba mountains since the early 1990s, including giving land to Nuba groups prepared to work with the government against the SPLA.\textsuperscript{83} The government also closed large textile, cotton and mechanised farming production companies in the area and in 1996-97, redistributed fertile land from the mechanised farming schemes to non-locals, such as allied businessmen from the north. Despite the importance of the land expropriation issue, no formula was laid down for the composition of a commission to look at land claims in Southern Kordofan and Blue Nile, further, there was no indication if land would be returned or compensation paid.\textsuperscript{84} The Nuba Mountains is not mentioned explicitly in the protocol, instead located under the Southern Kordofan category.\textsuperscript{85} The 1.5 million Nuba people, who follow traditional, Christian and Muslim beliefs, suffered heavily during the war, particularly where they resisted government attempts to impose the extremist Islamic Project or Islamic social planning\textsuperscript{86} devised by Ali Osman Mohamed Taha, now Vice-President.

\textsuperscript{80} Sudan Government & SPLM/SPLA, Jan 2005, pp. 73, 77.
\textsuperscript{81} Sudan Government & SPLM/SPLA, Jan 2005, pp. 79-80.
\textsuperscript{82} E Rogier, Apr 2005, p. 12.
\textsuperscript{84} E Rogier, Apr 2005, p. 12.
\textsuperscript{85} E Rogier, Apr 2005, p. 12.
Omissions and grey zones in the CPA

The CPA provided an interim solution to the second war, rather than a final resolution for Sudan's conflicts, creating speculation rather than providing clear answers. It was designed to accommodate the two warring parties, rather than to bring comprehensive peace for the whole country. It contained many resolutions, but not one for the conflict in Darfur. Although many dignitaries at the signing ceremony hoped the CPA would be a blueprint for a future Darfur peace accord, Khartoum's strategy had been to negotiate 'peace-by-piece' and further talks would be required to address conflict in other areas. The CPA provided for 'radical change of governance and development structures and consequently of power and wealth and centre-periphery relations' but although it dealt with regional disparities, 'it does not deal with social disparities and injustices within regions'. It failed to lay down processes for democratising the north during the interim period, and did not deal with inequalities between regional areas, instead providing several different systems for governing different parts of the country.

For the NCP, it marked a 'new, self-interested pragmatism, an opportunity to reinvent itself as a partner with the SPLA, after its support among northern Sudanese had dwindled, the Islamic Project had failed and it had been unable to defeat the south militarily. For the SPLM, it was a chance to capitalise on 'its growing political weight, rather than its military power'. President Bashir said the deal was not just a deal, but a new contract for all Sudanese and 'a comprehensive accord that we must use ... to resolve the conflict in Darfur'. John Garang described the accord as the best Christmas and New Year's gift for Sudanese people, the region and Africa for 2005 and said 'This peace agreement will change Sudan forever.'

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90 Berghof Foundation, 2006, p. 46.
93 OH Al Bashir, in Quotes from Sudan peace treaty signing ceremony, ST, Nairobi, 9 Jan 2005.
94 J Garang, in Quotes, ST, 9 Jan 2005.
Kenyan President Mwai Kibaki appealed to Sudanese people and political forces to build consensus around the CPA and use it to end conflict elsewhere in Sudan, and said it marked the beginning of a new, brighter future for the people of Sudan. 'We hope that today's celebrations will also give momentum to a realisation of peace and security in Darfur'.

Nigerian Vice-President Atiku Abubakar, on behalf of President Olusegun Obasanjo, chairman of the African Union, repeated the theme: 'While the focus today is about the peace process in southern Sudan, we cannot overlook the crisis in Darfur'.

UN Secretary-General Kofi Annan (in a statement read on his behalf at the ceremony) said: 'The signing is a milestone, it gives a blueprint for addressing conflicts in other areas, like in Darfur where the situation remains horrific'.

US Secretary of State Colin Powell was adamant that 'these new partners for peace must work together immediately to end the violence and atrocities that continue to occur in Darfur. Not next month on, in the interim period, but right away, starting today'.

However, although the CPA refers to one country with two systems, in fact it has seven systems, with different arrangements for the south, Abyei, the states of Southern Kordofan and Blue Nile, Khartoum State, Darfur, the remaining northern states and the east. 'Of the various elements in the CPA, it is the Southern Kordofan and Blue Nile agreement that best reflects a national model for the relationship between centre and states in a federal system'.

Since independence, Sudan's development policies had been determined by urban bias, neglecting rural development and draining rural resources, resulting in 'structural inequalities, regional, social and gender disparities, poverty, famines and environmental degradation'. The CPA did not spell out the way forward for northern democratisation, with the likelihood that the north would continue to exist under the lopsided fundamentalist Sharia system, guaranteed by the majority the NCP has in both the executive and the legislative bodies.

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95 M Kibaki, in Quotes, ST, 9 Jan 2005.
96 A Abubakar, in Quotes, ST, 9 Jan 2005.
97 K Annan, in Quotes, ST, 9 Jan 2005.
98 C Powell, in Quotes, ST, 9 Jan 2005.
100 Berghof Foundation, 2006, p. 46.
political party and 'engage in reconciliation efforts with the southern groups that do not recognise themselves in it [such as Equatorians].' Failure by either major group to democratise could antagonise other groups, trigger new rebellions and restart the cycle of violence.

Who owns the peace agreement?

It took the NCP and the SPLM nearly ten years – about half of the war period – to conclude the CPA, making it 'one of the longest and most meticulously negotiated peace agreements', argues Luka Biong Deng. He says that unlike other Sudanese agreements, the CPA was signed by the NCP and SPLM 'after they were clearly convinced that neither party was able to defeat the other party militarily. As such, the parties to the conflict concluded the CPA on parity basis with each side recognising the political and military strength of the other side'. Nevertheless, one strong and recurrent criticism from a variety of quarters is that the peace agreement is a deal between two warring parties – the Sudanese Government and the SPLM/A – and lacked the wider participation of Sudanese society. While this thesis argues it is unrealistic to expect that Sudanese civil society groups could fully and equally participate in any peace process between armed groups, nevertheless that feeling of disconnection presents a problem for all those who want the CPA to succeed.

Sadig Al Mahdi, a former Sudanese prime minister and long-standing head of the conservative Umma Party, believes the CPA offers other political forces 'token representation, compelling them to accept the privileges and political hegemony of the NCP-SPLM diarchy or be disenfranchised'. Rather than making unity attractive, 'implementation of the agreement has widened the gulf of distrust between the two members of the diarchy and between them and the other political forces in the country'.

The ICG sounded a warning back in 2002, arguing the IGAD process was weakened and vulnerable to changing political winds as long as opposition parties and civil society groups were kept outside. 'Broader participation and buy-in for the process is the best method of ensuring both the proper implementation of an agreement and its sustainability'.

It said Egyptian officials blamed Khartoum for excluding other political parties, quoting an Egyptian diplomat as saying 'Bashir is the obstacle on this. He wants to stay in power for the entire interim period'.

There has been regular criticism of the peace process by political analysts and Sudanese communities who see Naivasha as an exclusive agreement between two dominant military forces that will not necessarily bode well for the spirit of democracy in post-war Sudan. 'The presence in the south of large numbers of government-affiliated militias who were not party to the Naivasha process poses an additional and related security threat. Certainly the provision for maintaining a separate army in the south as stipulated in the CPA was inserted as a safety guarantee to guard against the failure of the political settlement'.

Implementation of the CPA suited both the weak central government, which faced opposition on various fronts, and the SPLM. While some argue the CPA’s wealth and power sharing protocols have weakened the central government by forcing it to share resources, others say it has ‘thrown a lifeline to the regime of Omar Al Bashir, who is backed by the elite’.

To ensure the CPA is implemented in both spirit and letter, and to make unity attractive, northern leaders need to resolve their differences, take a unified stand and accept the peace agreement in totality. 'If not, attainment of a permanent peace in a united Sudan, which is the north’s number one choice, just becomes a mere elusive war game, a nightmare'. Civil society participation is also important when structuring the new institutions that will affect them. Decentralising governance structures and strengthening local communities through structural capacity building will empower civil

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society, especially when this is coupled with moves to re-institute and depoliticise trade unions, professional associations and civil society organisations.\textsuperscript{114}

\textbf{Who are the Sudanese? Who are the citizens?}

Who makes up Sudan's civil society? Who are the citizens, what draws them together or divides them, how will the actions of the various groups within Sudanese society affect the peace process, both positively and negatively? Sudan has more than 30 million citizens, but within this group there are in effect a number of classes of citizen. The author's experience over several decades indicates that the term 'Sudanese' is generally used, inside and outside the country, to refer to people from the north of Sudan and to a lesser extent, the west (Darfur), East and the Nuba Mountains. People from the south are almost universally referred to as 'southerners' rather than 'Sudanese' – by themselves as well as by Sudanese from other areas.

Sudanese may have multiple identities, describing themselves as, say, a southerner, a Bari-speaker, a Kuku or Christian, depending on the context. This affects every aspect of their lives in Sudan [and to some extent, in the Sudanese diaspora], especially access to education and employment. Many Sudanese claim a variety of ancestries. 'Individuals can share characteristics with more than one group. Fur and Beja see themselves as both African culturally and as devout Muslims. Similarly, southerners can use Arabic for commerce without altering their self-identity'.\textsuperscript{115}

Gerard Prunier describes Sudan as a pyramid with five divisions of class and power:

- bourgeois elite with connections to the formal economy
- remnants of the traditional Arab bourgeoisie, who survive with difficulty and are excluded from the productive sector
- Sudanese Arab masses, largely petty traders and peasants who survive on the margins of the economy

\textsuperscript{114} Berghof Foundation, 2006, p. 8.
• marginalised Muslim populations of the west and east, whose position has been further worsened by the conflict in Darfur
• southerners, who either survive in the war-torn south or live in extremely precarious circumstances as displaced people in the north.\textsuperscript{116}

Throughout history, Sudan has had two categories of population: citizens and subjects. The state forcibly incorporated the southern region into Sudan, and this had 'a significant impact on the definition and the meaning of citizenship in the postcolonial nation-state.'\textsuperscript{117} Sudan's dominant ruling groups claim the right to rule based on a myth of historical unity existing from before recorded history. They undermined the capacity of disenfranchised peoples to seek justice and rejected their demands for inclusion, due in part to a 'lack of political commitment to extend the privilege of citizenship to marginalised peoples, something that would have created new norms and principles of governance.'\textsuperscript{118} These historical characteristics became 'a source of political conflict that undermines the legitimacy of postcolonial regimes in the Sudan'.\textsuperscript{119}

**Lessons learned from the 1972 Addis Ababa Agreement**

The 1972 Addis Ababa Agreement resolved conflict that had been underway since 1955, the year before independence. It was warmly welcomed, but its eventual abrogation by the very leader who had brought it in, President Nimeiri, was one of the triggers for the second war. Problems had included substitution of regional autonomy for a federal system, the merging of government and Anya Nya\textsuperscript{120} armies, ownership of land, resources and equal development.\textsuperscript{121} The Addis Ababa accord failed because it did not address the disparities in economic and social development between north and south. In the decade following the accord, southerners did not experience the expected social and economic advancement and this brewed dissatisfaction and feelings of being cheated by

\textsuperscript{116} G Prunier, cited in E Rogier, Apr 2005, pp. 32-33.
\textsuperscript{117} AH Idris, 2005, p. 19.
\textsuperscript{118} AH Idris, 2005, p. 5.
\textsuperscript{119} AH Idris, 2005, p. 5.
\textsuperscript{120} The Anya Nya was a collection of armed southern groups that were eventually united by Joseph Lagu under the Southern Sudan Liberation Movement (SSLM). Some SSLM members who joined the national army (including John Garang) later formed the SPLA. The name 'Anya Nya' means snake poison.
\textsuperscript{121} DH Johnson, 2006, pp. 39-58.
the north. The second phase was triggered by the abrogation of the peace agreement in 1983 and the move towards Islam in all spheres of life of all the Sudanese people without any exemption of non-Muslims who are mainly in southern Sudan.122

It was not just the failure of the north to keep its commitments that posed problems. The south itself is not a single entity, and power struggles between ethnic groups in the south, and especially 'fears by Equatorians of Dinka domination' were also factors.123 The origins of these fears may lie in the changes in group and employment dynamics in the transition from colonial through independence to post-accord. Dinka is the second largest language group in Sudan after Arabic, but while both the 1956 and 1983 censuses124 showed the Dinka as making up one third of the south, they are not a single entity, consisting of more than 25 tribal groups (such as Dinka Bor, Dinka Gogrial and Dinka Ngok). Johnson notes that in colonial times pastoralists such as the Dinka were discouraged from entering the modern sector, and they were therefore under-represented in the public service and politics at independence.125 However, during the first war, many Dinka and other southerners sought education outside Sudan, while others were able to study inside the country, generally in institutions such as secondary schools that had been relocated in the north. After the war, there was a huge jump in the number of Dinka employed in the public service that some saw as 'unnatural and contrived' when compared to the pre-war pattern. There was also friction between those who had stayed in Sudan and those who had spent the war years outside, whether studying, fighting or both. Northern leaders such as Nimeiri and Sadig Al Mahdi had used these fears to justify 'a weakened southern region' by referring to 'the protection of minority rights of non-Dinka'.126 In the south, as in the north, regional and therefore tribal origin is often regarded as the key to opportunities. While the SPLM is officially

122 Berghof Foundation, 2006, p. 56.
124 DH Johnson, 2006, p. 51. As in 2009, southerners disputed the results saying southern numbers were too low. In 1983, the census counted six million southerners, of whom two million were Dinka. Proportions were similar in 1956.
125 DH Johnson, 2006, p. 52.
committed to a Sudan-wide project, it has difficulties pursuing nation-building, even in the south, and is perceived by other groups as being dominated by the Dinka.\textsuperscript{127}

The SPLA had begun the war with a clear idea of the mistakes to be avoided and was able to achieve some incremental agreements: 'getting the northern parties first to admit the right of self-determination for the south; then to agree the explicit options between federation, confederation (not just a vague unity), and independence; and finally to extend that agreement in principle to areas previously unconsidered (Abyei, Nuba Mountains, Southern Blue Nile) in order to avoid the fudge of the Addis Ababa Agreement'.\textsuperscript{128} When the parties began negotiations for what became the CPA, the SPLM, in particular, was keen to avoid the stumbling blocks of the 1972 accord. Garang had targeted a number of defects by providing the south with a separate government, development budget and law, defining representation in the national government, ensuring southerners would be able to vote in national elections and in a subsequent referendum on unity, and ensuring the SPLA remained a standing army.\textsuperscript{129} Keeping a separate army was vital for the south, as it would act as a deterrent against any 'disruption of constitutional order, rule of law or implementation of the CPA not only in southern Sudan but also in Abyei, Nuba Mountains and Blue Nile'.\textsuperscript{130}

The SPLM was also influenced by the pitfalls of the Addis Ababa Agreement when pushing for oil revenue. While they needed a deal providing at least 50 percent of oil revenue to sell the agreement to rank-and-file commanders and the southern constituency, this was not their only motive. The SPLM prioritised a high percentage of oil revenue because it did not trust the mechanism of federal transfers after the experience of the post-1972 Southern Sudan Regional Government. That government had been starved of revenues from the north, and the SPLM regarded the oil percentage as less open to manipulation than a federal transfer.\textsuperscript{131}

While the Addis Ababa Agreement acknowledged Abyei's special status, residents had never had the chance to vote in the promised referendum on whether it

\textsuperscript{127} Berghof Foundation, 2006, p. 20.  
\textsuperscript{128} DH Johnson, 2006, p. 180.  
\textsuperscript{129} A de Waal, 'The Wars of Sudan,' \textit{The Nation}, Nairobi, 19 Mar 2007, p. 2.  
\textsuperscript{130} LB Deng, 24 Jan 2007, p. 11.  
\textsuperscript{131} J Tellnes, 2006, p. 3.
would be part of north or south Sudan.\textsuperscript{132} The CPA revisited the issue once again, settling down a program for allowing this vote to take place. Abyei has become a litmus test, a 'bridge between the north and south, linking the people of Sudan and testing the parties' willingness to implement the CPA, specifically to hold free and fair referenda'.\textsuperscript{133}

The key to Khartoum's acceptance of these concessions was Vice-President Taha. He sold the peace accord to his sceptical government colleagues as 'the country's last chance for unity and as the path to ending Sudan's international isolation'.\textsuperscript{134} In particular, it would be a chance to lift US sanctions imposed at Bashir's coup in 1989 and during Khartoum's hosting of Osama Bin Laden from 1990-96.\textsuperscript{135}

**Pre-interim period**

The six month pre-interim period ran from the January 2005 signing of the CPA to the July swearing-in of First Vice-President John Garang in Khartoum. It included a major donors' conference in Oslo, Norway in April, where more than 60 countries and international organisations met to discuss their support for implementing the CPA. UN Secretary General Kofi Annan led the UN delegation, with John Garang and Ali Osman Taha representing Sudan. Donor countries pledged more than US$4.5 billion for 2005-07, of which about US$2 billion was for work identified by the Joint Assessment Mission (JAM) and US$500 million for the Multi-Donor Trust Funds (MDTF) administered by the World Bank.\textsuperscript{136} Donors included The Netherlands, Norway, United Kingdom, European Commission (EU), Sweden, Germany, Denmark, Finland, Italy, Iceland and Greece, with Canada, Saudi Arabia and the World Bank making contributions post-conference.\textsuperscript{137} Australia pledged $10 million for humanitarian relief at Oslo, bringing to $40 million its humanitarian assistance over the previous year.\textsuperscript{138}

\textsuperscript{132} ICG, 18 Dec 2002, p. 15.
\textsuperscript{133} J Matus, 2006, p. 3.
\textsuperscript{134} A de Waal, 19 Mar 2007, p. 3.
\textsuperscript{135} A de Waal, 19 Mar 2007, p. 3.
\textsuperscript{136} Norwegian Ministry of Foreign Affairs, More than US$4.5 billion pledged for Sudan, Oslo, Apr 2005.
\textsuperscript{138} A Downer, Australia announces further assistance for Sudan at Oslo donors conference, AusAID, Canberra, 15 Apr 2005.
As prescribed in the CPA, Sudan was also preparing an interim national constitution to be acceptable to both north and south and ready for the start of the interim period in July, when John Garang would arrive in Khartoum for installation as First Vice-President. However, all was not quiet in Sudan and just weeks after the CPA was signed in Nairobi, there were demonstrations in Port Sudan, where security forces killed 20 demonstrators from the Beja tribe of eastern Sudan. In February, the eastern Beja Congress and Rashaida Free Lions joined with the Justice and Equality Movement (JEM) from Darfur to form the Eastern Front.  

Joint Assessment Mission

The bipartisan Joint Assessment Mission (JAM) had been working for 15 months to prepare a comprehensive framework for post-CPA Sudan's reconstruction and development needs in time for the April Oslo donor conference. JAM member and head of the wealth-sharing committee at Naivasha, Dr Taj El Sir Mahjoub, said the parties enjoyed good working relationships from the start. 'Common issues were dealt with objectively, in a less emotionally-charged atmosphere than the peace negotiations.' Drafting committee members from SPLM included Kosti Manibe, Luka Biong Deng, Anne Itto and Lual Deng. Later, a core coordinating group was formed, headed by Norway – which had developed a close relationship with the south during the war years – and with members from the Sudanese government, SPLM, UN and World Bank. Work was organised into eight clusters, covering capacity building and institutional development, governance and the rule of law, economic policy, productive sectors, social services, infrastructure, livelihoods and social problems, and information and monitoring. The JAM identified external consultants, who visited Sudan with their national counterparts, resulting in a two-week meeting in Addis Ababa, following which the JAM report: A Framework for Sustained Peace, Development and Poverty

139 DH Johnson, 2006, p. 221.
141 TES Mahjoub, 2006, pp. 1-2.
Eradication, was published in March 2005. It was endorsed by the Sudanese cabinet and presidency, then used to frame discussions at the April 2005 donor conference.142

The JAM report outlined two phases of implementation. The first was a recovery phase, expected to last for two years from signing of the CPA and addressing immediate rehabilitation and recovery and local capacity-building. The second phase, from 2008-11, would focus on poverty alleviation. Goals would be pursued 'by creating macroeconomic stability and decentralised governance structures, initiating major infrastructure programs, promoting the private sectors, building capacity on a comprehensive scale, strengthening institutions, and practising sound natural resource management'.143

Preparing an interim national constitution

The National Constitutional Review Commission was slow to start work, delayed by squabbling over positions. Developing an interim constitution was a crucial step in the peace process, as it would clear the way to form Sudan's new Government of National Unity (GNU).144 The commission's 60 members were allocated along the power-sharing quotas, with 52 percent of positions going to the NCP, 28 percent to the SPLM and the remaining 20 percent to other parties without the power to block decisions. Members were to be drawn from the NCP, SPLM, other parties including Hassan Al Turabi's Popular Congress Party, an Islamist group that had split from the ruling NCP, and parties belonging to the National Democratic Alliance (NDA), African Union and Arab League.145 The commission was due to start work on 23 April 2005, but was delayed by the absence of key officials at an Asia-Africa Summit in Indonesia and by protests from opposition parties. Two of Sudan's oldest parties and members of the NDA, the Umma Party and the Democratic Unionist Party, issued a joint statement threatening to boycott the process as the commission's makeup was 'not representative of the country's political landscape'.146

142 TES Mahjoub, 2006, pp. 1-2.
143 MB Jooma, 23 Aug 2005, p. 16.
144 AFP, Sudan sets up constitution committee, Khartoum, 23 Apr 2005.
146 AFP, Sudan opposition threatens constitution boycott, Khartoum, 24 Apr 2005.
Nevertheless, work commenced, and by early June, the commission had agreed that there would effectively be two preambles to the constitution. Garang told reporters in Cairo that although the northern version would be prefaced with the Arabic phrase, *Bismillah Al Rahman Al Rahim* (In the name of God, the Gracious, the Most Merciful), the southern version would not include this. In every other way, the two texts would be the same. On 26 June 2005, the constitution was ready for presentation to President Bashir and subsequent ratification by the Sudanese parliament and the Government of Southern Sudan, in time for the beginning of the interim period on 9 July. Bashir said the document received a 'consensus unprecedented since Sudan's independence 50 years ago'.

The interim national constitution derives most of its authority from the CPA, being 'nothing but the main provisions of the CPA redrafted in a constitutional and legal language'. For example, the writers of the constitution were determined 'to provide equal treatment for all Sudanese languages, as required by the CPA'.

Although the document adhered to the CPA, this did not prevent Umma leader Sadig Al Mahdi and Popular Congress Party leader Hassan Al Turabi – recently released from house arrest – from slamming the new constitution. Al Mahdi felt it was 'a deficient draft and a deficient constitution' that addressed the civil war in the south but not ethnic uprisings in the east, west and elsewhere. Northern opposition parties had just 16 percent of seats in parliament, with southern opposition groups a mere six percent. The Umma Party refused to join the national government under this deal, forming instead an alliance with other groups, including Turabi's Popular Congress Party. Turabi warned that the constitution merely enshrined Bashir's power, as the NCP was guaranteed 52 percent of national government positions. 'There is no freedom in Sudan,' he said.

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147 E Blair, *Sudan constitution team reach religion compromise*, Reuters, Cairo, 1 Jun 2005.
152 AFP, *Sudan former PM slams new constitution*, Khartoum, 10 Jul 2005.
153 AFP, 10 Jul 2005.
The interim period begins – Garang arrives in Khartoum

With the interim national constitution prepared, the stage was set for John Garang to fly to Khartoum to be sworn in as First Vice-President. After 22 years in exile he arrived at Khartoum Airport on 8 July 2005, to find that massive crowds had turned out to greet him. By the time he arrived at Green Square, in the city centre, millions of Sudanese from all corners of the country and from the diaspora had gathered to receive him.155 The following day, Garang was inaugurated, and the interim period laid down in the CPA was underway. Garang's inaugural speech exhorted his countryfolk to expect a better future: 'O Sudanese, open your wings wide and fly, and fly, for your freedom has come'.156 For a country weighed down by war and poverty for decades the former rebel leader, now dubbed peacemaker, was showing potential to become the nation's favourite hero and a unifying leader. Garang moved quickly to ensure the interim constitution was adopted, a caretaker government set up, ten governors appointed for southern states and the SPLA restructured into a formal army.157 These moves were to prove vital in the wake of events to come.

The fatal crash and the riots

Just 21 days after being sworn in as Sudan's First Vice-President, John Garang – and his 13 companions – died in a helicopter crash near the Ugandan border. The tragedy occurred when, on 30 July 2005, he was returning from a meeting with his long-term ally, Ugandan President Yoweri Museveni, aboard the Ugandan presidential Mi-172 military helicopter, flown by Museveni's personal pilot. Rumours of foul play surfaced almost immediately, but Garang's widow, Rebecca Nyandeng,158 called for calm, saying the crash had been caused by bad weather. At Garang's 6 August funeral, Nyandeng urged people to continue his [peace] mission saying 'I will not miss my husband as long as you people of Sudan are the watchdogs'.159

156 JA Akec, 30 Jul 2006.
158 Also referred to as Rebecca Garang, although Sudanese women retain their names on marriage.
The poignantly-timed crash sent ripples around the country and the world. Riots broke out on 2 August 2005 – in Khartoum, Juba and regional capitals – and more than 130 people died. Many feared that without Garang, the SPLM/A would disintegrate, the CPA would collapse, and there would be a return to civil war. The Bashir government was slow to dampen the violence, aggravating a situation already dangerously polarised by growing ethnic and religious tensions. While Garang's death was the catalyst, the violence reflected years of pent-up resentment in displaced southern communities and among Khartoum's northerners, who resented the southerners and blamed them 'for the dramatic growth of the capital's population and deterioration of public and social services'. The riots also provided an outlet for the grievances of Khartoum's largely informal urban labour force, consisting of displaced people from Darfur, Nuba Mountains and the south. This unemployed or under-employed group of about four million has faced constant harassment and eviction from their makeshift, poorly serviced, dwellings on the fringes of Khartoum, supposedly for security reasons but in fact, due to land speculation.

The SPLM leadership, however, moved quickly to restore calm, although they did not get access to government mass media until the violence had peaked. Instead they used

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160 UN Office for the Coordination of Humanitarian Affairs (UNOCHA), SPLM – a year after Garang, IRIN, Juba, 28 Jul 2006.
161 Author's interview, Khartoum, 3 Oct 2007.
162 Author's interview, Khartoum, 3 Oct 2007.
164 ICG, 9 Aug 2005, p. 3.
165 Berghof Foundation, 2006, p. 15.
their networks, fanning out around the city to talk directly with angry demonstrators and rioters. Their message to cadres was clear: 'Nothing should deter the people from the implementation of the CPA, whatever might have happened to [John Garang] and whatever might be behind it'.\textsuperscript{166} By the end of the week the government was pressuring religious leaders to ensure Friday's prayers appealed for 'unity, calm and self-restraint to deny the enemies of peace an opportunity'.\textsuperscript{167} Khartoum opposition leaders had slammed the government's tardy response, claiming it was a deliberate ploy to ensure foreseeable violence would escalate and justify a return to emergency laws. Newspapers criticised the 'slow reaction of the governor of the capital and called for his resignation'.\textsuperscript{168} Garang's death had created 'an opening for spoilers on all sides to exploit any signs of uncertainty'.\textsuperscript{169} There were fears of further unrest when the SPLM organised a commemoration in Omdurman\textsuperscript{170} stadium, but respect for the dead leader won through. 'Nobody had expected 90,000 candles lit by a peaceful crowd, and Vice-President Taha delivering a speech alongside the Secretary-General of the SPLM'.\textsuperscript{171}

**New leadership**

The announcement came quickly: SPLA second-in-command Salva Kiir Mayardit was the new SPLM/A leader, President of Southern Sudan and First Vice-President of Sudan. Riek Machar Teny Dhurgon\textsuperscript{172} moved up a rung to become Vice-President of the south. External actors were reassured by the SPLM's swift response. The ICG noted approvingly that the leadership acted quickly to fill the vacuum and was supporting a peaceful transfer of power, indicating they would continue to implement the CPA. 'The leaders opted to adhere to hierarchy rather than reshape the movement's power structures. Yet the appointments are not without controversy and the risk of power struggles

\textsuperscript{166} ICG, 9 Aug 2005, p. 3.
\textsuperscript{167} Broadcast on Republic of Sudan Radio Omdurman, 4 Aug 2005, translated from Arabic by BBC Worldwide Monitoring.
\textsuperscript{168} ICG, 9 Aug 2005, p. 3.
\textsuperscript{170} Khartoum, Khartoum North and the oldest city, Omdurman, make up the national capital's Three Towns.
\textsuperscript{172} Dr John Garang, Dr Riek Machar and Dr Lam Akol were sometimes called 'The PhDs' by those who felt their years of education had brought little benefit to the south. Machar and Akol had earlier split from the SPLA and formed armed groups aligned with the Sudanese government, before returning to the rebel fold.
remains'. Garang's inner circle had been sidelined. That group had conducted the peace negotiations, was experienced in dealing with the NCP, and was 'familiar with its methods of manoeuvring, scheming and manipulation'. Now the way could be open for the NCP to seek to 'split, fragment and corrupt' the SPLM. Backed by its oil wealth, the NCP could use its internal discipline to ensure 'a strong united party front to minimise the impact of those provisions of the CPA that compromise its power'.

Garang's death also had a major effect on his fellow CPA stalwart, Ali Osman Taha. When Taha gave up his position as First Vice-President of Sudan in favour of Garang, he was gambling that peace would change politics in Sudan. 'But when Garang's body was laid to rest, Taha's star dimmed sharply. As Khartoum's party operators and security chiefs realigned themselves amid the flux of intra-elite intrigue, it became clear that few in cabinet believed in the spirit of the CPA'.

**Conclusion**

The year 2005 was a rollercoaster for all Sudan, but especially for southern Sudanese. That the painstakingly-negotiated protocols of the CPA could really bring peace after decades of war was difficult enough for people to grasp. That they should then lose their leader – whether by accident or design – was unsettling indeed. Analysts saw the peace deal under threat, some suggesting Garang's loss could lead to the country splitting apart, others forecasting a return to war. Garang's death threatened not only the implementation of the CPA but also Sudan's future as a united country. 'For many rural marginalised Sudanese, Garang was seen not only as their saviour and liberator but a redeemer and beacon of their struggle and aspirations and vision of the New Sudan'.

Garang's death 'immediately called into question the durability of the most recent peace agreement and the way forward for the SPLM/A'. The need for reconciliation initiatives between north and south was highlighted by the post-crash violence, and it was...

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176 A de Waal, 19 Mar 2007, p. 3.
becoming clearer that a 'stable, united Sudan and independent northern and southern Sudan/s will require not only political openness but also a countrywide civil society dialogue on social redress'.\textsuperscript{179}

Returning to civil war was the most negative scenario put forward, based 'on the assumption that Garang represented the face of moderation favouring the unity of Sudan, in contrast to the secessionist view historically taken by his second-in-command, Salva Kiir'.\textsuperscript{180} However, not only had Salva Kiir indicated his commitment to guarding the flame kindled by Garang, he also seemed more willing than Garang to engage other southern groups such as the powerful South Sudan Defence Force (SSDF).\textsuperscript{181} The SPLM now had to prove it could stay together without Garang's 'authoritarian hand and unmatched prestige'.\textsuperscript{182} Major contributions by the SPLM to resolving conflict in Darfur and eastern Sudan would be less likely, while the odds on southern secession had increased, to the discomfort of the NCP. 'Key international players like the US, who helped broker the January 2005 CPA, will have to do much more to help the parties save it'.\textsuperscript{183}

Sudan had come through two extraordinary events, the signing of the CPA and the death of the First Vice-President. In Darfur, conflict was escalating. Elsewhere in the country, on the streets, in the villages, in homes and in offices, Sudanese were cautious, non-committal, unable to believe that the fragile peace was here to stay.

\textsuperscript{179} MB Jooma, 23 Aug 2005, p. 10.
\textsuperscript{180} MB Jooma, 23 Aug 2005, pp. 1-2.
\textsuperscript{182} ICG, 9 Aug 2005, p. 1.
\textsuperscript{183} ICG, 9 Aug 2005, p. 1.
CHAPTER TWO

Sudan's internal actors

Introduction

The CPA established three levels of government in Sudan: the Government of National Unity (GNU), the semi-autonomous Government of Southern Sudan (GOSS), and 25 state assemblies throughout Sudan. In the north, the dominant National Congress Party (NCP) has been led by President Omar Hassan Al Bashir since the coup in 1989. Hassan Al Turabi, a prominent Islamist and former eminence grise of the Bashir government, leads the breakaway Popular Congress Party, while the long-standing Umma Party led by former Prime Minister Sadig Al Mahdi and the equally long-standing Democratic Unionist Party (DUP) of the Mirghani family still retain support among traditional groups.

In the south, the Sudan People's Liberation Movement (SPLM) has been the leading force for more than 20 years. As the prospect of countrywide parliamentary elections draws nearer, other parties such as Sudan African National Union (SANU) and Union of Sudan African Parties (USAP) are working to strengthen their positions, while the National Congress Party also seeks to win seats in the southern Assembly. In the east, Beja Congress and Rashaída Free Lions have led armed opposition against the national government. In the west, in Darfur, conflict between government forces and government-armed militia known as Janjaweed on the one hand and the various factions of the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) on the other, has displaced hundreds of thousands and seen the introduction of peacekeepers from the African Union and eventually the United Nations.

The Sudanese political scene contains a volatile mix of parties that draw strength from a mixture of traditional ties (Umma and DUP), regional and tribal affiliations (SPLM and other parties in the south, east and west) and ideology (NCP). Supporters

1 Elections are scheduled for April 2010.
may expect or be offered patronage such as government positions or business opportunities, while several of the parties, such as SPLM, stem from a strong military base. Leading groups such as the NCP and SPLM are fielding candidates across Sudan for both national and state elections, although there is much to be done to establish support. If one adds to this a strengthening civil society, with a growing band of community groups active in causes from peace-building to the environment, a picture of modern Sudan and its citizens starts to emerge.

The state and its citizens

Sudan is a diverse country where power is distributed unequally – whether between men and women, between Muslims and other faiths, or between a ruling central elite and people in or from regional areas. Politics and religious beliefs are intertwined, but the clearest indicator of either is race, whether one originates from north, south, east or west. Perceptions are important, people are identified with the prevailing political views in their geographical area or tribe regardless of their personal opinion, for example, a southerner may assume any northerner think ill of southerners, and vice versa. The most powerful Sudanese define themselves as Arabs, and have viewed as inferior those from the other northern tribes, from central Sudan, from the south, from Beja in the east or Fur in the west. Sudan's dominant northern riverain group has claimed the right to rule based on 'historical unity' existing from before recorded history. This ruling group was established in colonial times through families such as Al Mahdi and Mirghani, extending into independence through leaders including Nimeiri and Bashir. Successive national leaders and governments undermined marginalised peoples, and rejected their demands for inclusion and justice for past grievances. Opportunities to negotiate peaceful solutions were missed, leading to the escalation of political violence.

The concept of nation-state is meaningless without that of citizenship, yet Idris argues that throughout history Sudan has had in effect two categories of people: citizens and subjects. The state used force to incorporate the southern region's peoples, and, in

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2 See Chapter 3.
consequence, the way state formation was carried out had 'a significant impact on the
definition and meaning of citizenship in Sudan'.\(^4\) The country is embroiled in a centre-periphery conflict over equitable power and wealth division, exacerbated by religious and cultural discrimination further aggravated by communal inter- and intra-tribal and regional conflicts. Competition over dwindling resources and political positions is at the core of these problems, and communal conflicts have been aggravated by national government meddling in tribal politics.\(^5\)

**Government of National Unity**

Sudan's Government of National Unity (GNU) was created in 2005 by the CPA rather than free and fair elections. It is an interim device, designed to bring the leaders of the SPLM into the national fold, and destined to be replaced by an elected government during the course of the six-year peace agreement. With President Bashir at the helm, and the National Congress Party allocated 52 percent of seats in the national assembly, there is no doubt that the same ruling elite remains in control of the national government. However, First Vice-President Salva Kiir Mayardit fought for more than 20 years before taking his place at Sudan's top executive table. As President of Southern Sudan as well as commander-in-chief of the Sudan People's Liberation Army, his power base is strong and his army is battle-hardened, though also battle-weary. The SPLM has 28 percent of national assembly seats, other northern groups have 14 percent and other southern groups six percent.\(^6\) Along with First Vice-President Salva Kiir, other southerners prominent in the GNU are Foreign Minister Deng Alor (SPLM, Ngok Dinka from Abyei), SPLM Secretary-General Pagan Amum (Shilluk from Malakal), Deputy Secretary-General and SPLM leader in the National Assembly Yasir Arman (SPLM, northerner married to Ngok Dinka from Abyei)\(^7\) and former Foreign Minister Lam Akol (SPLM-DC, Shilluk).\(^8\)

\(^4\) AH Idris, 2005, pp. 5, 19.  
\(^7\) ST, *SPLM nominates Yasir Arman to contest against Bashir*, Khartoum, 14 Jan 2010.  
\(^8\) Lam Akol left the SPLM and launched the SPLM-DC in June 2009.
Implementing the CPA faces challenges on many levels. Any national government needs a civil service to implement its policy. While the south struggles to set up a new infrastructure, the north limps along with a public service that has deteriorated almost to a point of collapse. Salaries in the public sector did not rise with inflation in the 1990s and Sudan's underpaid public servants lack motivation and accountability, while corruption, embezzlement and bribery have increased. Public servants are rewarded for political loyalty ahead of professional competence, with unit directors able to fire any staff member on political or even personal grounds. For many people in the north the agreement is seen as a southern instrument that does not address the issues affecting northern Sudan. Although the GNU maintains its determination to implement the CPA, its strategy and programs are not in evidence, with the NCP apparently determined to reinforce its domination in socio-political spheres in order to achieve a convincing result in the forthcoming elections. Lack of democracy, surveillance by security forces and weakness of political parties in the north are not helpful. To learn more, let's take a look at some of the significant political forces in Sudan.

President Omar Hassan Al Bashir

President Bashir is the strong man of Sudanese politics. A military man with experience fighting in the south before taking power on 30 June 1989, Bashir is also a committed Islamist. His spiritual mentor was Hassan Al Turabi, architect of Sudan's Islamic laws, and together they enforced a strict Islamic state until the split with Turabi in December 1999. Born in the village of Hosh Bannaga, 150 kilometres north of Khartoum, Bashir is a career army officer and a veteran of 20 years in the top position. He avoids the political fray, preferring to serve as umpire to the different factions that comprise his government.

9 Transparency International's 2008 Corruption Perceptions Index placed Sudan at equal 173 of 180 countries. Denmark was 1, Australia 9, with Sudan ahead of just five countries – Afghanistan, Haiti, Iraq, Myanmar and Somalia.
Bashir is considered popular with the army, while Vice-President Taha is described as close to the government's security agencies. Both men are loyal to the unity of Sudan, to political Islam and exploitation of oil.\(^{14}\) Their party operators are trying to make the SPLM so 'financially and politically dependent that they will resist majority pro-separatist opinion in the region and endorse national unity'.\(^{15}\) Although Bashir put his name to the CPA, it was Vice-President Taha who conducted the detailed and daily negotiations with SPLM leader John Garang. Bashir did not engineer opportunities to develop a rapport with his former adversary, and could not be considered close to Garang's successor, First Vice-President Kiir.

Deployment of UN peacekeeping forces in Darfur has been a worry for Bashir. He placed numerous conditions on the operation of any UN force, insisting time and time again that the Sudanese army would deal with the situation; the hybrid UN/AU force UNAMID finally started work in July 2007. Apart from concerns about allowing a UN force into the Darfur region, Bashir was also concerned for those military colleagues whose names appear on arrest warrants from the International Criminal Court (ICC), charged with crimes in Darfur, lest a UN force had the mandate to arrest them.\(^{16}\) On 4 March 2009, the ICC issued a warrant of arrest for Bashir himself, for war crimes and crimes against humanity, the first warrant issued by the ICC for a sitting head of state.\(^{17}\) He is suspected of being 'criminal responsibility, as an indirect (co-) perpetrator, for intentionally directing attacks against an important part of the civilian population of Darfur, Sudan, murdering, exterminating, raping, torturing and forcibly transferring large numbers of civilians and pillaging their property'.\(^{18}\) International uproar followed, as individual countries, African Union, Arab League and the United Nations tried to distance themselves from Bashir or the ICC decision or both. Bashir responded by expelling 13 international NGOs and closing down three local NGOs providing humanitarian assistance to Darfur's civilians, and promising 'Sudanisation' of all aid.

\(^{14}\) Berghof Foundation, 2006, p. 64.  
\(^{15}\) A de Waal, 30 Nov 2006, p. 16.  
\(^{16}\) A de Waal, 30 Nov 2006, p. 17.  
\(^{17}\) International Criminal Court (ICC), ICC issues a warrant of arrest for Omar Al Bashir, President of Sudan, The Hague, 4 Mar 2009.  
\(^{18}\) ICC, 4 Mar 2009.
agencies within 12 months. He danced in the street at rowdy rallies in Khartoum and elsewhere, calling the ICC an imperialist tool that was targeting Sudan for its oil, natural gas and other resources. 'We have refused to kneel to colonialism, that is why Sudan has been targeted ... because we only kneel to God.'\textsuperscript{19} Pleas from UN Secretary-General Ban Ki-Moon to reverse the expulsions have fallen on deaf ears thus far, and Bashir delights in thumping his nose at the ICC by making official visits to neighbouring African and Arab countries – and Darfur. However, Bashir avoided the inauguration of South African President Zuma in May 2009, as Pretoria is a signatory to the Rome Statute on the ICC and would have been required to arrest him.\textsuperscript{20} Sudan was represented instead by Salva Kiir.\textsuperscript{21}

The elections due in 2010 are crucial, providing the chance for Bashir to legitimise his government and become an elected president, but his candidacy has been severely damaged in the wake of the ICC warrant. Bashir needs to garner support from the south and following his formal nomination as a presidential candidate he marked the fifth anniversary of the CPA in the southern town of Yambio, where in an unusually conciliatory speech, he promised to support the south if it chose independence in the referendum. He said the NCP wanted to keep Sudan united, 'but if the result of the referendum is separation ... the Khartoum government will be the first to recognise this decision. We will support the new-born government in the south'.\textsuperscript{22} Bashir is also likely to make overtures to the international community by agreeing to a strengthened international aid presence in Darfur, but as long as the conflict continues, he remains an embarrassment to his African and Arab neighbours, who, at best, ignore his excesses or offer him tolerance rather than admiration. Notwithstanding the razzamatazz of his orchestrated public appearances, after 20 years at the helm of his country Bashir remains a strong yet unpopular leader, who has been unable to win respect nationally or internationally.

\textsuperscript{19} Australian Broadcasting Corporation (ABC), UN Assembly chief says sorry for Bashir warrant, 6 Mar 2009.
\textsuperscript{20} W Johwa, Sudan dilemma for Zuma's inauguration, Business Day, Johannesburg, 6 May 2009.
\textsuperscript{21} Sudan Tribune (ST), Sudan's Kiir witnesses South Africa's Zuma inauguration, Pretoria, 9 May 2009.
\textsuperscript{22} S Wheeler, Sudan's Bashir says would help an independent south, Reuters, Yambio, 19 Jan 2010.
Second Vice-President Ali Osman Taha

Then First Vice-President, Ali Osman Taha was a hero of the 2005 peace negotiations. With Garang, he took part in the intense discussions of the final months, moulding and remoulding the CPA's wording until, finally, both parties could sign it. Taha sold the peace accord to his Khartoum colleagues as the best way to keep a unified Sudan and end its international isolation, especially by achieving lifting of US sanctions. He even stepped down to the position of Second Vice-President so Garang could take on the higher role. Yet Taha was far from being considered a friend of southern Sudan. One of the ruling elite, he was a hard-line Islamist and ally of Hassan Al Turabi. He developed the Islamic Project, a chilling Islamification program in the Nuba Mountains, and beyond that targeted local leaders and forced people off their land into so-called peace camps where conditions were poor, local languages suppressed and freedom of worship a vanished dream. The harsh realities of the Islamic Project seem at odds with Taha's more benign 'Islamic Social Planning'.

The idea of Islamic social planning means a continuing revolution for the remoulding of the human being and the institutions in society in accordance with Koranic guidance. Islamic Social Planning aims to achieve:

1. A complete and comprehensive remoulding of the Islamic personality, with a view to making it a living, honest and conscious characterisation of Islamic concepts, values and teachings.
2. Building and reconstructing all state institutions on principles derived from the Koran.
3. Establishing an Islamic society formed on the basis of Islamic principles and rules without coercion.
4. Establishing an Islamic state to propagate right, justice, spread peace and security in all fields and actualise solidarity, compassion and support among all people, especially Muslims.

25 Islamic Social Planning as described by a prominent academic from National Islamic Front (later NCP), cited in A de Waal, Creating devastation and calling it Islam: The war for the Nuba, Sudan, SAIS Review, Vol. XXI, No. 2 (Summer-Fall 2001), p. 121.
5. Establishing an international Islamic civilisation and a new international order based on justice and fairness and recognition of the cultures of others and their cultural, religious and ethnic distinctions.

Differences emerged between Bashir and Taha after the CPA was signed. When allocating NCP positions in the new GNU ministry, Taha wanted to reinvigorate the party by appointing ministers loyal to the peace agreement, while Bashir favoured old-guard ministers hostile to the CPA, such as Nafi Ali Nafi, Abdel Rahim Mohamed Hussein and Majzoub Al Khalifa. Taha's position was weakened by Garang's death and he was marginalised by the President's faction, especially after he crossed Bashir and supported a UN takeover of the African Union force in Darfur in 2006, though later toeing the party line and vowing resistance to a UN force. In subsequent years he has kept a low profile, while he attends to his duties in the national assembly. In March 2009 he appeared with Bashir and Salva Kiir at public rallies, warning that the ICC warrant could encourage Darfur rebels to continue their attacks.

National Congress Party

The National Congress Party (NCP) has been running Sudan since the military coup in June 1989. Previously known as the National Islamic Front, the NCP grew out of the Islamist Muslim Brotherhood movement and was heavily influenced by Dr Hassan Al Turabi, a Muslim Brother since his university days. The party's tough approach included the controversial Islamic Project, designed to bring non-Muslim Sudanese in areas such as the Nuba Mountains into the Islamic fold through forced relocation and intimidation. However, Turabi split with the NCP and Bashir, and in the lead-up to the CPA, international sanctions and rumblings of discontent at home, among other matters, forced the NCP to accept the accord. Bashir and Taha had been weakened by the split with Turabi and their objective – and that of the NCP – now focused on

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26 ST, Sudan's Bashir denies difference with Vice-President Taha, Khartoum, 6 Jul 2006; ST, Sudan's Taha criticises Al Bashir rejection of Darfur UN force, Khartoum, 25 Jul 2006.
28 Agence France Presse (AFP), Sudan VP vows resistance to UN peacekeepers, Khartoum, 1 Sep 2006.
29 AFP, Sudanese president lashes out at West, Special Broadcasting Service, Khartoum, 6 Mar 2009.
political survival rather than the pursuit of political Islam. Further, they needed to attract investment and find ways to pay Sudan's US$22 billion foreign debt. Reaching out to the SPLA and craving international respectability, they grabbed the lifeline thrown by the IGAD process, ensuring that Sharia would be kept in the north and they could cement a parliamentary majority and their continued existence for the interim period.

The rise of modern Islamists in Sudan began in the 1950s, starting with the Muslim Brotherhood, renamed the Islamic Charter Front in the 1960s, the National Islamic Front in the 1980s and the National Congress Party in the 1990s. Islamic fundamentalist groups such as the NCP are supported by two principal groups. One group is the urban petty bourgeoisie, particularly pious Muslim small business people, who support Sharia and may have benefited from the introduction of Islamic banking with its simple short-term finance opportunities. The second group are conservative rural folk who may have previously supported Umma or the DUP, but shifted to the NCP as they are in favour of Sharia and a return to 'Sudanese values'. Their votes are not secure, and could leak to other groups, including Turabi's Popular Congress Party.

The concessions of the CPA cannot hide the weakness of the NCP's current position. Only a minority support it, and in a free and fair election it would be decimated. It relies on state violence to stay in power, and has lost Turabi and his supporters, who have strong links to both the security sector and Darfur. There is internal dissent over the peace process, the conflict in Darfur, the role of Ali Osman Taha and distribution of the spoils of peace. Internationally, polarisation between Sudan and Arab-Islamic countries could contribute to disintegration of Sudan, and this poses another problem for the NCP.

Some groups, especially from the south, hold Muslim and Arab extremists responsible for the atrocities in Darfur, and see them as the most likely spoilers of the CPA. However, as Chatham House analyst Brian Thomson notes, the Bashir Government is used to isolation. "In terms of the government's policy in Darfur, the track record is that it only acts when there is serious pressure".

In a strange twist, the same Comprehensive Peace Agreement that has the potential to ensure peace and bring democracy to the south has also cemented the position of the NCP in the north. At least for the time being, the CPA has legally confirmed the NCP's domination of government structures in the north. Without Garang to confront the NCP on northern issues – and with Kiir much occupied with the south – Bashir has maintained control of the north, avoiding legal reforms and failing to rein in state security agencies. Moreover, international actors such as UNMIS, IGAD, United States, Britain and Norway have failed to hold the NCP to account, allowing it to succeed 'rather painlessly in avoiding the reforms it signed on to in the CPA'. The possibility of southern secession is viewed with concern in the north, both by the NCP and by many northern opposition groups, however, this has not translated into concerted efforts to 'make unity attractive', such as timely transfers of funds from GNU to GOSS.

**Umma Party**

This is one of Sudan's traditional parties, evolving from the Mahdist/Ansar sect that fought against Britain's General Gordon. The Mahdists advocated independence from the Anglo-Egyptian Condominium from the 1920s onwards. The party was traditionally strongest in the White Nile region and the west, including Darfur. Their leader, Sadig Al Mahdi, is a grandson of the Mahdi who fought Gordon. As well as heading Umma, Sadig

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is also leader of the Ansar religious sect, and while at times he presents himself as a modernist, his support is always drawn from the strongholds of the Mahdist family tradition. He was twice prime minister of Sudan, from 1966-67 and from 1986 until Bashir's coup in 1989, and his sister, Wisal, is married to Hassan Al Turabi. Depending on the government, Sadig was obliged to spend periods in political exile, where he also represented the Umma Party in the National Democratic Alliance (NDA), a pre-accord opposition grouping that included the SPLM. He has refused to join the Government of National Unity as its members have been appointed rather than elected, and pins his hopes on the 2010 national elections.

The Umma Party says it is a truly Sudanese party, without foreign roots or influences, without Egyptian links, unlike the DUP and Mirghani. It believes it will have strong numbers at the election, saying 'even those who don't like it, admit it: Umma are overwhelming.' It maintains that it distances itself from corruption and opportunism, claiming its people did not feather their nests when in power. Umma is adamant the Darfur region remains a stronghold for it, despite its inability to stem the conflict there. It claims the war is between the NCP and the people of Darfur, and that the NCP has rejected its attempts to mediate. According to Umma, Sadig Al Mahdi is the only one who can lead the country, because Sudan's president should be a national, not tribal, local or regional figure, charismatic and recognised by youth, and definitely a Muslim, as Muslims can never accept a Christian leader.

We want the CPA implemented in a punctual and transparent fashion, this will make the elections possible. What concerns the south is untouchable, we don't oppose it. We criticise what concerns the non-southern part of Sudan. Why should the NCP monopolise 52 percent of parliament and appointments? This is not fair.

However, Sadig's decades in Sudanese politics have not been without controversy, and while his supporters laud him as the only person who can bring the country together, his two periods as prime minister failed to bring unity. He is also credited with arming Arab

41 AS Sidahmed, 1996, pp. 107, 111.
tribes in Darfur for land-grabbing attacks against the Fur from 1986 onwards; in time these armed groups became known as the Janjaweed.45

**Democratic Unionists Party (DUP)**

The DUP also has a rich tradition in Sudanese politics. It is drawn from the Khatmiya sect, which had close links with Egypt and supported unity with it in the pre-independence years. Traditionally, the DUP dominated Sudan's north, east and centre, particularly towns and villages close to the Nile. Leader of the DUP and chair of the NDA, Mohamed Osman Al Mirghani, comes from a long line of Khatmiya leaders.46 He belongs to the elite circle in northern Sudan that included certain northern merchants and civil servants and tribal leaders from regional areas. This mix of supporters included differing perspectives of both secular-minded professionals and the Khatmiya's more traditional religious values,47 with all the potential that brings for factionalism. It is seen as pragmatic and, like Umma and the NCP, raises the slogan 'Islam is the solution'.48 Mirghani managed these disparate views by avoiding a firm stance on controversial issues. Both Mirghani and Sadig Al Mahdi felt uneasy about abrogating the September Sharia laws introduced in 1983 by President Nimeiri, and pushed for them to be revised to be 'more Islamic'.49 However, by 1988 other DUP leaders had persuaded Mirghani that Sharia was the major obstacle to ending the war in the south, and that war was the most serious danger faced by Sudan. He met Garang in Ethiopia and negotiated a cease-fire based on commitment to abolish the September laws,50 but his work was overtaken by the 1989 coup, and he fled to Cairo with many of his supporters. The DUP is a member of the NDA, formed in 1990 with the SPLM and Umma.

Despite their historical rivalries, Umma and the DUP have much in common as traditional Sudanese groups that are religious, sectarian and Arab-Islamic. Both have hereditary leaders of centralised structures where democracy is discussed rather than

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50 HC Metz, 1991, p. 69.
practised. Both are experiencing shrinking power bases, due to widespread societal and economic changes. In the past, Ansar and Khatmiya leaders would send electoral candidates to 'their' areas and loyal constituents would vote them in, however this could fuel discontent if those elected failed to deliver. Both groups suffer from factionalism, manipulated further by the NCP policy of divide and rule. Some splinter groups from both DUP and Umma have joined forces with the NCP and taken up seats in the national government as part of its 52 percent controlling bloc. However Mirghani's mainstream DUP and the Sudanese Communist Party form part of the 14 per cent allocated to northern opposition parties.

**National Democratic Alliance (NDA)**

This was formed in 1990 by the DUP, Umma and SPLM, with most NDA leaders based in Cairo. Other groups joined, including the Beja Congress from eastern Sudan, and in 1994 the Eritrean Government invited the NDA to establish a base in the vacated Sudanese Embassy in Asmara. The NDA went on to recruit fighters in eastern Sudan and train them in Eritrea, including men from Darfur, especially from the Masalit tribe. The bulk of the NDA was in favour of a united Sudan, opposing self-determination for the south, as it would 'tip the balance of power in the north further towards the NIF and leave moderate northerners politically marginalised'. In late 1996 Sadig Al Mahdi fled house arrest in Khartoum for Asmara, where his presence brought new energy to Umma exiles and NDA members, at least for a while. NDA leaders were on the record as saying that religion, race and culture should not be used to discriminate between Sudanese, but the group was stronger on rhetoric than it was on results, distracted in part by internal

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51 Berghof Foundation, 2006, p. 21.,
52 Berghof Foundation, 2006, p. 21,
56 J Flint & A de Waal, 2008, p. 73.
squabbling, and by 1999, Al Mahdi had broken away from the alliance. The group remains active in Sudanese politics, and its members received seats under the CPA in the 'other parties' allocation.

Hassan Al Turabi and the Popular Congress Party

Dr Hassan Al Turabi has been a powerful force in both Sudanese politics and the wider Islamic world, where he is recognised as a notable Islamist thinker. He is a sophisticated operator, initiating dialogue with the West on an equal-to-equal basis, including exchanges with religious leaders such as Pope John Paul II. Born in Kassala in Sudan's east in 1932, Turabi studied at both Khartoum and London Universities and earned a doctorate from the Sorbonne in Paris. He joined the Islamic Charter Front (Muslim Brothers in Sudan) soon after graduating in Khartoum in 1964 and quickly rose to become the group's Secretary-General. He founded the Popular Congress Party (PCP), after he split with Bashir and the NCP (formerly the National Islamic Front) in 2000. On the international stage, he initiated the Popular Arab and Islamic Congress, an annual event attracting militant Islamic leaders from around the world. He was also close to Osama Bin Laden, who was based in Sudan from 1990 to 1996.

Convinced his cause is just, Turabi has switched paths numerous times over the years, taking a flexible approach in a bid to implement his Islamic vision. He maintains the first priority of Islamic movements is to 'change the oppressive secular regimes now ruling over Muslim societies. This will require the development of intensive, original and effective means of political struggle'. As a politician he has also tried to forge a broad religious alliance that includes a range of Islamists and even Christians, against secular and atheist (Marxist) groups. In recent years, he has taken a new and liberal stance,
calling for democracy and rights for women. In 2006, he was branded an apostate by some Sudanese clerics for sanctioning mixed prayers at the mosque as long as men and women did not sit too close together, saying Muslim women do not need to wear the veil and should be able to marry outside Islam if they choose, without facing an outcry.

These liberal views may appeal to some observers inside and outside the country, but to others, Turabi's change of face is chilling, especially when viewed in the light of his past actions. Turabi was President Nimeiri's Attorney-General from 1979-82, subsequently advising the President on legal and foreign affairs. Although no longer Attorney-General when Sharia was introduced in September 1983, Turabi is widely viewed as the architect of these Islamic laws that contributed greatly to north-south tensions. In January 1985 he advised Nimeiri to hang the 75-year-old Republican Brother leader Mahmoud Mohamed Taha for refusing to recant his liberal Islamic views. A key figure in the Islamist military coup that brought Bashir and the National Islamic Front to power in 1989, Turabi chose to stay behind the scenes, to promote his Islamist agenda without attracting undue public attention. The Islamic Project to islamicise and also subdue areas such as the Nuba Mountains was Turabi's plan, implemented by stalwarts such as Ali Osman Taha. The Islamists also backed the use of tribal militias as frontline counter-insurgency or proxy forces, a strategy that 'continued the established practice of divide and rule, turning tribes into military formations.'

Turabi had strong personal support among rural Islamists, including in Darfur. Many had joined the Muslim Brothers in their youth, believing political Islam overcame ethnic, tribal and class divides, offering 'a solution to Sudan's seemingly intractable crises and failures of economic development'. Later, Turabi supported the need for the government to distribute positions to people from the regions, rather than rewarding their own groups. When First Vice-President Al Zubair Mohamed Saleh died in a plane crash

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68 AFP, Sudan Islamist branded apostate for pro-women comments, Khartoum, 23 Apr 2006.
70 This event in January 1985 horrified Sudanese and was a trigger for the April 1985 coup that ousted Nimeiri.
in 1998, Turabi pushed for Darfuri Dr El Haj to get the job, not only because he was highly respected but also because the move would signal a change in the attitude towards job distribution. Bashir, however, had a different view, and chose Foreign Minister Ali Osman Taha. The split between Turabi and Bashir deepened; in 2001 Turabi was jailed for sedition, released in 2003, then almost immediately jailed again for encouraging sedition in Darfur. There were further spells in detention in 2004 and 2005. He was seen as a voice for progress during the family-dominated era of Sudanese politics (Umma/DUP), and is now highly critical of the government. Those from Darfur in particular have been influenced by his ideology, and his dislike of the government is linked to the rise of the Justice and Equality Movement (JEM). When the Khalil Ibrahim-led JEM faction attacked Omdurman in May 2008, Turabi was arrested again, but later released. In early 2009, he was imprisoned for two months in Port Sudan for calling on Bashir to hand himself over to the ICC. In November 2009, while visiting Paris for medical treatment, Turabi slammed the NCP for poor management of its relationship with the SPLM, saying the GNU had failed to contribute to the development of the south. He also blamed the international community for election date delays. In January 2010, Turabi announced he would not stand for president at the elections, but would remain head of the PCP, selecting instead prominent southern Islamist and academic, Abdullah Deng Nhial, as candidate, in an attempt to attract southern votes.

**Sudanese Communist Party**

Formed in the 1940s as a pro-independence group, the Sudanese Communist Party was once the largest and most influential communist party in Africa. In the modern political sphere, it remains influential without being a major contender for supreme

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75 MB Jooma, 4 Sep 2006, p. 5.


78 PCP officials also described Nhial as a relative of John Garang – Reuters, *Opposition nominates south Sudanese for president*, Khartoum, 3 Jan 2010.
authority. Traditionally, its power base stemmed from students, trade unions such as the Sudan Railway Workers, and left wing elements in urban areas. It followed the Marxist-Leninist ideology, adopting a 'disciplined Leninist type of structure based on the principle of democratic centralism'.

The Communists wielded considerable influence during the first two years of the Nimeiri government from 1969 to 1971, but suffered a devastating internal split and fall from grace that saw cadres imprisoned or forced to choose exile over life in Sudan. Reduced to operating through well-organised underground cadre cells, the party continued to enjoy a legendary cachet in Sudan and support such that Secretary-General Mohamed Ibrahim Nugud was able to remain in Sudan undetected for decades, only choosing to reveal himself in 2004 in a Khartoum suburb. The Communists showed early support for John Garang and the SPLM. Veteran Communist politician and founder of the Sudanese Women's Union, Fatma Mohamed Ibrahim, met Garang and travelled to SPLA-held areas. In 2007 she declared: 'I am sure if he was alive, the northern people could elect him as president for the whole Sudan. Me and my party are one with the SPLM and we support the unity with them.'

The Communist movement has also inspired other parties, such as the New Forces Democratic Movement or Haq, sometimes described as a Communist Party splinter group, although Haq's president, Hala Mohamed Abdel Halim, says members have varied political backgrounds or none at all. Haq originated in 1994 among the Sudanese diaspora in Britain, springing up in Sudan two years later. It has branches in towns such as Atbara, Ed Daien, Wad Medani and Kosti in the north, Nyala and El Fasher in the west and the southern capital, Juba, as well as among Sudanese outposts in Britain and Australia. Members claim to be united in a desire to counter the NCP and shape a new Sudan. 'We have a political program without any ideology driving the program. There are lots of parties, all moving towards democracy.'

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81 Author's interview, Khartoum, Oct 2007
82 Haq is both the acronym for the group's name in Arabic and a word meaning riot.
83 Author's interview with Hala Mohamed Abdel Halim, Khartoum, Sep-Oct 2007.
Sudan People’s Liberation Movement (SPLM)

Formed in 1983 by southern soldiers holed up in Ethiopia following a mutiny in the southern town of Bor on 16 May, the Sudan People’s Liberation Movement/Army (SPLM/A) had its roots in the Anya Nya guerrilla force of Sudan’s first civil war (1955-72). Headed by John Garang, the SPLA went on to fight four successive Khartoum governments until peace was achieved in 2005. When Garang died in July 2005, his deputy, Salva Kiir Mayardit, became chairman of the SPLM, commander of the SPLA, President of Southern Sudan and First Vice-President of Sudan.

In the war years, the SPLM/A directed all its resources, both human and material, to the battlefront, and was not overly concerned with political mobilisation, grounding its legitimacy in military struggle rather than in democratic processes. It had scant resources for public administration, and its early civil-military administrators were mostly former secondary and college students who had left study to fight, 'lacked administrative skills and experience, especially in the customs and traditions of rural populations', and were motivated by 'revolutionary zeal' rather than democratic debate and tolerance. Primarily a military organisation, it was accountable only to itself, accorded human rights little respect, did not tolerate alternative voices and at times intimidated and manipulated social and political life, although civil groups later became more accepted. Over time, donors and international NGOs took charge of the civil arena.


87 AT Atem, Apr 1999, pp. 3-5; OH Rolandsen, 2005, pp. 64-70.


Now the SPLM/A faces a different challenge, that of reshaping a guerrilla movement into a democratic political party ahead of elections in 2010. Although it is far from ethnically exclusive, the SPLM draws heavily on the Dinka (the largest tribe in the south), followed by the Nuer (the second largest tribe). Garang, Kiir and other senior SPLM figures come from the Dinka, and the SPLM is often accused of being Dinka-dominated, making it vital for the SPLM to convince non-Dinka southerners, particularly in Equatoria, that it would be the best party to run southern Sudan. Many Equatorians feel the SPLA has let them down by failing to stem the violence in their areas from the Lord's Resistance Army. 'Equatorian civilians perceive SPLA soldiers' behaviour and their failure to act as protectors in ethnic terms, rather than as isolated incidents of army misconduct.' The view that Dinka dominate also extends to views of ethnic representation in the southern government, with focus groups among villagers in 2007 finding that even the Dinka themselves believed that they had the majority of positions, while non-Dinka typically believed that Dinka held half to three-quarters of GOSS posts and the Nuer held one-quarter. In Eastern Equatoria the political elite is wary of the SPLM, and supports local autonomy from both Khartoum and Juba. As well as broadening its constituencies in the south, the SPLM also needs to attract both urban and rural voters in the north. This requires a huge shift in focus for a group already struggling with the interim-period task of governing and rebuilding southern Sudan. Decision-making remains top-down, and there are few opportunities for grassroots SPLM supporters to influence policy. To attract voters, it needs to promote an inclusive ideology, whereas supporters to date were motivated by a desire to affirm their African cultures and fear of enforced Arabism/Islamism rather than a coherent party platform.

91 D Petterson, 2003, p. 65.
97 OH Rolandsen, Jul 2007, p. 15.
Garang's vision for a New Sudan was strong, but ordinary southerners want to seize their chance to break ties with the north. Southerners may be uncertain whether the 2011 referendum will take place, but given the chance to vote, many are certain they will choose separation.98

Support for separation extends to the diaspora, and may even be strongest among those who have little experience of a united Sudan. Idris notes a major change in attitude among southern Sudanese in Egypt from the first war to the second. In the first they emphasised the question of identity in their conflict with the north and expressed concern about regional or federal systems, but by the time Idris conducted his research in 1996, 'they were not concerned with these issues anymore'.99 A former southern civil servant explained this new tendency:

During the Addis Ababa Agreement we thought we could live together with those of the north, but they deceived us and even succeeded in dividing us into regions and hostile ethnic groups. Instead of treating us as equal partners, they disrespected us and treated us as inferior to them. Thus, our demand today is not getting jobs or posts in government but to protect our culture, history and identity.100

Garang's death and the subsequent sidelining of Vice President Taha ensured that the two chief negotiators of the CPA no longer shape the dialogue between the SPLM and NCP. While the NCP still needs the SPLM as a partner, it wants to neutralise its power at the national level, keeping it as a 'purely southern-based junior partner'.101 The relationship is precarious, plagued by mistrust between the presidency and GNU that makes the possibility of 'political disagreements quickly escalating to military ones a constant threat'.102

100 AH Idris, 2005, p. 74.
First Vice-President Salva Kiir Mayardit

In the south, Sudan’s First Vice-President Salva Kiir is known simply as 'The President'. As Garang's second-in-command, Kiir was the only choice for the top SPLM/A position after Garang died in July 2005. Born in Bahr Al Ghazal in 1951, Kiir is from the Dinka tribe. Like Garang, he fought with the Anya Nya in the first war, and was later absorbed into the Sudanese Army. He was a founding member of the SPLA and one of the five-person high command, conducting numerous lengthy campaigns in the jungles of southern Sudan. While Garang’s vision was for a New Sudan that offered unity, equality and progress to all, Kiir was more inclined to view separation. However, once placed in Garang’s shoes he began publicly promoting unity, although by 2010 he was urging people to accept the outcome of the referendum peacefully, whatever the result may be. Kiir's record on the battlefield meant he was seen as a fighter rather than a politician, and there were fears that he could be outmanoeuvred by his NCP partners in the GNU. Others suggested he should just take the top position as Vice-President of Sudan, leaving the Presidency of Southern Sudan to Riek Machar and party leadership to regional assembly speaker James Wani Igga, so that the NCP would have to deal with a spread of southern minds. However, Kiir is also an experienced negotiator, leading the SPLM/A in crucial CPA discussions in Abuja and Machakos. Although there were concerns in the south when the contested federal ministry of energy and mining went to the NCP, Kiir showed mettle in 2007 by facing off Bashir over CPA violations, and should not be underestimated.

In May 2008, the SPLM held its second national convention in Juba, and confirmed Kiir as head of the movement and its army for the next five years. His candidacy was nominated and supported by Vice-President of Southern Sudan Riek Machar and Secretary-General Pagan Amum, who noted Kiir's efforts to establish the party and ensure its unity. Machar, James Wani Igga and Malik Aggar were re-elected as deputy chairmen and Pagan Amum as Secretary-General. Machar and Nhial Deng Nhial initially stood against Kiir, but later withdrew. The convention also elected the 275-
member National Liberation Council. The result shows the conservative nature of Sudanese politics when it comes to leadership changes, that there is loyalty to Kiir in sufficient sectors but that he can expect challenges from Machar and others further down the line. It also shows that challenges to leaders such as Kiir are becoming acceptable and seen as part of the democratic process. Kiir must continue to perform a balancing act when it comes to selecting senior colleagues, whether politicians, military or civil servants, ensuring that he spreads favour among both his 'South-first' secessionists and those loyal to Garang's vision of a New Sudan, including Foreign Minister Deng Alor, Nhial Deng Nhial, Yassir Arman and Abdel Aziz Al Hilu. Further, he needs to ensure a mix of regional and tribal backgrounds among his cohort to counter allegations of Dinka domination. In January 2010 Kiir nominated as the SPLM's candidate for president of southern Sudan, having refused some months earlier to run for national president in favour of focusing on the south. Riek Machar had declined to run for national president unless he was also appointed head of the SPLM, a demand Kiir would not accept, so Yasir Arman was chosen.

Government of Southern Sudan (GOSS)

In southern Sudan GOSS is the visible government, along with the state legislative assemblies. Until elections are held, GOSS means SPLM/A, and its flag is now the flag of Southern Sudan. That same potent symbol appears in newspapers, on t-shirts, as murals on public and private buildings, such as the walls of the New Sudan bar in Malakal. The names of shops, hotels and guest houses are resonant with SPLA symbolism, such as Owing-kipul and New Site; places of refuge, such as Gambella and Itang; or with the name of the place where war was laid to rest, Naivasha. Vehicles, especially public transport, feature posters of the SPLM leadership, including commemorative portraits of Garang. Photographs of SPLA soldiers inspecting netted

107 ICG, 13 March 2008, pp. 3, 7. The New Sudan group are also called Garang's Boys (Awlad Garang), a term coined by NCP-controlled media. The ICG says they have been targeted by the NCP and some in the SPLM because they champion full implementation of the CPA.
109 Owing-kipul and New Site are the names of former rebel bases.
beds are displayed on large UNICEF billboards promoting malaria prevention, with the slogan: 'You defended your country, now protect your family'. Along with the SPLA paraphernalia, there are also displays such as the prominent mural in the main street of Malakal honouring the CPA and featuring Bashir and Ali Osman Taha as well as Garang.

Cautious about moving into the Bashir government garrison town of Juba in the early days after the CPA was signed, the SPLM chose its war-time stronghold Rumbek as interim southern capital, and did not start setting up officially in Juba until after Garang was sworn in as First Vice-President in July 2005; poignantly, Garang never returned alive to Juba, the place he passed through on his way to Bor and rebellion in 1983. He came back to Juba only in death; his grave, guarded by SPLA cadre and festooned with ornamental flowers, has a prominent position near the Southern Sudan Legislative Assembly, looking towards Jebel Kujur, the green hills around Juba.

After such a depressing start, things could only get better for the fledgling southern government. Senior politicians, government officials and aid workers alike went to work each day from catered tent cities by the Nile, often to makeshift offices in marquees or shipping containers, funded by the United Nations and international donors. Yet these conditions did not deter them, and instead people remember the excitement and camaraderie at the promise of the future, at the possibilities suggested by the tasks to be done. Working long hours, the new team constructed an interim constitution for Southern Sudan that clearly separated religion from state and guaranteed equal treatment for all religions, without making any 'official'. There was to be an independent Southern Sudan judiciary, and full implementation of the CPA would be the new Southern Sudan Legislative Assembly's primary responsibility. Languages also featured in the interim constitution, and southerners could adopt any national language besides English and Arabic as an additional official working language or medium of instruction in schools.

The southern government could be a strategic agent for whole country, acting as a springboard for political change in Sudan. It could bring the peace dividends enshrined in its interim constitution – democracy, good governance, secularism, non-discrimination,

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freedom and fair competition. GOSS has the potential to realise the vision of New Sudan and act as a strategic ally for the United States in Sudan and in the region. However, National Congress Party members who oppose the CPA can be expected to resist GOSS and seek to incapacitate its' ability to deliver development, infrastructure and capacity building, notes Deng.114

GOSS is currently comprised entirely of appointed members, selected on a quota system as laid down in the CPA. The SPLM holds 70 percent of seats, the NCP and other southern political forces 15 percent each. In the southern state legislative assemblies, the SPLM holds 70 percent of seats, other southern forces 20 percent, the NCP 10 percent. While Salva Kiir is the Southern president he also has national responsibilities, and Riek Machar as his deputy has a strong role.115

All Sudanese, especially those from the south, have at the back of their minds the knowledge that they may find themselves again at war. Sudan's deputy speaker and senior SPLM official, Atem Deng Garang, has stated clearly that the SPLM will defend the peace, even if it means going back to war.116 These comments accord with a view, described as widespread in the south in 2006 by analyst John Ashworth117 that keeping the peace may mean going back to war, or indeed that war is better than an unjust peace. However, increasing violence in the south only serves to remind its people of the horrors of war, and former fighters may lack enthusiasm for another protracted war.

Riek Machar Teny Dhurgon

In Sudan Southern Vice-President Riek Machar is known as one of the three doctorate holders with early and senior involvement in the war. He broke from the SPLM in 1991 with Dr Lam Akol and Gordon Kong Chuol, forming the Nuer-strong SPLM-Nasir faction. By 1995, he had regrouped as leader of the Southern Sudan Independence Movement/Army (SSIM/A) and Lam Akol was leading SPLM-United in west-central

114 LB Deng. 24 Jan 2007, p. 22.
116 Sudan Radio Service/ST, SPLM to defend peace even if it means going to war, Khartoum, 17 Oct 2006.
117 Personal correspondence, 18 Oct 2006
Upper Nile. In April 1996, Machar signed a deal with the Sudanese government, merging with other rebel factions to sign the ill-named Khartoum Peace Accord in 1997. He became commander-in-chief of the Southern Sudan Defence Forces, head of the government's Southern States Coordination Council and assistant to President Bashir, and also formed the United Democratic Salvation Front party. By 2000 he had had enough; he returned to the south and started an army, eventually merging with the SPLM in 2002, as the Machakos process gathered speed.

Machar is known as a supporter of southern secession, and also as someone who will shift allegiances if he thinks he is getting a raw deal. His past history makes some groups of Sudanese wary of him, particularly Dinka Bor, whose people suffered heavily at the hands at his forces. Nevertheless, he has strong support among the sizeable Nuer community, and a long history of working politically with a variety of groups from throughout Sudan. His position in the past when working with the Khartoum government could be likened to that of Darfur's Minni Minnawi, leader of a Sudan Liberation Army (SLA) faction, who also placed himself in the invidious position of working as Bashir's aide. There can be doubt that Machar has his eyes on the job as President of Southern Sudan. However, he has supported Kiir into the post until 2013, well beyond any referendum, so it remains to be seen if he will expend his energies on his work as Vice-President of the south or be distracted by the larger crown.

Machar has also taken a role in regional politics, as chief mediator of peace talks between the Lord's Resistance Army and the Ugandan Government. The internationally-sponsored Juba Peace Initiative was designed to end the 20-year conflict that has brought untold misery to villagers in Uganda, Sudan and the Democratic Republic of Congo. Machar and his team negotiated ceasefires and brought both parties to the table in 2006. Extended negotiations took place – resolving this conflict would be a feather in Machar's cap, providing both a tangible peace dividend for southerners whose lives have been disrupted by the LRA and a block to any future attempts by GNU to re-arm the LRA as a

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proxy force in southern Sudan. However, Machar has also been portrayed as a weak link in the process, with little influence in Kampala or Khartoum. He 'consistently refused to address the Sudanese dynamics behind the LRA's last 14 years of insurgency, so as to hide his own responsibility in originally recruiting it as a proxy force by Khartoum'. His critics maintain that management of negotiations has been erratic, he failed to question LRA delegation changes and excluded other SPLM leaders such as Samson Kwaje from the talks, dishing out large sums of money to encourage the LRA to cooperate. Peace has been elusive and in December 2008, the Ugandan Government initiated a military campaign with Southern Sudan and Congo, driving LRA leader Joseph Kony deeper into the Congo forest and resulting in an LRA campaign of civilian deaths and displacement in Equatoria, particularly in the border areas such as Yambio and Mundri.

Other southern forces

This is rather a loose phrase, used in the CPA to allocate parliamentary seats (15 percent in GOSS, 20 percent in southern state assemblies) to southern groups other than the SPLA. Assembly members from this allocation include a number of prominent Sudanese who did not support Garang during the war years, or not all of the time, instead staying inside Sudan as politicians or public servants. Some have revitalised old political parties they may have been connected with in the past, others have started new groups in the hope of winning a slice of the action when it comes to the promised elections. The group includes the Sudanese African Nationalist Union (SANU), United Democratic Front (UDF), Union of Sudan African Parties (USAP), South Sudan Democratic Forum (SSDF), United South Sudan Party (USSP), Sudan Labour Party (SLP) and Covenant

121 ICG, Northern Uganda: The road to peace, with or without Kony, Africa Report No.146, Nairobi/Kampala/Juba/Brussels, 10 Dec 2008, p. i.
122 ICG, 10 Dec 2008, p. i.
123 ICG, 10 Dec 2008, pp. 16-17.
Democratic Party (CDP). SANU is led by Dr Toby Madut Parek from Eastern Equatoria, and has a long history in the south. It was an early supporter of self-determination and influential in negotiating the Addis Ababa Agreement in 1972. SANU supports 'good implementation of the CPA' and decentralised government as key factors for making unity attractive. The SSDF is led by veteran politician and journalist Bona Malwal Ring, and has its roots in the Southern Front that pushed for self-determination for the south in the sixties. A Dinka from Gogrial, Malwal has worked with national and regional governments, including as a minister under Nimeiri and as a presidential adviser for Bashir. He broke with Garang in 2000 over issues such as southern self-determination and SPLA handling of insecurity in cattle camps and remains critical of current leadership in southern Sudan. In June 2009, former foreign minister and ex-SPLM member Lam Akol established a new party, SPLM-Democratic Change (SPLM-DC), calling the current SPLM leadership bankrupt and criticising its failure to implement good governance and democratic practice in the south.

National Congress Party in the south

Lam Akol was once a member, and other southerners have found it worth their while, but as a general rule, the NCP is not popular in the south. It has its allocated seats (15 percent in GOSS, 10 percent in southern state assemblies) but would be unlikely to maintain those proportions in a free and fair election in the south. In fact, many observers debate whether it could hold its own in such an election even in its northern stronghold. Nevertheless, as long as it has seats in the south it will find supporters or supporters will find it, particularly if they receive favours for loyalty.

126 I Vuni, *Toby Parek unanimously re-elected SANU President*, ST, Juba, 17 Apr 2009.
127 DH Johnson, 2006, pp. 31-32.
128 I Vuni, 17 Apr 2009.
129 In the sixties, during the first war, Malwal was jailed for articles published in *The Vigilant* newspaper. As information minister under Nimeiri in the seventies, he started *Sudanow* magazine, a government English language monthly magazine covering current affairs. In 1986, he published *Sudan Times* newspaper, later banned by Bashir. In the nineties, he published *Sudan Democratic Gazette* from exile in Britain. The author wrote for *Sudanow*, and later, *Sudan Times*, while based in Sudan from 1983-87.
The southern states

There are 10 Southern Sudanese states (Upper Nile, Unity, Warab, Northern Bahr Al Ghazal, Western Bahr Al Ghazal, Lakes, Jonglei, Western Equatoria, Eastern Equatoria, Bahr Al Jebel), in varying states of disrepair following years of neglect compounded by civil war. The major capitals – Juba, Malakal, Wau – remained in government hands throughout the war; they were often attacked by the SPLA, but taking them would have triggered concerted bombing by the government. The residents lived like prisoners under foreign military occupation, suffering food shortages and a barrage of human rights abuses. Other towns and villages had a different experience, falling early into SPLA or militia control and facing great hardships, some eventually developing a new life, even planting crops, although the fear of bombing was real and ever-present. Both Yei, a leafy green town near the Ugandan border and Rumbek, a dusty town in cattle country further north, became significant SPLA strongholds.

Experience of the war could differ considerably, depending on which side of the line a town was located. Those on the government side may have seen more mosques built, perhaps more people taking Islam as their faith, more women covering their hair. On the rebel side existence was tough, especially in the early years, but over time cultivation became possible and trade developed, with clothing and other goods from Uganda and Kenya still popular today.

Peacetime changes are evident in other ways, even if mostly on paper. For example, for the first time in Sudan's history state governments have interim constitutions enabling them to establish legislature and judiciary. Like GOSS, those bodies are charged with ensuring the CPA is implemented and providing the necessary checks and balances for good governance. This constitutional transformation provides the opportunity to reshape Sudan into a new country that upholds and respects the rule of law, bill of rights and fundamental freedoms and sovereign authority of people. The success of the state

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[133] Also written as Warap or Warrap.
[134] Often called by its Arabic translation, Buheyrat.
governments depends on a range of factors, from timely provision of finances to the suitability of GOSS’s choice of state governor, to the efforts of government members themselves.

**Darfur**

Darfur was not part of the peace process that led to the CPA, but the failure to stem the atrocities in that region of seven million people has inevitably affected the North-South peace process. Like the southern rebellion, the conflict in Darfur is frequently described in racial terms, in this case as a clash between Africans and Arabs.\(^{138}\) As in the south, the reality is more complex, as Darfur is an 'interwoven ensemble of tribes'\(^{139}\) that are both African and Arab in origin, some African groups speak their own languages while others have adopted Arabic. The dispute has its roots in the drought and accompanying famine of 1984-86,\(^{140}\) a disaster that saw local leaders march to Khartoum seeking food for their people. It also contributed to the downfall in 1985 of President Nimeiri. Although the atrocities in Darfur in recent years echo those in the south throughout the decades of war, changes in technology and media — such as internet, satellite phones and television — have ensured that reports from the west have been more frequent and carried far more detail than was the case with comparable events in the south.

Prominent in the area are the Fur, for whom Darfur\(^ {141}\) is named. The Fur identify themselves as African or non-Arab, along with others such as the Zaghawa, Masalit and Midon.\(^ {142}\) The Arab side includes the Rizeigat and Beni Halba\(^ {143}\) and groups such as the Baggara, a broad term for a nomadic people who breed cattle.\(^ {144}\) These Arabic-speaking Muslim Sudanese identify more with the Arab than the African side of their family trees. Their search for new lands encroached on the farms and pastures of other Arabic-


\(^{139}\) G Prunier, 2005, pp. 4-8.

\(^{140}\) G Prunier, 2005, pp. 54-58.

\(^{141}\) Darfur means 'home of the Fur' in Arabic.

\(^{142}\) MB Jooma, 4 Sep 2006, p. 2.

\(^{143}\) G Prunier, 2005, pp. 4-8.

\(^{144}\) MB Jooma, 4 Sep 2006, p. 2.
speaking but African-identified Muslim Sudanese, whose tribal groups (except for the Fur) spanned the border with Chad, who also spoke Fur and other languages as mother tongues. The complicated mix is deepened by years of intermarriage between tribes that have mostly co-existed peacefully in past years, or at least found better ways than violence to resolve their differences. From physical appearance alone, it is not always easy to tell these people apart, but as the drought unfolded and the crisis became acute, the two groups began to clash. Rather than resolving the conflict equitably, the government supported the so-called Arabs and disarmed the African-identified Sudanese, replicating the tactic it had employed against the SPLA by arming Arab tribes in central and northern Sudan. In the west, the continuing conflict between nomads and farmers took two distinct forms: sporadic, traditional conflicts over resources that exhibited low level violence and ethnically-driven clashes that emerged in the late eighties and bubbled under the surface until February 2003, then escalated into full-blown armed conflict against the government.

As the south moved towards peace in 2004 the conflict in Darfur intensified. Freed to some extent from its duties in the south, the Sudanese army was refocused on the west, where it moved to quell rebel uprisings, employing militias known as Janjaweed, military intelligence and the air force under the coordination of Kordofani security officer Ahmed Mohamed Haroun. Chad's porous border with Sudan flooded with refugees escaping the fighting. In April 2004, the government and rebels signed the Ndjamena Ceasefire Agreement, opening the door for African Union peacekeepers to enter Darfur as monitors; however, the government was slow to shut down the militias, and by September, the UN was warning that targets for disarming had not been met and civilians needed outside protection. This is genocide, said US Secretary of State Colin Powell in 2004, flagging a debate about the use of the term. Meanwhile, the name Janjaweed became well-known in the West, due to widespread media coverage of the

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145 G Prunier, 2005, pp. 4-5.
humanitarian crisis in Darfur. Meaning 'men on horseback' it refers to the Arab-identified government-armed militia, led by Sheikh Musa Hilal, who rode on horseback into African-identified villages of the Fur and others, wreaking destruction through rape, plunder and pillage. Janjaweed ethnic cleansing endeavours extended to burning and bombing villages. By April 2005, the UN was accusing the Sudanese government and their Janjaweed militias of systematic abuses in Sudan, but refrained from calling it genocide. With world attention focused on Garang's inauguration and subsequent demise, the atrocities continued in the west, and it was not until April 2006 that the UN Security Council imposed sanctions on Hilal and three Sudanese army commanders.

Two main political and resistance movements have dominated the Darfur landscape, the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equity Movement (JEM), however these have split and split again into a number of separate groups or factions. The SLA is Darfur's largest rebel group, supported by the Fur and Massalit, who are farmers, and the Zaghawa, who are nomads. Clashes between the SLA's two main factions are not uncommon. Chairman Abdel Wahid Muhammad Al Nur has a Fur power base but is weak militarily. He refused to sign the Darfur Peace Agreement in May 2006, but his secretary-general, Minni Arcua Minnawi, did sign and is now based in Khartoum as President Bashir's special adviser on Darfur. Minnawi's faction is strong militarily, and many see him as the de facto commander of the SLA despite his power base coming from the smaller Zaghawa tribe. Minnawi followed a long line of Sudanese rebel leaders, such as Lam Akol and Riek Machar, who accepted positions with the national government while their region was still at war. However both Machar and Akol eventually returned to the south. Minnawi, who is also head of the Darfur Transitional Authority, said in May 2008 at the SPLM Convention in Juba that if the NCP did not honour its commitments to the DPA, his group would walk away.155

152 C Rakisits, Aug 2006, p. 15.
154 For more on the various factions, see G Prunier, Armed Movements in Sudan, Chad, CAR, Somalia, Eritrea and Ethiopia, Centre for International Peace Operations, Berlin, Feb 2008, pp. 3-7.
The JEM was originally a small and less powerful Darfur group with hard-line Islamist tendencies and Zaghawa support, that from the outset was ‘dogged by the suspicion that it was a stalking horse for Turabi’. JEM would have no truck with the DPA, instead calling for changes that were unlikely to be accommodated. However, in May 2008, one faction of JEM, led by Khalil Ibrahim, took the conflict a step further, right to the suburbs of Omdurman, one of three cities that make up Khartoum. For the first time a rebel group entered the capital and fought with the Sudanese army and other security forces on city streets, and for five days the gunfire in Omdurman could be heard across the wider city. While JEM rattled the Bashir government to the point where it blamed Chad for supporting the group and cut diplomatic ties, the attack could only ever be akin to a suicide mission, as they had insufficient fighting power to take over the city. The effects on the Khartoum population were immediate, with roadblocks set up, and citizens suspected of merely coming from the Darfur region pulled from vehicles at gunpoint and taken to undisclosed locations to be beaten, tortured and become the next names in an Amnesty International report. The attack also exploited a large chink in Bashir’s defences, as the rebels travelled for four days across Sudan, succeeding in reaching the capital despite bombing raids by the Sudanese air force. The credibility of Khartoum’s security cadres was severely dented, and a loud, clear message sent to Sudan’s political elite: ‘that the battleground would no longer remain in distant places, it had moved into their backyard’. Darfur’s factions have been thrown into a brave new world. The Omdurman attacks may encourage some to unite for war rather than for peace negotiations, believing the road ahead leads to Khartoum, the battleground is the city streets, and this is the best way to bring a change in the government and end the fighting in Darfur. The tactic has many pitfalls, not least for the ambitions of the south and the SPLM, which could face problems with JEM if they were able to seize power from Bashir, thus negating the CPA.

159 A de Waal, 18 May 2008.
East

The east has Sudan's biggest gold mine, diamond deposits, its only port, Port Sudan, and main oil refinery. The Red Sea Hills are home to the Rashaida, Arab-identified Muslim nomads and their neighbours the Beja, African Muslims whose lands stretch across the border into Eritrea. These groups have their own languages and many also speak Arabic; both have formed rebel movements, the Beja Congress, established in 1958, and the more recent Rashaida Free Lions, both want greater autonomy and control of natural resources. While the Beja say they are being marginalised and their area left to poverty and neglect, the Rashaida say Khartoum is exploiting natural resources in their region. Taking a low profile for many years, the Beja Congress was reactivated around the time of the coup in 1989, one faction basing itself in Eritrea ahead of armed struggle, the other remaining in Sudan and favouring dialogue and negotiations. By 2004, the Beja Congress had allied with Darfur's Sudan Liberation Army, then in 2005 the two groups formed an alliance with the Rashaida Free Lions and other tribal groups to form the Eastern Front, which was supported by Eritrea, increasing their military potential and posing a serious threat to oil installations, and gold mines and potentially the whole Sudanese economy.

The Eastern Front signed a peace deal with the government in October 2006 and fighters have been slowly relocating to Sudan from their camps in Eritrea. The Eastern Front was offered a number of government positions and around US$600 million over five years for development. Although Beja society is extremely conservative, the Beja Congress Secretary General and Vice-President of the Eastern Front, is a woman, university lecturer, Dr Amna Dirar, who has faced harassment and interrogation from the government's security services. Dr Dirar is now a government adviser.

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165 Berghof Foundation, 2006, p. 22.
Militias

During the war years, combatants spread far beyond the regular forces of the Sudanese Government and those of the SPLA. Tribal groups, pastoralists, paramilitary, and rebel splinter groups all fought on one side or the other, often changing sides according to the politics of the day. With the signing of the CPA, militia members were to join either the SPLA or the Sudan Army, or other groups such as the police, wildlife or prison forces.\(^{166}\) The largest group, the Southern Sudan Defence Forces (SSDF) numbering perhaps 35,000,\(^{167}\) led by Paulino Matiep Nhial, a Nuer from Bentiu, and Gordon Kong, a Jikany Nuer, gradually shifted its allegiance to the SPLA, with Garang's death and the ascension of Salva Kiir providing the dynamic for closer relations. Appointment of Nuer military leader Riek Machar as Vice-President of southern Sudan was also seen to facilitate south-south dialogue. Matiep became second in command of the southern army, the SPLA, while Kong is based in Khartoum. The SSDF had clashed with the SPLA for a variety of reasons, and at times was aligned with the Bashir Government, a relationship formalised in the Khartoum Peace Agreement in 1997. Despite joining the government, the SSDF opposed Garang's vision of a New Sudan and pursued separatist goals, saw the SPLA and the south as Dinka-dominated, and sought a greater role in southern government and greater access to oil revenues from Unity State, the home area for many of its fighters.\(^{168}\)

The militias posed a major threat to implementation of the CPA, but although the SSDF was able to find reasons to integrate with the SPLA despite years of mistrust between southern leaders, other militia groups have been more difficult to draw into the fold. The region remains awash with illegal guns and trigger-happy soldiers, militia and unaligned armed gangs,\(^{169}\) and both the GNU and GOSS rely on armed groups as proxy forces in areas of contention, in direct violation of the peace agreement. Many ex-combatants find themselves in an 'administrative limbo', at varying levels of integration.

\(^{167}\) Berghof Foundation, 2006, p. 23.
\(^{168}\) Berghof Foundation, 2006, p. 23.
\(^{169}\) D Rupiny, South Sudan reaping peace dividend, AR No. 110, Institute for War and Peace Reporting, Arua, 25 Apr 2007, p. 3.
or demobilisation, and/or part of the Sudan Armed Forces (SAF) or SPLA in name only, while actually continuing to answer to their former commanders. Tribal and personal loyalties may carry more weight than new affiliations in some areas, and for many membership of an armed group is the only job they know.

Nevertheless, the Juba Declaration in January 2006 between the SPLA and the SSDF saw this militia for the most part shift its support to the SPLA, with fewer remnant unaligned combatants from this group. However, the former SSDF combatants have been only minimally integrated into the SPLA. In Bahr Al Ghazal and South Kordofan, that is, in the north-south border areas, SAF-aligned Misseriya tribesmen clashed with the SPLA from December 2007 to April 2008, and President Bashir has mobilised paramilitary Popular Defence Forces in the area. Both the SAF and the SPLA are keen to keep fighters in the transitional zone or border areas, and this is likely to continue until the referendum. In the oil area of Abyei, the SPLA is aligned with the Debab and Abu Matrig forces, which consist of Misseriya and Rizeigat armed forces, and these groups continue to clash with SAF-aligned remnant SSDF militia. This conflict accelerated out of control in April-May 2008, with tens of lives lost, tens of thousands displaced and homes and other buildings in Abyei burnt to the ground.

**Conclusion**

In Sudan politics and religious beliefs are intertwined, but the one clear delineator, the marker that indicates one's likely political flavour and/or religious beliefs, is race, whether one originates from north or south, east or west. These factors largely determine one's beliefs, whether religious or political, and the kinds of experiences enjoyed and endured over the years by family members. Further, no matter what political views people hold, they are likely to be identified with particular political viewpoints simply on the basis of the region, tribe, clan and sub-clan from which they came, or to which they belong.

In the north news from Darfur is reported in far more detail than news from the south has been over the past decades, in part as a result of satellite television and internet access. Newspapers in Arabic and English are bristling with debate, and new radio stations have mushroomed in Sudan's cities and towns. Nevertheless, the alternative voices of Sudan are still struggling to be heard. To date, Sudanese governments have been adept at bullying their citizens, locking up their intellectuals and trying to pretend someone else has the key. While the SPLM struggles to put in place a new Sudan in the south, to foster democracy despite its military base, the north has yet to reinvent itself for the 21st century. The nation's leader, Bashir, marked his 20th anniversary in power in June 2009, and there is no indication of when a leadership change might come. The prevalence of other armed groups threatens security in the south and the implementation of the CPA. The NCP remains the strongest political group in the north, just as the SPLM retains the south. However, both must engage with their constituents, not only to do well in elections but also to guard against instability, whether in the regions, Juba or Khartoum. Talking politics has always been a favourite Sudanese pastime, particularly among men. All eyes must now be on the elections, where Yasir Arman will battle President Bashir for the top job, Salva Kiir is likely to be confirmed as southern president ahead of a referendum that could make him leader of a nation, and positions in national, southern and state assemblies will be hotly contested. There are a myriad of parties and candidates, but it is still likely that many of the old politicians will take up seats in the new assemblies. Conflict will prevent many in Darfur from voting in the elections, just as most southerners missed out during the decades of war. Increasing violence in parts of the south means that some potential voters there will miss out this time around as well. The litmus test will be how the parties and their elected representatives work together in the months leading up to the 2011 referendum.
CHAPTER THREE

Civil society in Sudan

Introduction

This chapter looks at the role of a variety of actors in the civil arena in Sudan, including civil society organisations (CSOs), local non-government organisations (NGOs) and religious actors such as Muslim and Christian groups. It explores the way different groups behave in the community, how they operate in relation to promotion of the CPA, discussing how civil society groups and the government interact and why civil society and human rights are inextricably intertwined.

In a country ruled by the military, CSOs are generally viewed with suspicion and treated as a potential threat. Sudan has been no exception, with civil society groups tending to flourish during times of civilian rule, only to be cut down again when the military takes the reins of power. Authoritarian states take steps to restrict meaningful political participation, including hampering the effectiveness of civil society organisations.1 While governments are the rule setters, referees and protectors of civil society, they can also restrict the activities of associations, limit freedom of expression and interfere with elections.2 Depending on a government's experience with voluntary workers and public affairs, it may try a number of tactics to constrain the work of CSOs as individual organisations and as a group. In both Sudan and Iraq, governments dismantled existing civil society organisations and made it difficult for new groups to emerge.3 Successive Sudanese governments have employed a variety of strategies to frustrate CSOs, including exclusion and banning, containment, penetration and...

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weakening. Periods of vibrant civil life and free speech have been followed by years of repression and severe restrictions on free association. Following the 1989 coup, the (then) National Islamic Front (NIF) worked to change society, driving out individuals and organisations with differing views. The NIF sought to make its version of Islam 'not only the ruling paradigm, but also the internalised social norm. Independent associations have been driven outside the country; they must function abroad or through rebellions based in the south and west'. In subsequent years the government created parallel government-affiliated organisations. Sudan's advocacy NGOs were so weakened by 40 years of authoritarian rule and civil war that by 2006, of about 1100 CSOs, almost half were government-affiliated NGOs.

Bayat identifies six types of activism in Middle Eastern societies: urban mass protests, trade unionism, community activism, social Islamism, NGOs and 'quiet encroachment', which he characterises as 'direct actions by individuals and families to acquire the basic necessities of their lives (land for shelter, urban collective consumption, informal jobs, business opportunities) in a quiet and unassuming, illegal fashion'. He argues that community activism has been feeble in the Middle East, and that it is quiet encroachment that 'gives the urban grass roots some power over their own lives and influence over state policy'. While Sudan has many of the elements of Middle Eastern society, particularly in the north, it is also very much an African society. As in Kenya, Uganda, South Africa and Nigeria, for example, there is also an active faith-based sector consisting of groups – mainly Christian but also Muslim – running NGOs and grassroots activities. Sudan's Islamists have focused more on creating groups suitable for guidance than on mobilising people to actively build their communities. Islamism attracts the marginalised middle classes more than the disenfranchised, with activities among the poor limited to providing social services and mobilising people for elections. Activists

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8 A Bayat, 2002, p. 3.
target 'youth and the educated unemployed as well as the socially well-to-do and politically marginalised groups'.

Civil society is not homogeneous, and neither are NGOs. Local NGOs especially find their relationships with the state are shaped by class and connection. 'Associations that belong to well-connected high officials are treated better than are critical human rights and women's rights organisations'. NGOs may be far from democratic in the way they operate; they are accountable to their donors rather than their beneficiaries and structured in a top-down, paternalistic way that makes it difficult for them to foster grassroots participation in development. Decisions are made by one or two people with little input from staff, including extension workers. Volunteers are few, and staff may be motivated by money more than altruism, while their organisations in turn are merely clients for intermediary NGOs disbursing funds from international organisations. Competition and factionalism among NGOs, and the various policies of donors can hamper coordination of development strategies, and ensure effort and projects are duplicated.

Human rights and political freedoms go hand in hand, stretching beyond the power to create political parties and vote to the right to form and join non-political organisations. Free and fair elections via a secret ballot are the symbol of democracy, but they cannot exist without civil society, with its shared sense of identity and citizenship and associated rights and responsibilities. Civil society is underpinned by 'the willingness of individuals to accept disparate political views and social attitudes; to accept the profoundly important idea that there is no right answer. In the Middle East, society is often undermined by a deficit in political toleration and constricted by arbitrary government regulation.' While many Islamist movements in the region support free and fair elections and reforms, others are hostile towards democracy. However, civil society in Arab nations consists of more than just Islamists. There may be cooperatives, unions

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and professional associations, environmental, human rights and women's groups, sports clubs and charitable associations. The 'emergence of civil society is a crucial step towards realising a freer Middle East' — and by extension, in the case of Sudan, a freer Africa. Sudan's wars have been fought about a fair distribution of resources and respect for all its peoples regardless of background; therefore seeking and ensuring access to human rights and political freedoms goes beyond mere democratic symbolism. However for many years the reverse has been true in Sudan, with the government restricting the independent civil society sector, while 'transferring its social and economic responsibilities for groups such as displaced persons, children and the urban poor to national and international NGOs'. With political parties banned in the north for more than a decade and state governments weak, civil society and NGOs were left to fill the gap. In 2005, making unity attractive also means promoting a vibrant and confident civil society that can also assist in fostering the peace process and the health of the CPA. For Sudanese women, long active in civil society although largely excluded from the peace negotiations, there may be 'a greater role in implementing post-conflict projects and in transitional institutions'.

From independence to CPA

At independence Sudan had a flourishing civil society, arguably the most developed in the Horn of Africa, with independent professional bodies and organised labour groups. But although the country enjoyed a 'vibrant associational life' through mosques and churches, graduates clubs, unions, political parties and so on, it was also true that people tended to group according to their ethnicity, geographic region and religion, and 'allegiance to one's own group was stronger than a sense of Sudanese nationhood'. The railway workers union in the northern town of Atbara was one of the few examples where people cut across these regional cleavages. In the 1950s in the north

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18 AM Lesch, 1996, p. 156.
the Sudanese Communist Party was both secular and anti-elite, attracting young, educated Sudanese. It had strong followings among the unions, especially in Atbara and among tenants of the Gezira industrial and agricultural schemes. On the other hand, the Muslim Brotherhood also drew members from among young and educated Sudanese, targeting secondary and university students. There was intense rivalry between the two groups, leading to clashes on campus. In the early sixties, as the civil war intensified, interaction between north and south became 'increasingly intolerant and acrimonious', and the national government attempted to impose the cultural values of the north onto the south.¹⁹

Sudan's military rulers have imposed 'draconian restrictions on political life', suspending the constitution, closing parliament, banning political parties and unions.²⁰ The public service and military have also suffered from interference. The NIF worked carefully to infiltrate these areas well before the 1989 coup,²¹ when President Bashir grasped the power to hire and fire public servants. Around 14,000 were sacked soon after the coup, and another 50,000 removed over the next two years, including 128 judges and legal advisors. By 1991 around 3000 people had been removed from the armed forces, including 400 officers, and at least 400 from the police force.²² Dismantling civil society was an equally important goal, not least because civil society was at the forefront of movements that overthrew military governments in 1964 and 1985.²³ The NIF often targeted associations they identified as 'secularist in character, as well as leftist in inclination' that were collectively known as 'the modern forces' – they had been battling these groups since student days, and saw them as their true rivals.²⁴ The government dissolved groups such as the Sudanese Bar Association and Sudan Human Rights Organisation, and members faced harassment, ranging from dismissal from university positions to intimidation, imprisonment, torture, 'voluntary' exile and denial of permission

¹⁹ AM Lesch, 1996, pp. 156, 158.
to travel outside Sudan. The 1992 Trade Union Law severely hampered the role of unions and officials and members. By 1993, the NIF had installed its Islamists in controlling positions across strategic ministries covering economy, education, culture, justice, foreign affairs and interior. The government also promoted Islamic observance or behaviour, such as decreeing public places and businesses must close at noon on Fridays for prayers, ordering a strict dress code for women students and public servants, restricting the activities of women market-sellers and male hairdressers, and limiting women's travel outside Sudan. Their control extended to NGOs such as the Sudanese Red Crescent Society, and to the government relief-coordinating body, the Relief and Rehabilitation Commission. They worked to control information, media and culture, banning the journalists’ union and closing independent newspapers. On the other hand Bashir and the NIF allowed Islamic organisations such as Al Da'wa Al Islamiyya, chaired by former president General Suwar Al Dahab, and the African Islamic Agency, chaired by former Prime Minister Al Gizouli Dafallah, to continue their work, while Turabi was able to set up his Popular Arab and Islamic Conference in 1991. However, alternative organisations established by the NIF lacked the credibility of the groups they were trying to replace – not least because the original groups had often reformed in exile. For example, the government's attempts to silence the Sudan Human Rights Organisation (SHRO) did not succeed for long. Established in 1984, the group had 600 members, including academics and lawyers. The government dissolved the association and formed an 'official' SHRO in July 1991, with the aims of 'protecting the reputation of Sudan and fending off attacks by the western media on the government and the country's way of life'. Original SHRO members living in exile in London and Cairo relaunched the group in October 1991, and published reports on the human rights situation in Sudan throughout the war years.

27 AM Lesch, 1996, p. 166.
32 AM Lesch, 1996, p. 182.
In the south, civil society spent many years subsumed by civil war. In the government garrison towns such as Juba, Wau and Malakal, there was a strong military presence and a wide network of plain clothes security officials. The national army was in essence an occupying force, and town dwellers faced constant vigilance and harassment – an atmosphere of fear permeated daily life. Freedom of speech and movement were curtailed, suspected SPLA sympathisers imprisoned and tortured, and people sought refuge elsewhere in Sudan or outside the country. Pro-government militia operated in many areas without impunity, and numerous instances of human rights abuses were recorded.33 Civilians also bore the brunt of the war in the mostly-rural SPLA areas, and were frequently obliged to provide food and act as porters for the guerrilla army.34 The SPLM/A viewed itself as a military movement, and 'frequently and actively opposed the development of southern civil society, which was tolerated at best and repressed at worst.'35 Unlike rebel movements in Eritrea and Tigray the SPLA leadership did not focus on development in liberated areas, leading to doubts about its ability to practice good governance in a peaceful Sudan.36 As the war continued the SPLA was able to secure larger areas of the south and establish political supremacy, making it possible for the leaders to relax political control and for aspects of civil society to reassert themselves in SPLA zones. By 1996, there were discussions about confusion between 'the emerging civil sphere of the SPLM/A government and civil society' at a conference on civil society and the organisation of civil authority in the New Sudan.37 Civil society in SPLA areas began to be served by Sudanese indigenous NGOs (SINGOs), externally-funded groups that provided basic services, acting as the presence on the ground for foreign NGOs. In general, the SINGOs did not 'build organisations and networks expressing the opinions and needs of groups or certain geographical areas to the state'.38 Instead they tailored their activities to projects donors would fund, at the same time ensuring their operations did not threaten 'the SPLM/A's monopoly on power'. SPLA relations with southern churches

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33 Africa Watch, 1990, pp. 96-102.
began to improve during the 1990s, and it actively supported the creation of the New Sudan Council of Churches (NSCC), although tensions flared when the NSCC asserted its right to independent views, and the two groups had to hold a reconciliation meeting in 1997. In SPLA areas, the situation for civil society improved as time went on, with anecdotal evidence indicating a 'before and after' in the way the SPLA dealt with civilians and a freer approach to public debate. In government areas tensions rose and fell, depending on who was in charge of the area and how military manoeuvres were progressing outside it. However, it is clear that suppression of natural freedom of expression has led to a very weak civil society, with the potential to be 'a major obstacle to effective and democratic governance in the post settlement period'.

As the IGAD peace process gathered strength, countries such as Britain, Italy, Norway and the US were allowed to send official observers to the talks, leading to calls from civil society groups such as the NSCC to be granted formal observer status. Sudanese bishops observed that 'experience in other countries has shown that without inclusivity and transparency there can be no just and lasting peace'. However, both the Bashir government and the SPLM were wary of opening the floodgates to groups that may not support party views. By the time the CPA was signed, Rogier and others were warning donors not to focus their attention and resources on the two signatory parties alone, as the NCP and SPLM – while dominating the political scene – had limited democratic credentials and 'do not represent the Sudanese society in all its diversity'. Instead, donors could direct their efforts to increasing participation in public affairs and liberalising autocratic governing structures in both north and south Sudan. 'Above all, the voice of Sudanese civil society must be heard over and above that of international NGOs and donor governments.'

A new start for activists

With signing of the CPA, CSOs believed they would have a chance to take on new or enhanced roles. In January 2005 training was conducted in Nairobi and Khartoum for more than 100 Sudanese women by the Initiative for Inclusive Society, an INGO, with the aim of assisting women activists from north and south to take key roles in implementing the CPA. In April 2005, donors held a conference in Oslo to pledge funds and discuss the work of the Joint Assessment Mission. At the same time, a parallel NGO forum took place and CSOs formed an NGO coalition. Norway arranged for 50 women to attend the donor conference and a gender symposium organised by the foreign ministry. Opening the political space in Sudan was both possible and necessary, and in Khartoum the United Nations Development Programme set up discussion forums for groups such as politicians, women lawyers and youth, where opinions could be aired freely and vigorously. Women's groups lobbied GOSS to endorse pro-women policies, ensuring the interim constitution fosters gender equality and reserves 25 percent of positions in government commissions and bodies for women. CSOs seized the opportunity to support peace-building and raise awareness of the CPA. They undertook a variety of activities, that included defining the root causes of the conflict as unequal development and an exclusive, centralised government, and working to create a culture of peace and human rights. Some made inputs to commissions identified in the CPA, for example, the Women's Solidarity Network made submissions to the Constitutional Review Commission. The groups grew in numbers and variety, bringing together men, women and young people, civil society activists, thinkers, politicians, researchers and journalists, to brainstorm ways to share political enlightenment and promote peace and democracy. Despite different political, religious, ethnic and regional affiliations, the groups focused on their shared interest in democratisation and good governance based on

44 ICG, 28 Jun 2006, p. 5.
46 ICG, 28 Jun 2006, p. 5.
47 ICG, 28 Jun 2006, p. 5.
accountability, transparency, rule of law and participation. Some prominent organisations and institutions include:

- Women's Peace Network (including Civil Society Women's Network, Nuba Mountains Women Network, National Alliance of Women, National Committee for Women, Southern Women)
- Women's Solidarity Network
- Sudanese Initiative for Peace, Unity and Democracy
- Sudan First Forum
- Ahfad University Principal's Forums
- Department of Political Science, University of Khartoum
- Centre for Peace Research, University of Khartoum
- Peace and Development Centre, University of Juba
- National Civic Forum
- Sudanese Studies Centre
- Committee of Ten
- Political Parties Peace Forum
- Council for Religious Co-existence
- Civil Society Peace Initiative.

The CSOs draw their members from across society, and include people previously active in trade unions and professional associations who lost their jobs when Bashir took power. Students, young graduates and women facing unemployment may choose CSOs over party politics as a way to voice both discontent and aspirations. They are particularly interested in human rights and peace, both activities that attract support from international donors. However, the government has been less keen on the renewed dynamism of the CSOs. It has used parallel organisations to undermine existing CSOs, particularly human rights activist, 'swamping meetings held in the presence of international or UN representatives. In August 2005, it enacted a restrictive presidential decree targeting voluntary work, that drew strong opposition from Islamist CSOs as well

51 H Abdel Ati, p. 3.
as the wider CSO community, media and general public. CSOs faced new legal restrictions; all proposals had to be approved by the Ministry of Humanitarian Affairs before being submitted to donors, while the Ministry had the power to ban any person from voluntary work. By 2008, in a change of heart, a new voluntary organisations act based on mutual respect for the roles of government and non-government sectors was drafted. By 2008 there were more than 3000 CSOs, up from several hundred in the 1990s.

Despite growing numbers and strong potential as activists, and as a space for education and discussion, CSOs face a number of challenges. The CSOs are not community-based organisations (CBOs) – although they can work with them – and do not have a commitment to the masses. They do not conduct fieldwork, whether urban or rural, and may lack hands-on experience in relief, rehabilitation, resettlement and development, activities which require more than theoretical training. They are also ineffective when dealing with the tribal and religious leaders who are responsible for social peace and resolving conflict in their communities. They need to find ways to strengthen their capacities to influence policies at the national level, build mechanisms within government, promote civic education and awareness of protection of human rights and conduct peace-building at the community level. CSOs are needed to write proposals and conduct research, tasks unsuitable for many traditional leaders. However, the shortage of jobs and low income levels has also made CSOs an attractive prospect for paid work. This works against volunteerism and encourages national CSOs to become sub-contractors for foreign NGOs, that have their own agenda and priorities. Further, CSOs lack specialisation and are dependent on outside funding, working against formation of effective networks and 'making them competitive rather than cooperative'. Donor conditions may be imposed at the expense of local priorities; for example, credit and women's empowerment programs may not be adapted to local conditions.

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53 Berghof Foundation, 2006, p. 27.
55 Berghof Foundation, 2006, p. 27.
56 H Abdel Ati, p. 3.
Emerging southern civil society

Society and attitudes are changing in Sudan, especially in the south, as people return from years of refuge in Kenya, Uganda and western countries with different norms and customs; as non-government organisations promote human and women's rights embedded into programs for demobilising child soldiers, education, health, and so on. These new ideas of enfranchisement and equality may be introduced into official documents; for example, the south's interim constitution provides for GOSS to 'promote the development of a sign language for the benefit of people with special needs.'\textsuperscript{57} Civil society has become increasingly active through local and national NGOs 'in part because of a decline in opposition from the SPLM/A, and also because the advance of the peace process has served as a stimulus to people not willing to have their fate determined by a handful of movement leaders.'\textsuperscript{58} Civil activists are encouraged by prominent figures in government who have worked as activists in the past, or are keen to foster opportunities for a wider range of voices. For example, Dr Anne Itto, SPLM secretary-general for the southern sector, and Awut Deng Acuil, gender and human rights adviser to First Vice-President Kiir, are among Sudanese women who are part of international women's peace networks that promote an inclusive approach to community participation.\textsuperscript{59} Itto has served as a government minister and on numerous high-level committees, while Acuil has a strong background in women's and Catholic associations, including taking a significant role in community peace negotiations. There are southern indigenous NGOs of growing professionalism working in partnership with bilateral or multilateral organisations; in fact indigenous NGOS are in high demand by groups that may be required to work with a local partner. An integral part of the mix are the faith-based NGOS, many Christian, that have deep roots in the local communities and often acted as advocates for human rights during the war years.


\textsuperscript{58} Berghof Foundation, 2006, p. 21.

The NGOs have increased their strength gradually through networking and forums, such as the New Sudanese Indigenous NGOs Network (NESI) encompassing more than 70 organisations. Formed in 1998 and coordinated by Suzanne Samson Jambo, the group has been vocal on a range of issues, especially those pertaining to full implementation of the CPA. NESI organised a conference in Juba in 2006 with the European Coalition on Oil in Sudan (ECOS) to discuss oil and the future of Sudan. The conference featured high profile speakers from Sudan and abroad, and showcased the role and rights of civil society in oil developments. NESI said that civil society organisations should be at the forefront of CPA implementation and included in institutional commissions, warning that 'most of the fundamental decisions of interest to the Sudanese people have continued to be made without involvement of the civil society'.

NESI was instrumental in another Juba conference in June 2007, that focused on the status of civil society in Sudan and was supported by Sudanese organisation Social and Human Development Consultative Group (SAHDCG), Norwegian NGOs and the Norwegian Government. At that gathering GOSS emphasised the importance of civil society. Minister for Regional Cooperation Dr Barnaba Benjamin read First Vice-President Kiir's prepared text, noting that 'strong and dynamic civil society organisations can serve as a big boost to a young government like ours. They can play the role of watchdog and infuse not only a sense of fairness but a quality of dynamism'. Civil society participants pointed out that Sudan was never a developed country, and was starting from zero. 'We are not so much rebuilding as building from scratch'.

For NESI, as for others in Sudan, the CPA is something of a holy book, outlining their human and civil rights and providing a blueprint for Sudan's rehabilitation and development, especially in the south. NESI takes the CPA as a platform to call for civil rights, women's rights, the rights and expectations, in fact, of a modern society. For example, in June 2006, NESI wrote to President Bashir and First Vice-President Kiir,

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60 NESI (New Sudanese Indigenous NGOs Network), A civil society review of the progress of the implementation of the Sudan Comprehensive Peace Agreement: One year on, Press release, Nairobi, 2 Jun 2006.
62 NESI, 23 Jun 2007
taking them to task for failing to appoint women as part of a group of 21 new ambassadors from the south:

Whereas we appreciate that the appointments accommodated different political groupings in Sudan, we take strong exception to the fact that, just like many other decrees you have issued regarding appointments that are the prerogative of your office, women still continue to be grossly marginalised. Among the 21 appointees, not even one is a woman.

Your Excellency, your appointments vis-a-vis the role women played during the many years of conflict and the role they continue to play negates the spirit that guided the process that led to the realisation of the CPA. The CPA provided for a Sudan in which all citizens regardless of creed, gender, political affiliation et cetera can be able to realise their ambitions based on transparent and equitable systems. We take note that your decree is thus an infringement on the spirit of the CPA. We are more than certain that Sudan has many women who can be capable of fulfilling the role of an ambassador and should therefore have been considered for appointment.

We wish to emphasise the fact that sustenance of the CPA and development of Sudan will need coalesced efforts of all the stakeholders of the Sudan peace process. Among the major stakeholders in the process are women, who should not be kept at the periphery during this very important era in the history of Sudan. We therefore wish to demand that the appointments be reconsidered and that women are made part of these and any other appointments within your respective governments. We also take this opportunity to ask women to demand for their rights to be included in key organs of the current political system.63

While civil society activists are determined to ensure their voices are heard in the development of the south, Bayat notes that people also seek other ways to influence the impact of the state on their daily lives. Quiet activism challenges state prerogatives, such as control of public space, and may seek to redistribute social goods by unlawfully acquiring land, shelter, piped water, electricity, public space such as pavements and intersections.64 In Juba, for example, more than 30,000 petty traders and displaced people encroached on public space over the years to build market stalls, homes and shelters, only

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63 NESI. Recent appointment of new ambassadors of the Government of National Unity, Open letter to President Bashir and First Vice-President Kiir, Nairobi: 14 Jun 2006.

to face eviction in 2009 from the fledgling Central Equatoria state authorities, amid outcry from UNMIS.65 Governments can send mixed signals, on the one hand in difficult times they may be glad that people are helping themselves and may turn a blind eye to unplanned dwellings,66 on the other hand, in the longer term and as circumstances change they may have other plans for the land, and can claim with some veracity that organised developments with water, sewage and garbage services make for cleaner and healthier cities, towns and villages. For southerners heavy-handed action by government may be reminiscent of past attempts by governments in Khartoum to push out displaced people who were mostly from the south. Shaping a new society is a delicate operation, particularly when that society has been badly damaged by war and for years has been denied the right to participate in decision-making. Civil activists work to keep the government on its toes, in the case of GOSS demonstrating by their very existence and actions that the constraints of wartime society should be put aside in favour of a freer, more inclusive style of leadership and government. Some have spoken out for years in the diaspora; for others, particularly women, joining groups and acting publicly is a new experience, just as it is the first time for many to live in Sudan. In areas that have faced prolonged conflict women's peace groups may provide one of the few opportunities to discuss previously taboo subjects such as war-related or domestic violence, for men as well as women.67 The nature of partnerships with funding organisation should be considered, by both CSOs requiring funds and donors seeking genuine partners. International donors should look for groups that are self-disciplined, ethical and committed to the value of democracy, transparency and accountability.68

Civil society groups are increasing their advocacy as they grow in confidence, gathering at donor-funded conferences around Sudan to discuss their concerns. In Abyei in 2007 around 250 representatives of groups from the south and the Three Areas debated

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68 H Abdel Ati, p. 4.
corruption, transparency, democracy and the role of the media.\textsuperscript{69} Noting that accountability refers to more than just money, Mayen Gabriel Monychok, from Saint Bakhita\textsuperscript{70} Women's Association in Unity State, said 'government should only make promises on things that they are sure they can deliver'. In Juba in 2008 leaders from around 50 groups from the south and the Three Areas met to discuss security and arms control in their communities, and to present their views to government and international agencies.\textsuperscript{71} The leaders noted that weapons collected as part of disarmament programs had not been stored securely and had returned to civilian hands, calling for 'all weapons collected from civilians to be effectively stored and destroyed'. In Khartoum in 2009 60 people attended a workshop on the 'role of civil society in supporting women's electoral participation'.\textsuperscript{72} The women's workshop in Khartoum was organised by UNMIS Gender Unit; the workshop in Abyei by the US Agency for International Development, Mercy Corps, International Rescue Committee and National Democratic Institute; and the meeting in Juba by a large collection of Sudanese and international NGOs, including Sudan Council of Churches, NESI, IKV Pax Christi, Small Arms Survey, Southern Sudan Action on Small Arms, Southern Sudanese Youth Participation Association and World Vision. Facilitating conferences and workshops, particularly for civil society, is a regular activity for donors in Sudan; civil society groups are rarely in a position to stage such events without donor assistance. While Sudan's population is large, most people live below the poverty line, and few have the time or energy to devote to civil society activities. Even relatively small costs, such as money for travel to local meetings, can be prohibitive, especially for women, who will have significant duties at home as well as any taken on outside the family.

There is a tradition of group fundraising throughout Sudan, usually for critical personal or family needs such as medical expenses; however, such activities may be taken up more widely in support of wider community activities. In 2009 in Bor Governor

\textsuperscript{69} Sudan Tribune (ST), \textit{Sudan civil society discusses in Abyei role of advocacy in democratic process}, Abyei, 9 Dec 2007.

\textsuperscript{70} Josephine Bakhita was declared Sudan's first saint in 2000. Originally from Darfur, she was kidnapped and suffered as a child slave, then travelled to Italy in 1888 to work as a nanny, later joining an order of Catholic nuns.

\textsuperscript{71} ST, \textit{South Sudan civil society raises concern over disarmament}, Juba, 17 Mar 2008.

\textsuperscript{72} ST, \textit{UN Missions aims at role for women in Sudan's political processes}, Khartoum, 16 Jul 2009.
Kuol Manyang launched a fundraiser to collect Ls50,000 for a fence to prevent animals entering Bor hospital compound.73 Government workers, politicians, military, a private school, those owning or working in restaurants and petrol stations were urged by Manyang to offer 'like those who gave their lives fighting' decades of oppression in Sudan. The Governor chipped in Ls1500, to be deducted at source from his pay that month, while government casual workers were asked to donate Ls5, rising to pledges of Ls200 each for major telecommunications companies such as MTN, Zain, Gemtel, Vivacell and Sudani.

Senior figures have urged civil society organisations to continue their involvement in good governance in Sudan. In 2006 chair of the southern assembly's education committee, Natsio Loluke Manir, urged a youth conference in Yei to 'play their watchdog role' and 'promote good governance and rule of law'.74 In 2009 Riek Machar told a conference on civil society in Juba that groups had become almost invisible in post-war southern Sudan, yet they had a positive role to play, noting that as long as civil society organisations remain within the bounds of the law, there is no reason for the government to intervene.75

In Sudan – as elsewhere – people may find themselves becoming activists on issues of human rights seemingly by sheer chance, simply because they were in a particular place at a particular time or they felt compelled to speak up where another would have remained silent. However the results and consequences can be more dramatic than in many other countries. Such was the case with Lubna Hussein, who in July 2009 was part of a group of 13 Sudanese women at a restaurant in the upmarket Khartoum suburb of Riyadh who were arrested by police for wearing 'immodest' trousers. The group comprised Muslims and non-Muslims, northerners and southerners, all faced the penalty of 40 lashes. Lubna Hussein used her experience as a journalist and UNMIS media officer to draw substantial local and international media attention,76 defiantly appearing

73 PT Aleu, Jonglei launches fundraising for hospital, (ST), Bor, 15 Oct 2009.
74 Sudan Radio Service/ST, Civil society invited to promote good governance in south Sudan, Yei, 14 Dec 2006.
75 JG Dak, Machar urges to revive south Sudan civil society, ST, Juba, 6 Aug 2009.
in court in the same 'indecent' outfit (flowing headscarf, long blouse, loose trousers) that she had worn the day of her arrest. She said that thousands of women are punished with lashes in Sudan, but they stay silent. 'The law is being used to harass women and I want to expose this.' In August 2009, Hussein's trial drew protestors, police fired teargas and beat male and female demonstrators and Hussein was prevented from travelling abroad while she awaited sentencing. She was found guilty of indecency and jailed for one month in September 2009, after refusing to pay a fine. In November 2009, Hussein sneaked out of Sudan enveloped in a head-to-toe niqab, travelling to France where she promoted her book about the case, and was received by the French foreign minister.

Civil society organisations and NGOs may also face harassment in conducting their operations, ranging from delays in getting visas to enter Sudan, permission to travel inside Sudan, especially to areas such as Darfur, or even expulsion. In the wake of the March 2009 ICC warrant for the arrest of President Bashir, three Sudanese NGOs – Amal Centre for Rehabilitation of Victims of Violence, Khartoum Centre for Human Rights Development and Environment and Sudan Social Development Organisation – were closed down and ten international NGOs expelled. Similar tactics have been employed in the past.

Then UN Special Rapporteur on Human Rights in the Sudan Sima Samar noted numerous human rights issues during a visit to Sudan in May-June 2009, including cases of arbitrary arrest, detention, ill treatment and torture by security forces including the National Intelligence Security Service (NISS), with human rights activists among those targeted. In a wide-ranging report to the Human Rights Council, Sima Samar also noted continued censorship of newspapers and increased restrictions on journalists and the

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77 Reuters, Sudan 'indecency': woman wears slacks to court, ABC, Khartoum: 30 Jul 2009
79 Reuters, Sudanese woman jailed for wearing trousers, ABC, 8 Sep 2009.
82 Including by Sadig Al Mahdi's government in 1987, when four agencies were expelled from the south. Africa Watch, 1990, p. 110.
political opposition to freely express opinions, a matter of particular concern in the lead-up to the 2010 elections.\(^8\)

In all areas of Sudan, a key challenge to human rights protection continues to be the lack of political will and capacity to ensure justice and accountability for serious violations of human rights and international humanitarian law. In most incidents, authorities have failed to hold perpetrators accountable.\(^8\)

The UN Special Rapporteur found that the human rights situation in Sudan – and by extension, the activities of civil society – remained in a critical situation and facing 'daunting challenges in terms of securing, in particular, the rights to life and security of the person, and the effective administration of justice'.\(^8\) In the midst of the gloom, she did note some positive developments: the Southern Sudan Human Rights Commission Act was passed in Juba on 16 February 2009 and the National Human Rights Commission Act in Khartoum on 21 April 2009.\(^8\) However her report did bring some backlash from the Sudanese government, which in June 2009 tried unsuccessfully to lobby the Human Rights Council to end her mandate.\(^8\) Samar completed her term in October 2009 and was replaced by a new Independent Expert on the human rights situation in Sudan, Tanzanian Justice Mohamed Chande Othman, who made his first official visit to Sudan in January 2010.

**Religion in modern Sudan**

Sudan is about 70 percent Muslim (Sunni), about 19 percent Christian and 11 percent followers of indigenous religions,\(^8\) and as the interim national constitution states: 'religion, beliefs, customs and traditions are a source of moral strength and inspiration for

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86 Human Rights Council, Jun 2009, p. 3.
88 ST, *New UN right expert pays first visit to Sudan*, Khartoum, 24 Jan 2010.
89 U Mans & OMO Ali, *Stuck in Change: Faith-based peace-building in Sudan's transition*, Conflict Resolution Unit, Netherlands Institute of International Relations – Clingendael, The Hague: Oct 2006, p. 7. Mans and Ali note that all estimates are unreliable and subject to the political agenda of the source. The figure of about 70 percent Muslim is often quoted, but numbers for Christians and those following indigenous beliefs can vary considerably; for example, writing ten years earlier, Lesch described Sudan as 70 percent Muslim, 25 percent traditional religions and six percent Christian - AM Lesch, 1996, p. 195.
the Sudanese people.' 90 Most Muslims live in the north, most Christians and followers of traditional religions live in the south and Nuba Mountains. However, there are several million Christians and followers of traditional religions in the north, mostly southerners displaced by the war, and conversely, thousands of Muslims in the south. Traditional indigenous beliefs remain important throughout Sudan, and may be mixed with Muslim and Christian practices, influencing a variety of activities at local level, including aspects of health care. Determining the precise proportions of adherents to different religions is a hot issue for Sudan as the results may, for example, be used to claim legitimacy for Sharia. The census held in 2008 included a question on religion but none on ethnicity or languages91 – the subject of African and/or Arab heritage can also be politically charged. Notwithstanding the precise numbers, it is often overlooked that 'not all the people in the northern and southern parts share a common aspiration on the issue of religion ... groups in the north may want to opt out of Sharia even though they are Muslims'.92

There are three main types of Islamic organisations in Sudan: modern groups affiliated to political Islam, Sufi orders and radical literalists or Salafist groups.93 Modern groups connected to political Islam grew out of the Sudanese version of the Egyptian Muslim Brotherhood, and have been active in various forms since the 1950s.94 These groups are highly critical of Sufi orders and of Umma and the DUP, which have their roots in the Ansar and Khatmiyya sects. The Sufis enjoy cross-tribal support, and their various orders have influence in a range of localities.95 They espouse humanism, tolerance and inclusion, and attract young people weary of political Islam; however, they are weakened by a client relationship and hereditary leadership system.96 The Salafists came to Sudan from Saudi Arabia in the 1950s, gathering strength from the 1970s onwards. Supported by Wahabists in Saudi Arabia, they preach an Islamic Caliphate and

90 GOSS, 2005, p. 4.
91 IRIN, Sudan: National census to be postponed, Nairobi: 6 Dec 2007.
the use of force and jihad to achieve their goals, which include imposing their concept of upright Islamic social behaviour. Those Muslims who oppose them are declared non-Muslims. The Bashir government has tolerated the Salafists, finding their mosques a useful platform for messages of intolerance and jihad. They are potential spoilers in the peace implementation process, and allies of those Islamists who stand to lose in any redistribution of power and wealth.97

There are a variety of Christian groups, both Protestant and Catholic, with people generally belonging to the denomination introduced to their region decades ago by missionaries. The Catholic, Episcopal (Anglican) and Presbyterian churches98 are among the most active, especially among southerners, and the churches in general have a reputation for taking an ecumenical stance and working well together. The African Inland Church has followers in the Nuba Mountains; the Sudanese Church of Christ is strong in Blue Nile. Other smaller Christian groups include Armenian Apostolic, Ethiopian Orthodox, Evangelical, Lutheran and Pentecostal. In the north, the Coptic Christian community suffered a mass exodus from the 1980s onwards, due to government harassment of their businesses.99 There is also a small Greek Orthodox community. While the percentage of Muslims has remained steady at around 70 to 75 percent since the 1970s, Christianity has gained popularity, often at the expense of indigenous religions, with the numbers of people following traditional religions dropping from around 20.8 percent in the 1970s to 16.7 percent in the 1980s, and 11 percent in the 1990s.100 On the other hand, Christianity has risen steadily, from 7.2 percent in the 1970s, to 8.3 percent in the 1980s, and 19 percent in the 1990s.101

In Sudan, the patterns of religious affiliation tend to reinforce ethnic differences.102 Discrimination on the grounds of religion contributed to the war, and nurtured feelings of distrust. For reasons of culture and habit, Muslims and Christians tend to socialise separately throughout the country, and there are many who see peace as

98 U Mans & OMO Ali, 2006, p. 8. There are an estimated 5-7 million Catholics, 4-5 million Episcopalians, with Presbyterians the third largest group.
the freedom to live apart. In the south, many non-Muslims view Muslims with anxiety and distrust, most notably when those Muslims are not southerners. On the other hand, there are also many individuals, families and workplaces where people have been able to dismiss the religious divide, and in the regions where north meets south there are whole communities where attitudes are more relaxed and a multi-religious environment exists.103 The Nuba Mountains, for example, are known 'not only for religious diversity, but also for religious tolerance'104 and it is not uncommon to find Christians, Muslims and followers of traditional religions within one extended family.

The rise of political Islam in the north, and the identification of the Bashir government with the Arab-Islamic world view, made it inevitable that some southern Sudanese would present their resistance ideology in a similar fashion.105 There are southern Sudanese who view Christianity as a political, social and cultural movement against the north. There is also an element of extremist political Christianity that has gained some traction within the otherwise secular SPLM/A, encouraged by external Muslim and Christian extremists keen to support their side in what they see as a clash between Christianity and Islam in Sudan.106 The Bashir government used these Muslim groups to garner support from the Middle East during the war years, while some Christian groups, especially from the United States and Canada, provided tactical support to the SPLM/A.107

While the CPA preaches reconciliation, unity and religious diversity, it is difficult to know whether religious leaders attending inter-religious meetings and workshops are actually walking the walk or merely giving lip service to the talk.108 However there are many 'ordinary' Sudanese from both north and south who do not view the conflict as a war between religions. Many southerners, for example, see the war more as a defence against Islamic/Arab imperialism and the government's assimilation policies. To establish

a lasting peace, it is necessary to look at Islam’s status in the Sudanese state and society, how religious diversity is recognised and how equality can be made a fact rather than a fiction. The divide is less about Islam versus Christianity and more about the standoff between those who see an Islamic state as the answer and those who advocate religious equality.109 This could include Muslims outside the two main sects of Ansar and Khatmiyya, secular Muslims who prefer greater separation between religion and state in government, and non-Muslims who must engage with politics through ‘tactical electoral alliances’.110

Religion in Khartoum

Islam is an integral part of life for the NCP, and for many years their goal was to ensure all Sudanese became Muslims, to ‘merge the non-Arab and non-Muslim groups into a Sudan defined by its Muslim-Arab component.’111 Muslim religious authorities are members of the government, advisers and top officials, and they shape government policies and decisions, using their religious constituencies to influence public opinion and debate. Opposition movements, whether religious or secular, may find it difficult to have a say in public life; their members find it difficult to be appointed to government positions, regardless of their qualifications or background. Christians are in the minority, and have their work cut out securing freedoms and rights for their followers, including the right to worship without being harassed and the right to dress as they consider appropriate. There is a wide spectrum of religious actors in Khartoum, representing an extensive socio-political network formed from government elites, opposition stalwarts and religious groups, many with affiliated NGOs. It is not certain how many semi-religious and religious groups are operating in Khartoum, but the groups are known to be diverse and cover everything from relief work to proselytising.112

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Religion in Juba

The south's interim constitution states that religion and state shall be separate in southern Sudan. 'All religions shall be treated equally and no religion shall be declared the official religion of Southern Sudan; religion or religious beliefs shall not be used for divisive purposes.' Nevertheless, 'despite the official separation of state and religion, there is no doubt that informal structures and personal linkages form a vast web of political and religious power-brokers'. There are far fewer religious actors in the southern capital than in Khartoum, and this is not just because Juba is a medium-sized regional hub as opposed to the bustling national capital city of 12 million. The variety of churches and Muslim orders is limited and can be divided into two types, those that worked in areas previously held by the SAF and those that worked in areas held by the SPLA. Those from the SPLA areas had strong links to the grassroots, and generally maintained a presence in contested areas while operating via Nairobi or Kampala; they are now relocated in Juba. These groups were particularly active in emergency relief, and have shifted their efforts to the post-conflict needs of their communities, including the needs of returnees. Religious groups have taken part in both inter-religious and rural inter-tribal dialogue, especially valuable in Juba and other major garrison towns, where Muslims were seen as enemy (government) collaborators. Nevertheless, as in the north, interaction between Christians and Muslims is minimal though cordial.

In the south, Christian groups are prominent in all areas of life, with the Catholic, Episcopal (Anglican) and Presbyterian churches the strongest and longest established. In colonial times missionary groups were allocated different regions or tribes to work with, and therefore modern churches are also strongly ethnically influenced; for example, Christians from the Nuer tribe are likely to be Presbyterians, Dinka from Bor and other areas may belong to the Episcopal church, while Catholics are found in other Dinka and southern areas. These major Christian groups are active in promoting the CPA, and may support the SPLA leadership, at least publicly. However, not all southerners belong to these churches or to any church at all, and some are Muslims. In a reverse of the situation

113 GOSS, 2005, p. 4.
in the north, here it is Muslims rather than Christians who feel they are denied public positions and a place in the wider debate about the future of the south. 'Christian communities play their part in encouraging pro-Christian, rather than genuinely reconciliatory attitudes'.  

Faith-based actors and the CPA

Separating religious and political actors can be difficult if not impossible in Sudan, where the two are often intertwined. To learn more about faith-based peacebuilding, the University of Khartoum and the Conflict Resolution Unit of the Netherlands Institute of International Relations – Clingendael surveyed a broad range of faith-based actors in Sudan in 2006; however, they did not find it easy to separate religious actors from political actors. With regard to support for the CPA, they found that faith-based actors fall into four categories: active promoters, constrained contributors, silent supporters and potential spoilers. The first group are deeply involved in the peacebuilding process; the second struggle to translate their positive attitude to the CPA into concrete activities; the third group are positive towards the agreement, but passive as peace builders; while the fourth group covers those who have reasons, legitimate or otherwise, to oppose the peace process.

The Catholic Church and its NGO, Sudan Aid, are large and well-established active promoters of the CPA. Known as supporters of peace, they have vast networks throughout Sudan and enjoy a good working relationship with the SPLM. Another active promoter is Church Ecumenical Action in Sudan (CEAS), an NGO supported by both the Sudan Council of Churches (SCC) and the New Sudan Council of Churches (NSCC). CEAS has a track record in development and emergency work across southern Sudan and focuses on strengthening other actors in the field. The NSCC is the strongest network in the south. It has operational capacity and the respect of much of the local population, as

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120 During the war, the SCC operated in government areas, while the NSCC was formed to operate in SPLA areas.
well as a close relationship with southern party politics. In the north, Ansar Al Mahdi has close ties to the Umma party and therefore the resources to conduct peace-building activities. Maazin Women’s Charitable Organisation contributes to peace-building through empowerment activities for women.  

Prominent among constrained contributors is the Sudan Inter-Religious Council (SIRC), a commendable government initiative involving national religious leaders that is designed to promote healing and policy change in such areas as human rights, education, employment and land allocation, in a way that is sensitive to the rights of all, including African traditionalists. Council membership is equally shared by Muslims and Christians and comprises Muslim representatives from the Ansar, Khatmiyya, Ulama Council and other prominent religious leaders and scholars, and members of the Sudan Council of Churches (SCC) as well as other prominent non-SCC groups. It took several years of work before the council held its first meeting in 2003 and thus far dialogue has been uneasy, as not all members are convinced the forum genuinely wants to bring Muslims and Christians together on an equal footing. The SCC is also a constrained contributor, and was one of the most active faith-based groups before and during the Naivasha peace process. It has a vast and well-organised network, that brought warring parties from north and south to talks in Kenya. Political games between member churches and their SCC representatives hamper the council’s ability to actively engage in the peace process; however, a merger with the NSCC could refresh the organisational structure. In the north, another constrained contributor is the Muslim group, the Republican Brothers, who have long played a quiet role in shaping debate about Islam and Sudan. The group’s leader, Mahmoud Mohamed Taha, was executed in 1985 by President Nimeiri for ‘apostasy’ and this severely affected his followers. Regarded as modern thinkers, the Republican Brothers are locked in struggle with the NCP and unlikely to engage as a group with the peace process, although individuals take part in public debates on

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religious and political matters. Another constrained contributor is the Presbyterian Church of Sudan. While strong in the south, particularly among the Nuer, it has limited influence in Khartoum. It participates in CPA implementation at the local level, and is building links with other Christian churches, but lacks structural funding. The Nuba Mountains Organisation for Development has support in Kordofan, but lacks funds and relies on private and international donors. Another Sudanese NGO and constrained contributor, Al Hidaya Organisation for Islamic Dawa, is also short of funds, in common with many Sudanese NGOs. It has links with an extensive network of Islamic teaching groups, but its attitudes towards inter-Sudanese relations are unclear.

The silent supporters regard the CPA as a milestone for Sudan, but their past experiences mean they keep a low profile rather than actively supporting the peace process, maintaining a neutral stance while focusing on their own constituencies. An example is the Coptic Orthodox Church, whose religious community has always taken a low profile, even when members were being forced out of Sudan in the 1980s and 1990s. As economic prospects improve, the community may grow again. Also silent supporters are Ansar Al Sunna, who refrain from public debates and consistently support the NCP, giving them a conservative face, yet have indicated they do not believe the whole of Sudan should be governed by Sharia.

Generally, in public at least, strong criticism of the CPA is rare in Sudan, even though people may not support all aspects of the accord. Nevertheless, there will always be potential spoilers in the community. Research by the UK/Clingendael team 18 months after the agreement was signed raised concerns that elements of both the Episcopal Church and the Muslim community in Juba could be potential spoilers, citing reports that some church leaders had encouraged aggression towards Muslims in Juba, while Muslims were struggling with their minority role. However, the words of a few preachers may not represent the views of either the congregation or church leadership as a whole. The Episcopalian hierarchy clearly supports the CPA, peace and reconciliation, as

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demonstrated at a justice, peace and reconciliation conference in Juba in January 2008, where leaders made recommendations to combat tribalism and support the CPA:

**Tribalism**
- education to overcome prejudice and promote awareness of the dangers of tribalism
- develop a school curriculum which introduces our different cultures
- transfer church personnel between areas and regions
- establish boarding schools and transfer of teachers between areas
- encourage reconciliation and forgiveness at all levels, from top to grass roots
- leading by example in avoiding rough words about other groups.\(^{131}\)

**CPA**
- use of preaching opportunities, public occasions and the mass media to disseminate information on the CPA
- organising workshops, seminars and rallies, including the involvement of sister churches
- the involvement of church leaders, mothers' unions, youth and community leaders in propagating the CPA
- cooperation with UNMIS in organising CPA awareness programs
- networking and partnership with NGOs, including use of their materials to promote the CPA, and translation of CPA into local languages
- appoint a CPA Sunday in churches and CPA Monday in secondary schools.\(^{132}\)

Catholic leaders have also expressed a range of views on the progress of implementation of the CPA. In early 2007 Auxiliary Bishop of Khartoum, Daniel Kur Adwok, accused the Bashir government of playing games with the people of Sudan by failing to rein in militia operating in the south and neglecting the displaced. He also condemned government treatment of non-Muslims in Khartoum, saying progress towards religious freedom was very slow.\(^{133}\) In his 2007 Christmas message Archbishop of Khartoum, Cardinal Gabriel Zubeir Wako, lamented that Sudan's political leaders had

\(^{131}\) Episcopal Church of Sudan, *Let us move from violence to peace*, Statement, Episcopal Church of Sudan Justice Peace and Reconciliation Conference, Juba: 14-17 Jan 2008, pp. 1-2. The headings are those used by the church.
\(^{132}\) Episcopal Church of Sudan, 2008, p. 2.
become sources of division, hatred, mistrust and violence. 'Why can't we put more effort into creating the family spirit of brotherhood than into preparing and training for war, and justifying unjust and discriminating ways of talking and acting, and picking up quarrels?" President of Sudan Catholic Bishops Conference, Archbishop Paulino Lokudo Loro, went a step further, telling a Catholic justice and peace workshop in Juba that south Sudanese should look for new leaders who cherish their aspiration for separation, rather than misleading them with talk of New Sudan and 'making unity attractive' to people who had been marginalised for more than 50 years. By 2009 the Sudan Catholic Bishops Conference was warning that significant divisions had arisen in the south, leading to serious violence that was destabilising the CPA. The bishops said that since 2005 the international community had concentrated almost exclusively on Darfur. 'Without minimising the humanitarian tragedy of Darfur, the focus must shift back to the CPA. If the CPA fails, there will certainly not be peace in Darfur either.'

For years church groups have reported instances of intimidation and harassment, including confiscation of buildings and other property, even attacks, and this continues to contribute to a feeling of siege mentality for many Christians in Khartoum and elsewhere. On New Year's Eve 2006 police fired nine tear gas bombs into All Saints Episcopal Cathedral in Khartoum, injuring six people attending a packed midnight service. Media reports claimed police were pursuing a man with a knife, but Canon Sylvester Thomas said he did not know the reason for the assault, and that police beat people with batons as they tried to flee the church. Canon Thomas filed a complaint with the authorities, saying that such incidents 'do not help peaceful coexistence among religions in Sudan.' Some of these ongoing concerns were reflected when Episcopal leaders outlined their strategies to safeguard the church's position in the north. They included:

- training of clergy and church leadership in economics and financial management
- capacity building of indigenous Christians to take positions in the church

135 I Vuni, Church leader exhorts for South Sudan separation, ST, Juba: 26 Apr 2007.
137 Agence France Presse (AFP), Tear-gassing at Sudan cathedral leaves six hurt, Khartoum: 2 Jan 2007. The service was attended by 500 people, including former Vice President Abel Alier and his wife. She was injured, as was the secretary of First Vice President Kiir.
• advocacy and mobilisation of church and political forces together to repeal laws which restrict access to land for building of churches and restrict the church’s activities
• promote constructive dialogue between Christians and Muslims at all levels and in all parts of Sudan
• working together with other churches to ensure equal representation of Christians and Muslims within the Ministry of Religious Affairs in the Government of National Unity
• establish missionary dioceses in the north to encourage the exchange of experiences between the south and north as well as with other parts of the world
• to launch missionary programs involving the south to enable experienced clergy to serve for at least two years in the north.

Conclusion

While civil society organisations in Sudan are growing in number and strength, to be truly effective members need to enjoy full human rights. Around the country, problems are faced by civil society organisations, faith-based groups and community activists of a variety of backgrounds, groups whose members may have suffered in the past for taking a role as activists in a weak civil society, but who are ready to try again under the protection of the CPA. Churches continue to report instances of discrimination and harassment – how could it be considered either acceptable or desirable for police officers to lob tear gas into a packed cathedral? Aid agencies find their work curtailed or licences revoked to prove political points, such as Bashir's expulsion of agencies working in Darfur after the ICC announced the arrest warrant for the president. While on the one hand, the CPA has brought some improvements in terms of freedom of movement, freedom of association and free speech, on the other, civil society activists, NGOs, the media, even ordinary citizens, can find themselves embroiled in controversy over simple matters. Lubna Hussein was able to use her media skills to publicise her arrest for wearing trousers, however organisations such as aid agencies may find themselves powerless when dealing with delays in getting entry visas and internal travel permits. A report from former UN Special Rapporteur on Human Rights in the Sudan Sima Samar following her visit in mid-2009 detailed many human rights issues such as arbitrary

138 Episcopal Church of Sudan, 2008, p. 2.
arrest, detention, ill treatment and torture, with human rights activists particularly likely to be targeted. On a positive note, national and southern Human Rights Commission Acts passed in 2009, important tools for those working on human rights matters. The UN appointment of an Independent Expert on the human rights situation in Sudan, Justice Mohamed Chande Othman, shows support at an international level despite attempts by Sudan to end the mandate of the former special rapporteur.

Sudan will continue to see vocal community groups in the faith-based sector. Religion plays a different role in Sudan, both north and south, than it does in many Western countries, with mosques and churches acting as community centres and social facilitators in a manner reminiscent of Australia pre-1960s. In the south, an allegiance to a church is generally well-regarded and may indicate a higher level of education, say, beyond primary school. The ability of such as the Catholic or Episcopalian Churches to organise members across the parishes is high.

Against that background, community activists that are not religiously affiliated in their endeavours are an emerging group, at times raising eyebrows as well as awareness, particularly if it is women doing the talking. Nevertheless, southern women’s groups were successful in lobbying GOSS to endorse pro-women policies, demonstrating clearly that Sudan’s civil activists will seize the opportunity to shape their country’s future whenever they can. As the economic situation improves, groups may look for independent funds, for example through membership dues and group fundraising efforts. Sudan’s tradition of group fundraising for critical personal or family needs may be expanded to assist with a variety of community activities, including medical and educational projects in local areas.

There has been support from senior figures for civil society organisations to continue their work in Sudan, especially in areas such as good governance. Riek Machar’s message to a Juba civil society in 2009 made it clear that GOSS understood such groups had a positive role to play and that law-abiding civil society organisations could expect support

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141 ST, 24 Jan 2010.  
142 ICG, 28 Jun 2006, p. 5.
urged more than 100 representatives from Darfur civil society groups attending consultations in Qatar to mobilise to promote a true culture for peace in Darfur.\textsuperscript{143} Constant support from high levels is important for Sudan's civil groups in these interim years when they must establish themselves and gain confidence, just as GOSS and the state governments have had to strengthen their roles. The ability to work freely for the good of the community is an essential peace dividend along with access to clean water, medical care and education, and so on. It is also a vital part of that elusive goal to make unity attractive, and in its absence unity may not look that attractive at all to civil society.

\textsuperscript{143} ST, Joint Mediator urges civil society to promote culture of peace in Darfur, Khartoum, 1 Jan 2010.
CHAPTER FOUR

External actors in Sudan

Introduction

Bordered by nine countries, and with tribal groups straddling all of them, Sudan is both bridge and barrier between Islam, Christianity and traditional religions, between Arab and African populations, between the sandy deserts and camel nomads of the north and the savannah, cattle herders and cultivators of the south. With such a variety of cultural influences, local customs and traditions the country is inevitably described as a melting pot. Significant ingredients in that bubbling mix are Sudan’s neighbours; other African countries and the African Union (AU); Arab countries and peak bodies such as the Arab League; western nations such as Britain, the US and Norway; strong new players such as China; the UN and its many agencies; big business with its appetite for oil; the Sudanese diaspora; and at times, international NGOs. Some countries or groups of countries, such as the Middle East, were inclined to support the Sudanese government, while others, such as Uganda, Kenya, Eritrea, Britain, United States and Norway, assisted the SPLA, generally covertly.

De Waal notes that Sudan won its independence by playing off Britain, Egypt, France and the US, 'using intrigue and balancing to play a weak hand superbly well'.1 In the Cold War years successive Sudanese governments sought patronage from diverse sources. Today, no single country dictates a course of action to the Bashir government. Sudan trusts neither China nor America, yet the US has more influence there, as normalised relations would be the key to the coffers of the World Bank, International Monetary Fund and debt relief.

The Bashir government has no official military allies in the region, although it has sometimes made deals with neighbouring countries where each agreed to stop supporting groups attacking the other. Egypt and Libya see Sudan as politically sympathetic, but it is

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1 A de Waal, *China and Sudan: Defining the turning point*, Sudan Tribune (ST), 23 Feb 2008.
Iran that has provided military and economic support, and China and Russia that supply weapons and other military products. It is not surprising therefore that the war in the Sudan has been described as 'an undeclared regional war'. At one time or another most of Sudan's neighbours have been caught up in the conflict, directly or indirectly, on one side or the other, or sometimes on both sides at once. While Sudan's first war was embroiled in the web of alliances knotted around the Arab-Israeli conflict, by contrast the regionalisation of the second war is largely the result of the Islamist government's subversion policy.

Known for its hospitality to foreigners, Sudan is a largely conservative society, steeped in centuries-old traditions and, at times, uncertainty about new practices. Exposure to other cultures varies widely. Southerners may have visited neighbouring countries such as Kenya, Uganda and Congo, or taken refuge there during the first and/or second wars, or had exposure to foreign aid workers or church personnel from the West, other African countries and Asia. In the north, exposure to foreign lands is more likely to be through visits to Egypt or jobs in the Gulf, while visible foreign residents in Khartoum and northern areas may be UN aid workers or peacekeepers, whose lifestyle is resented by some northerners and southerners as luxurious (air-conditioning, diesel generator, fuelled vehicles, access to UN transport and flights, good salary). Unease has been inflamed by fundamentalists seeking to create hostility and by Western military involvement in Afghanistan and Iraq. In the north, some view the CPA as the product of external pressure, and are suspicious of aid flows through third parties such as the UN and international non-government organisations (INGOs). They are equally suspicious of aid projects on the ground, focusing on the delays and problematic implementation often associated with aid, and bemoaning the lack of quick-win projects that do a lot with little and are easily implemented. In the south, there is sometimes resentment as the better-

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paid aid positions tend to go to outsiders unable to survive without the lower-paid local translators, assistants and drivers.

Sudan also has another category of 'foreigner': the returnee. In the south in particular, those returning after years of war and exile from Kenya, Uganda, other African countries, Europe, North America or Australia, bring heightened expectations of what can be achieved and advanced knowledge of how to go about it. Returnees who grew up outside Sudan may have different attitudes to clothing and social customs that are not well received back home. In the diaspora, their cousins talk loudly about politics in Sudan, their discussions infused with nostalgia and legends by those who left when small or have never visited their home area. Yet in Sudan, society's norms are different. Long before the well-publicised northern case of trouser-wearing Lubna Hussein,6 in the south, returnee women wearing jeans were being harassed by security officials and returnee youths chastised by elders for asking schoolgirls for a date.

With oil pumping and construction booming in both north and south, big business is also taking an interest in Sudan. Partners are sought for new ventures in the south, while countries such as Libya pursue investments in the north. Khartoum's streets are packed with cars imported through Dubai, and mobile phones and internet cafes are a frequent sight in the cities. However, doing business in Sudan can also mean facing bureaucratic delays similar to those experienced by aid organisations, as well as potential criticism at home on matters of human rights.

**Neighbours**

African governments avoid criticising each other publicly, particularly when it would mean siding with the West against a country in their region. Instead, they prefer a posture of 'unity and solidarity, forged in the heat of the struggles against colonial rule' that is politically vital for weak governments facing constant internal and external challenges.7 Weak African governments tend to close ranks when pressured by the West; however the bloodshed in Darfur has tested the patience of Sudan's African neighbours,
and by 2007 countries such as Zambia, Ghana, Senegal and Cameroon were pushing for the Human Rights Council to address the situation in Darfur. In 2009, International Criminal Court (ICC) charges against Bashir were criticised by the AU as well as Arab and Islamic countries. However, Botswana supported the ICC, and suggested the AU was wrong. The charges ensured African signatories to the Rome Statute would discourage visits from the Sudanese president to avoid having to arrest him, leading to Salva Kiir replacing Bashir at South African President Jacob Zuma's inauguration in May 2009.

**Egypt**

Egypt and Sudan have a long-standing relationship, based on geographical proximity, a shared religion in part of the country and the colonial history of the Anglo-Egyptian condominium, including links to Sudan's Democratic Unionist Party (DUP) that date back to independence struggles. The Nile is the lifeblood of the relationship, serving 95 percent of Egypt's population; Egypt does not want to revisit the 1959 Nile Waters Agreement, lest its allocation is reduced. An independent southern Sudan could make extra claims on the river, and Egypt is also wary of a divided Sudan in which an increasingly fundamentalist north could unbalance Cairo's juggling game with its own Islamic radicals. Cairo prefers a united, moderate and cooperative Sudan that can be counted on to avoid diverting Nile waters. It believes that isolating Sudan could push it further along a radical path, and therefore has worked to engage the Bashir government, especially since Turabi lost favour in 1999. Egypt needs to court the south as well; President Hosni Mubarak made his first visit there in November 2008 to inspect education and development projects.

Egypt is influential on Sudanese matters within the Arab League. It supported Khartoum in its efforts to avoid accepting UN peacekeepers in Darfur, and opposed

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8 ST, **Botswana president supports ICC warrant against Sudan's Bashir**, Washington, 5 May 2009.
12 ST, **Egypt says secession of south Sudan leads to poverty, conflicts**, Cairo, 27 Jul 2009.
sanctions against the Bashir government. The joint Libyan-Egyptian initiative\textsuperscript{13} begun in 1999 provided an Arab view on Sudan and the peace process, illuminating Arab concerns at the way Sudan's north was represented solely by the NCP (then the National Islamic Front), rather than including the Egypt-aligned DUP or even Umma. The initiative attempted to bring the parties together and to redress other peace attempts felt to have been dominated by African countries, especially the IGAD process, to the exclusion of Egypt. The initiative was dominated by Egyptian concerns to engage Sudan's northern opposition parties as a foil to the NIF, and failed to take note of the factors driving the war such as religion, self-determination and resource-sharing.\textsuperscript{14} A proposal delivered in 2001 did not address self-determination and secularism; the SPLA expressed reservations and was unable to support it, and the initiative was eventually overtaken by the IGAD negotiations. More recently Egypt has failed to influence Khartoum to end the tragedy in Darfur, and has ignored opportunities to foster peace that have been taken up by countries such as Nigeria, Libya and South Africa.\textsuperscript{15} Egypt has contributed to the African Union/United Nations Hybrid Operation in Darfur (UNAMID), including a 335-strong engineering company and signals, transport and infantry personnel.\textsuperscript{16}

Egypt hosts refugees and asylum seekers from Sudan and other countries, with estimates of total numbers ranging from 50,000 (official estimate) to 500,000 (NGOs and researchers). Of these, UNHCR notes that at least 23,000 are from Sudan.\textsuperscript{17} They are concentrated in Cairo and Alexandria. During the war, Sudanese refugees flocked to Egypt in their tens of thousands, from all parts of Sudan and from all political backgrounds. Living conditions were difficult, with few opportunities for self-reliance and restricted access to education and health care. The UN High Commissioner for Refugees (UNHCR) runs a voluntary repatriation program for people from southern Sudan, but there is great uncertainty about conditions at home – only 1645 returned in 2007 and whether they settled in the south or elsewhere in Sudan is unknown. The target

\textsuperscript{13} E Rogier, Aug 2005, pp. 42-43.
\textsuperscript{16} UNAMID, \textit{Additional Egyptian peacekeepers deploy to Darfur}, 12 Aug 2008.
for 2008-09 is 5000.18 Sudanese in Egypt may face discrimination as well as poverty. In 2006, at least ten Sudanese died when police broke up a three-month long protest camp outside UNHCR's Cairo office.19 In May 2008, there were reports that Egyptian authorities had forcibly repatriated 11 registered asylum seekers to Sudan.20

In 2009, Egypt again warned against the partition of Sudan, saying that establishing a new state in southern Sudan would lead to poverty, internal conflicts in the new state and regional instability.21 The comments came as the Nile Basin countries – Burundi, DRC, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda – tussled over plans to establish a permanent Nile Basin Commission that could threaten Egypt and Sudan's historical rights over Nile waters, including the right to veto projects on the Nile by any other country.22 The matter will be revisited in 2010. Meanwhile Bashir continues to visit Egypt23 following the March 2009 ICC charges, confident Egypt will not arrest him as it has not signed the Rome Statute. Egypt's stance is in line with most Arab League countries,24 and it has called on the Security Council to defer implementation of the warrant.25

Libya

Libya has long wanted a leading role in Africa. Inspired by President Muammar Gaddafi and pan-Arabist ideals it was interested in sub-Saharan Africa, especially neighbouring areas such as Chad and Sudan's Darfur that might also house potential threats. In the 1970s and 1980s, Sudan sent arms to Chad's Hissein Habre and his Zaghawa forces, while Libya sought influence among nomadic Arabs, arming groups, mostly pastoralists, who straddled the Sudan-Chad border. This fostered the emergence of an Arab supremacy ideology, one of the driving forces behind today's Janjaweed.

18 IRIN, Egypt-Sudan: Sudanese refugees face dilemma of return, Cairo, 11 Jun 2008.
19 S Apiku, Sudan: 10 killed as Egypt police break up Sudanese protest, Agence France Presse (AFP), Cairo, 30 Dec 2006.
21 ST, Egypt says secession of south Sudan leads to poverty, conflicts, Cairo, 27 Jul 2009.
24 ICC member Jordan does not support the Arab position on the ICC and Bashir. ST, Jordan dissents from Arab position on ICC warrant for Sudan's Bashir, Amman, 23 Mar 2009.
Tripoli's links with its southern neighbours have been aided by the presence in Libya of major diaspora from northern Chad and from Darfur, including Teda, Bedi and Arabs who play an important role in the trans-Saharan trade connecting Chad and Sudan with the Mediterranean. By the 1990s, Gaddafi had shifted to a pan-African stance, supporting the AU and attempting to mediate in numerous conflicts, especially Darfur and Chad. In the south, Libya's attitude has been inconsistent, with Gaddafi sometimes supporting Bashir and sometimes the SPLA. In the Nimeiri years, Libya had backed the SPLA financially; later, Gaddafi rebutted the idea of self determination for the south and started talking to Bashir and positioning Libya as a peacemaker. Tripoli mediated between Sudan and Uganda and promoted the joint Libyan-Egyptian initiative with Mubarak; however the initiative ignored the need for southern self determination and fell by the wayside. Libya has not signed the Rome Statute, and Bashir lunched with Gaddafi in the eastern town of Sirte not long after the ICC laid charges. Currently president of the AU, Gaddafi maintains Africa can solve its own problems, and has agreed to work with Bashir on a 'social solution' for Darfur.

Central African Republic

The war in Sudan's south has affected CAR for years; southerners took refuge there, and the country was destabilised by a proliferation of weapons transferred by defeated, demobilised or 'visiting' armed forces from neighbouring nations, including Chad in the 1980s, Sudan in the 1980s and 1990s and the Democratic Republic of Congo from 1997 onwards. Both CAR and Chad are affected by the Darfur conflict, and will face instability until the problems are resolved. In 2008, a UN official in CAR, Lamine Cisae, noted that 'as long as the problem of Darfur is not solved, you will not have peace

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29 Reuters, Sudan's Bashir goes to Libya, defying ICC, Tripoli, 26 Mar 2009.
in Ndjamen and Bangui. The conflicts are all linked and solving one requires solving all.\(^{31}\)

Since 2003, CAR has been run by a weak regime installed and maintained with military support from Chad and France. In December 2006, the French army intervened to retake Birao in the north-east from CAR rebels, with further fighting against the same group in March 2007. The north-east has borders with Chad, Darfur and south Sudan. Barely controlled by the government, it is a region of 'transit and trade for nomadic peoples, particularly Arabs and Pula or Fellata, and rebel groups from all neighbouring countries'.\(^{32}\) Chadian rebels based in Darfur cross the area to attack Chad and then return to Darfur; some have made alliances with CAR rebels, or included them in their ranks.\(^{33}\) CAR is also raided by the Ugandan Lord's Resistance Army (LRA), as in March 2008, when communities were pillaged and villagers abducted. In September 2008, dissidents from the CAR Union for Democratic Forces for Unity attacked Sudan from the border town of Am Dafok.\(^{34}\) CAR is a signatory to the Rome Statute\(^{35}\) and following the ICC charges in March 2009 would be obliged to arrest Bashir if he attempted to visit the country.

**Chad**

In 2009, there were about 250,000 Sudanese refugees in Chad, with the bulk hosted in 12 camps in the east. There were also about 46,000 refugees from CAR, mostly living in five camps in the south.\(^{36}\) Returning home is a remote possibility at this stage, and UNHCR has begun distributing identity cards to Sudanese refugees in Chadian camps, allowing free movement within the country and other basic rights.\(^{37}\)

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35 See appendix 13 for a list of states party to the Rome Statute of the ICC.
Chad became independent from France in 1960. Leaders from the south of Chad quickly seized power and were supported by France; however it was not long before the north rebelled against southern domination. Sudan was the rear base for the northern fighters, who formed their first armed movement in 1966 at Nyala in Darfur, using Islamic rhetoric that was hostile to southern Christians and followers of traditional religions. Leaders with close relatives living on the Darfur side of the border, for example Hisssein Habre and Idriss Deby, have sought refuge there, while different rebel factions over the years have used it as a base.38

Idriss Deby, a French-trained pilot and former army commander, took power in Ndjamen in 1990. He was helped by the Bashir government, still fresh from its own successful coup in 1989, launching his attack on former leader Hisssein Habre from Darfur.39 In return Chad remained neutral on southern issues, refusing support to southern rebels from as early as 1991 and to Darfur’s Zaghawa intellectuals in the 1990s, even though Deby and many senior Republican Guard officers and men are from the Darfur Zaghawa tribe.40 By 2003 Deby could no longer prevent the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) from using Chad as a rear base, even recruiting fighters from Chad’s Republican Guard and the Chadian Beri tribe. Deby responded by sending Chadian troops to fight the SLA and JEM inside Darfur, but the Chadian Beri would not fight other Beri, and alerted Sudanese rebels. By 2004, Chad was pledging support to Sudan again, arresting two senior JEM figures in May, who were later released due to family connections, despite threats from Bashir that Sudan would support Deby’s opponents if he did not help defeat JEM. The situation is further complicated by the Janjaweed fighters in Sudan, many of whom are ‘Arab’ Chadian remnants of the Chadian civil war and Chad-Libya conflict. Those close to Deby continue to support rebels in Darfur, and the Bashir government holds Deby responsible. A bilateral agreement in May 2006 saw Deby attempt to calm the situation and ask Darfur rebels to leave Chad. Some went abroad or back to their areas in Darfur, while others

40 Berghof Foundation, 2006, p. 29.
kept a low profile in Chad. Meanwhile Chadian rebels in Darfur returned to Chad, but fighting soon broke out again, and the proxy war escalated.41

The Bashir government believes it could have won the war in Darfur and imposed a political solution, save for meddling by Chad, Libya and Eritrea and interference from the wider international community. Sudan also sees Chad as the staging post for European/NATO aggression. Bashir now wants to remove Deby and his cronies in NdjamenA, and block Libyan and Eritrean threats. JEM leader Khalil Ibrahim is believed to get assistance from Sudanese Islamists, Chad and Libya. Without Deby JEM would be less of a threat. The Dakar Agreement between Chad and Sudan, signed in March 2008 in the sidelines of the Organisation of Islamic Conference summit, was witnessed by UN Secretary-General Ban Ki-moon and hailed as a breakthrough, but in reality both parties were just shaking hands for the cameras.42 Mediation efforts in the agreement serve to sustain hostilities rather than bringing peace. Deby is weaker than ever; many of his kinsmen and allies are dead, and the mood on the streets of NdjamenA is against him and the Darfur rebels who patrol the streets on his behalf.43

In May 2008 Darfur rebels attacked Omdurman, the oldest of the three cities that make up Khartoum. The fighting continued for several days, while residents of other areas struggled to find out what was going on. When the dust settled, it was revealed that JEM rebels had travelled for days across the desert in pickup trucks, launching an audacious attack that was doomed to fail – although it was Bashir's security forces rather than the army that sprang to the government's defence.44 The attack bore an uncanny resemblance to a clash in February 2008 when Chadian rebels raced from their Sudanese base right into the presidential palace in NdjamenA. Furious at the Omdurman attack, Sudan broke off relations with Chad, accusing it of backing a coup attempt. Although relations improved in due course, there are continued attacks, counter-attacks, and accusations of support for mercenaries by both sides, including in May 2009 when Chad

42 Reuters, Chad, Sudan sign Darfur peace pact, Special Broadcasting Service, Dakar, 14 Mar 2008.
and Sudan carried out air strikes on each other's territory.\footnote{AFP, \textit{Chad defeats rebel offensive from Sudan}, Ndjamena, 9 May 2009; AFP, \textit{Chad hits back at Sudan}, Ndjamena, 16 May 2009.} Chad is a signatory to the Rome Statute, which in principle obliges it to arrest Bashir if he is on Chadian territory.

**Democratic Republic of Congo**

Sudan and Democratic Republic of Congo (DRC) have been cordial, or at least neutral towards each other, for decades. During Mobutu Sese Seko's rule from 1965 to 1997, various Sudanese groups operated freely in Congo, especially those trying to attack Uganda. In the ensuing years the two countries have remained on good terms, united to some extent by shared hostile feelings towards Museveni. In 2007 DRC's foreign minister visited Khartoum to discuss issues such as repatriation of refugees from Sudan.\footnote{Institute of Security Studies, \textit{DRC Fact File}, Security Situation, www.issafrica.org, accessed 11 Aug 2009.} DRC has hosted numerous refugees over the years, including 1.2 million mainly Hutu Rwandans following the 1994 genocide. This has led to destabilisation in DRC's east, especially among the local Tutsi population, with both Rwandan and Ugandan groups taking advantage of the insecurity to loot natural resources. Ugandan groups that frequent DRC include the LRA, which uses a national park in the country's north-east as a base to attack villages in both Congo and southern Sudan. Since November 2008 more than 16,500 Congolese people have fled to western Equatoria in south Sudan, while thousands of Sudanese villagers have fled areas such as Yambio following vicious LRA attacks.\footnote{UNHCR, \textit{Hundreds of Congolese refugees seek safety in south Sudan}, Khartoum, 1 Oct 2008; IRIN, \textit{DR Congo/Sudan: Western Equatoria struggling with influx of refugees and IDPs}, Juba: 20 Jan 2009; UNHCR, \textit{Thousands displaced by Congolese rebels}, Geneva: 7 Aug 2009.} UNHCR assists more than 21,000 refugees in south Sudan, mostly from DRC but also from Ethiopia and CAR.\footnote{T Garrett, \textit{UNHCR visits civilians in south Sudan displaced by Lord's Resistance Army}, UNHCR, Juba: 27 Jul 2009.} DRC has signed the Rome Statute.

**Eritrea**

Sudan hosted thousands of Eritrean refugees during the 1980s, including members of the Eritrean People's Liberation Front (EPLF) and other supporters of armed struggle. The drought in 1984-85 saw one of the world's largest refugee camps spring up near

\footnotetext[45]{AFP, \textit{Chad defeats rebel offensive from Sudan}, Ndjamena, 9 May 2009; AFP, \textit{Chad hits back at Sudan}, Ndjamena, 16 May 2009.} 
\footnotetext[48]{T Garrett, \textit{UNHCR visits civilians in south Sudan displaced by Lord's Resistance Army}, UNHCR, Juba: 27 Jul 2009.}
Kassala in Sudan's east, with other major camps such as Showak assisting drought, war and famine refugees from Eritrea, Ethiopia and Tigray. At the same time the governments of Ethiopia, Eritrea, Uganda and Cuba were supporting the fledgling SPLA.49

The Bashir coup in 1989 saw Sudanese Islamists arm kindred spirits among the Eritrean factions. For several years, Eritrea and Sudan worked closely on security, with President Isseyas Afwerki employing Sudanese security officers. The friendship faltered when Sudan continued to support Eritrean Islamists despite the EPLF taking power in May 1991. Fighting escalated in the Eritrean lowlands in 1993, and the following year, Afwerki – who had always been cautious towards Sudan's Islamists – broke off diplomatic relations with Khartoum,50 and began training SPLA forces in southern Sudan. Eritrea also supported Sudan's National Democratic Alliance (NDA) – especially Beja forces – installing them in the former Sudan Embassy in Asmara and assisting NDA forces to cross into eastern Sudan.51 In the early 1990s, Eritrea, Ethiopia and Uganda were part of a US frontline strategy that aimed to pressure Khartoum by providing military assistance to its neighbours, who supported the SPLA. The strategy did not succeed; by 1998 Eritrea and Ethiopia were fighting each other, and Ethiopia eventually restored relations with Sudan. Although Eritrea and Sudan agreed in 1999 to stop supporting each other's rebel movements, accusations of treachery continue, and in recent years an increasingly isolated Eritrea has been suspected of supporting rebels in Darfur.52

Not a signatory to the Rome Statute, Eritrea was the first country visited by Bashir after the ICC charges.53

Ethiopia

Ethiopia under Mengistu Haile Mariam gave significant support to the SPLA,\(^5^4\) not least because Sudan had provided refuge during the 1980s to rebel groups from Eritrea, Ethiopia and Tigray. It also offered a home to the hundreds of thousands of southerners who fled the fighting in Sudan. In 1986 Ethiopia facilitated discussions between the SPLM and the NDA that led to the Koka Dam Declaration in Ethiopia, that looked at Sudan's basic problems rather than just the southern problem. However the tide turned against the SPLA in 1991, when Meles Zenawi and the Ethiopian People's Revolutionary Democratic Front took power with help from Khartoum. Next year Bashir moved against Zenawi, attempting to destabilise Ethiopia by supporting the Oromo and non-Ethiopian Muslim minorities such as the Somalis. The Ethiopians retaliated by stepping up support for the NDA in Eritrea and, in 1995, for the SPLA, after an Egyptian terrorist, allegedly helped by Sudanese intelligence operatives, tried to assassinate Egypt's President Mubarak in the Ethiopian capital, Addis Ababa.\(^5^5\) When hostilities broke out between Eritrea and Ethiopia in 1998, Addis Ababa switched sides again, building an alliance of mutual benefit with the Bashir government. Ethiopia supports Khartoum with regard to the Darfur conflict, and has provided around 350 troops to UNAMID.\(^5^6\) It is not a signatory to the Rome Statute, and Bashir visited Ethiopia soon after the ICC charges.\(^5^7\)

Ethiopia is an increasingly popular tourist destination for Sudanese. Ethiopian Airlines flies regularly to Khartoum, and in May 2006 introduced four flights a week between Juba and Addis Ababa. The south spent the best part of 20 years cut off from international flights, and the move put Ethiopia on the map beside traditional allies such as Kenya. Oil exploration in western Ethiopia's Gambela region has possibilities for economic cooperation, roads to the south are under construction, and in June 2009 Kiir visited Zenawi in Addis Ababa to discuss bringing electricity from Gambela to Malakal.

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and Bor. The next month a high-level development cooperation forum was held in Juba. Ethiopia has delivered armaments to the SPLA in Juba; when Khartoum protested in October 2008, Ethiopia explained that the Kalashnikovs and other weapons were exhibits in a trade fair.

Kenya

Kenya has been an honest broker with Sudan, providing refuge to Sudanese of all stripes and facilitating the lengthy peace discussions at Machakos and then Naivasha. Rather than military support, it offered space for sprawling refugee camps such as Kakuma, and turned the tiny town of Lokichokkio into a bustling staging post for aid and aid workers heading to southern Sudan. Senior SPLM figures and their families relocated to Nairobi for schools and medical treatment. By staying engaged yet neutral, Kenya has maintained cordial relations with Sudan ever since independence in 1963, perhaps the only country with this consistent record. The IGAD peace talks were led by the able Kenyan General Lazaro Sumbeiywo, and Naivasha, where they were held, is honoured in southern Sudan as a name for restaurants, hotels and shops. Kenya moved quickly to do business with the newly accessible south; by 2009 more than 50,000 Kenyans were working in southern Sudan. Kenyans and Ugandans are ubiquitous in major southern towns such as Juba, working in aid agencies, on building sites as labour, providing technical skills as plumbers and electricians, trading in fresh and manufactured goods, and as owners, managers, waiters, cooks and cleaners in the mushrooming hotel industry. Southerners say they respect Kenya's role in the peace process and the way it allowed Sudanese to make homes there; nevertheless there has been some backlash against foreigners in southern Sudan. More than 100 Kenyans, for example, were deported from

There is no global arms embargo for the south/SPLA, but under the CPA, any arms build-up must be approved by a Joint Military Board.
Sudan in 2006, and sometimes their businesses are closed arbitrarily. In late December 2009, an SPLA soldier faced court-martial after killing three Kenyans and wounding two others in a Juba bar, apparently due to a business dispute.

IGAD chair and Kenyan President Mwai Kibaki met Salva Kiir at State House in Nairobi in July 2006 to discuss cooperation in transport, education, health and development of human resources, with discussions already underway to build an oil pipeline between Lamu in Kenya and Kapoeta in Sudan. Equally keen to farewell the long-term war on his doorstep, Kibaki offered support to ensure all parties adhered to the CPA. In June 2008 Kenyan Vice-President Kalonzo Musyoka reiterated support for implementation of the CPA. Kenya continues to help the south to build infrastructure and the capability of the civil service. At times Kenya has been sensitive about criticism of its role in the peace process, even banning a study for IGAD, by Canadian academic John Young, that maintained the USA, not IGAD, was the real player behind the CPA. Kenya has signed the Rome Statute, and is assisting with ICC investigations of widespread violence following its 2007 national elections. It imports around 500,000 barrels of crude oil a month from Sudan, a similar deal to those enjoyed by Ethiopia and Eritrea. However, it differs sharply with Sudan on the matter of Nile water, accusing Sudan and Egypt of trying to monopolise the resource. In September 2008, Kenya became embroiled in the case of the MV Faina, a Ukrainian-owned ship headed for Mombasa carrying 33 T-72 tanks, weapons and ammunition, that was hijacked by Somali pirates. When the nature of the cargo was revealed, Kenya claimed ownership, but military and diplomatic sources later confirmed it was the third shipment of a total of 100 tanks destined for south Sudan. In February 2009, a ransom was paid and the load moved

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64 BBC, 31 Dec 2009.
69 Reuters, *Kenya to buy 500,000 barrels of Sudan oil monthly*, Nairobi, 26 Aug 2008.
near Nairobi.\textsuperscript{71} In August 2009, Kenya sent 200 military experts to Juba to provide conventional army training to the SPLA. The \textit{Nairobi Star}\textsuperscript{72} reported that the Kenyan officers would train SPLA in the use of T-72 tanks, including those on the MV Faina which had been flown to Rumbek.

\textbf{Uganda}

Uganda and southern Sudan have more than a border in common. Tribal groups such as the Acholi and Madi straddle that common border, and the Sudanese wars and rebel activity in Uganda have seen hundreds of thousands of Sudanese and Ugandans cross either way, seeking relative safety and international assistance on the other side. The English-language skills of many southern Sudanese were honed through studies in Uganda during the first and second wars. Uganda supported the SPLA from 1986, when Uganda's Yoweri Museveni seized power in Kampala. SPLA leader John Garang and Museveni had been friends for years, and Museveni's backing was vital after the SPLA lost their rear bases in Ethiopia in 1991.\textsuperscript{73} While Uganda was assisting the SPLA, it accused the Bashir government of meddling in Ugandan security by aiding the LRA, Nile West Bank Liberation Front and Allied Democratic Forces.\textsuperscript{74} Relations sank to an all-time low in 1995, when Sudan bombed Uganda. By 2002 a breakthrough between the two countries allowed Ugandan forces to enter southern Sudan to fight the LRA in Operation Iron Fist. Diplomatic relations were restored the next year, but mutual suspicions of support for rebel groups remain.\textsuperscript{75}

The long-standing friendship with Museveni turned bitter-sweet within weeks of Garang's inauguration. In July 2005, Garang's last trip was to Museveni at his ranch, and on the doomed return journey he travelled in a Ugandan military helicopter flown by Museveni's pilot. Subsequent enquiries ruled out foul play and relations between Juba and Kampala remained warm, with the LRA problem top of the agenda. The LRA had

\begin{footnotes}
\item[71] L Gelfand & A Puccioni, \textit{IMINT tracks T-72 tanks towards south Sudan}, Jane's Intelligence Weekly, 7 Jul 2009.
\item[72] Cited in \textit{ST}, \textit{Kenya dispatches military experts to train South Sudan army}, Nairobi, 30 Aug 2009.
\item[73] E Rogier, Aug 2005, p. 31.
\item[75] E Rogier, Aug 2005, p. 31.
\end{footnotes}
bases in the south for years, receiving military and other supplies from Khartoum. The SPLM was determined to stop the LRA operating from south Sudan, with Southern Vice-President Riek Machar leading protracted peace negotiations with Joseph Kony and the LRA. Although Machar wanted to neutralise the threat posed by Kony, negotiations proved difficult, with Kony apparently fearful of arrest as he was charged with crimes against humanity and war crimes by the ICC in 2005. By June 2008, the parties were weary of Kony's procrastinations, and Uganda, Sudan and DRC vowed to jointly fight the LRA if peace talks failed. Kony failed to respond, talks were scrapped and by October 2008, it was clear from the floods of refugees from DRC into Sudan that LRA fighters had moved their bases from Uganda to north-eastern DRC and south Sudan. In December 2008 the three countries began a military offensive against LRA positions. The conflict is now regionalised, with LRA fighters marauding into south Sudan, north Uganda, DRC and CAR. Resolving this conflict is vital for regional stability, in particular for northern Uganda and southern Sudan, but it is unlikely a military victory alone will bring peace to this unstable area. The LRA is harder to disarm now than it was a few years ago, as it has established a string of bases along the border with Sudan.

Khartoum is wary of close relations between Juba and Kampala, as demonstrated in October 2006 when government spokesman Ali Al Sadek slammed a seven-hour visit to Juba by Museveni for talks with the LRA, telling Radio Omdurman that any head of state visiting Sudan should come to Khartoum first, or at the very least, inform Khartoum so that Bashir could fly to Juba to receive him. 'The southern Sudanese have been acting like they are already a country'. A reciprocal visit by Bashir is unlikely, as Uganda has signed the Rome Statute, and referred the LRA situation to the ICC in December 2003.

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77 Reuters, Uganda, Sudan and Congo agree to fight LRA rebels, Kampala, 5 Jun 2008.
78 UNHCR, Hundreds of Congolese refugees seek safety in south Sudan, Khartoum, 1 Oct 2008.
81 BBC, Sudan slams Ugandan president visit to Juba, Khartoum, 23 Oct 2006.
82 ICC, President of Uganda refers situation concerning the LRA to the ICC, The Hague, 29 Jan 2004.
Nigeria

Both Nigeria and Sudan can claim to be the 'largest country in Africa' – Nigeria in terms of population, Sudan in size. The two nations have long-standing political and cultural ties; both have a largely Muslim north, while Christian and traditional beliefs are followed in the south. Both produce oil, both have faced civil turmoil; Nigeria was in conflict in Biafra from 1967 to 1970, more recently, it is fighting militants in southern oil areas and Islamists in northern states. Nigeria has made a number of attempts to help Sudan resolve its conflicts. It mediated unsuccessfully in the southern conflict in the 1990s, and a decade later hosted talks on Darfur.

In the 1993 Abuja talks, Nigerian President Ibrahim Babangida believed factional splits in the SPLA would make it weaker and more likely to seek peace. However Khartoum expected a military victory, and tried to play off the southern factions against each other, refusing to talk about security, insisting that Arabic and Islam would take over the whole country, and rejecting the referendum that it had to accept 12 years later. Khartoum's position was poorly received, and the southern factions stuck together. The Abuja Two talks in 1994 were attended only by Garang's SPLA, while Machar's SPLM-United held talks in Nairobi with Khartoum. Nigeria had more success as a mediator in Abuja in May 2006, when the Bashir government and the SLA-Minni Minawi faction signed the Darfur Peace Agreement. However, that pact did not bring peace on the ground. Nigeria has contributed hundreds of soldiers to the AMIS/UNAMID missions in Darfur – at least 15 Nigerian soldiers have died. Nigeria's former chief of defence staff, General Martin Luther Agwai, commanded the AMIS/UNAMID force from November 2006 to August 2009. Nigeria is a signatory to the Rome Statute.

South Africa

South Africa practises a policy of soft or quiet diplomacy in Africa, preferring diplomatic engagement to overt pressure. Although the country has a liberal constitution

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86 See appendices 10-12 for a list of countries contributing personnel to UNMIS and UNAMID operations.
and democracy, its ruling party, the African National Congress (ANC) was born of armed struggle, has Marxist-Leninist roots and remains non-aligned and supportive of other liberation movements. The ANC and SPLM hold each other in mutual respect. South Africa has been a strong supporter of the CPA, sending then Deputy President Jacob Zuma to the signing in Kenya in 2005 and President Thabo Mbeki to the first GNU session in Khartoum. Mbeki attended Garang's funeral, and sent the ANC Secretary-General and South Africa's Foreign Minister to southern Sudan to assist immediately following Garang's death. South Africa sees good governance as key to a stable, democratic state, and provides training to the SPLM. Pretoria chairs the AU post-conflict reconstruction committee for Sudan, and believes maintaining the CPA is even more important than the crisis in Darfur. In 2006, South Africa opposed a UN resolution critical of Khartoum's conduct in Darfur. But some have stronger views; in 2007 elder statesman Desmond Tutu told a European Union hearing on Darfur that targeted sanctions had been effective against apartheid South Africa and he supported sanctions against Khartoum. South Africa has helped with mediation, sent military personnel to the AU mission in Darfur, and supports UNAMID, with Mbeki advising Bashir to replace the under-resourced AU force in Darfur with a larger, better-equipped UN force. Mbeki welcomed Bashir to Capetown in 2007, describing Sudan as a strategic partner and signing pacts on defence, economic and trade cooperation. South Africa's exports to Sudan increased by ten times between 2000 and 2006, and PetroSA, its national oil company, has exclusive oil concessions in Sudan. In 2004, the Sudanese Railway Corporation signed a US$21 million deal with the Global Railway Engineering Consortium of South Africa for rolling stock and railway rehabilitation. However, as a signatory to the Rome Statute, South Africa faced a diplomatic dilemma when it came to the inauguration of President Jacob Zuma in May 2009. Bashir was invited, but Salva Kiir attended in his place – South Africa made it clear it would be in everyone's best interests if Bashir stayed away. Meanwhile, former president Mbeki has been appointed chair of a high-level AU panel to recommend the most effective way to deal with

87 L Nathan, 12 Feb 2008, pp. 2-10.
88 Mail and Guardian, Tutu urges tough action against Sudan, Brussels, 5 Jun 2007.
impunity, accountability and reconciliation in Sudan.\textsuperscript{90} By July 2009 prominent South Africans and civil rights groups were pressuring Zuma to distance himself from the AU decision to ignore the ICC arrest warrant for Bashir; the pressure thus far has been unsuccessful.\textsuperscript{91}

**Intergovernmental Authority for Development (IGAD)**

IGAD was created in 1996, superseding the Intergovernmental Authority for Drought and Development (IGADD) founded ten years earlier. It grew out of the efforts of six countries in the Horn of Africa – Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda – to tackle development and drought in their region. The group was influenced by new leaders in Uganda, Ethiopia and Eritrea (which joined after independence in 1993) to address conflict in the region, looking first at Somalia and then Sudan.\textsuperscript{92} Increasingly, regional initiatives were seen as vital for peace measures, and countries such as Australia, Canada, Italy, the Netherlands, Norway, United Kingdom and USA formed the Friends of IGADD\textsuperscript{93} (later the IGAD Partners Forum) in 1994. Countries bordering Sudan were experiencing massive flows of refugees across their borders, and were keen to establish peace, not least because of Bashir's support for radical Islamists. Kenya chaired the IGAD committee on Sudan, with support from Uganda, Ethiopia and Eritrea. IGAD developed a declaration of principles, supporting the SPLM's position on self-determination and secularism as the only way to achieve peace and unity. Umma and the NDA agreed, but Bashir refused support, and talks collapsed. By 1997 the SPLM was closer to the NDA, and Bashir had alliances with southern groups, including Riek Machar. International pressure forced the parties back to the negotiating table, but in a tactic still used today with Darfur, Bashir accepted the declaration of principles but reneged soon after.\textsuperscript{94} By then, Eritrea and Ethiopia were distracted by their own war, and Uganda had problems with DRC. Meetings in Nairobi and Addis Ababa kept the process

\textsuperscript{91} W Hartley, Zuma under pressure over Al Bashir, Business Day, Cape Town, 16 Jul 2009.  
\textsuperscript{92} IGAD, www.igad.org.  
\textsuperscript{93} E Rogier, Aug 2005, pp. 39, 41-42.  
\textsuperscript{94} DH Johnson, 2006, pp. 141-142.
rolling until the IGAD-sponsored talks and Machakos declaration in 2002 that eventually led to Naivasha and the CPA. IGAD members recognise that development issues have 'regional as well as state dimensions' and have shown some in-principle support – at least in the past – for an independent southern Sudan, if that was the wish of the peoples of the region as revealed in a self-determination exercise.95

**African Union**

In 2002, after 39 years of turning a blind eye to members' internal affairs, the Organisation of African Unity was replaced by the African Union (AU). Influenced in part by the 1994 Rwandan genocide, the AU adopted a constitution that allowed collective intervention on human rights grounds to combat war crimes in member countries.96 Its first intervention was to be in 2004 in Darfur, where the under-funded and under-equipped African Mission in Sudan (AMIS) struggled to operate until it was replaced by the hybrid UNAMID force in January 2008.97 Sudan had accepted the AU mission as part of a push from both African and Western nations to find 'African solutions for African problems'. It was plagued by problems, including a weak mandate that made it difficult to assist civilians, and with just 7000 under-resourced troops, it was unable to fulfil its mission. When the AU tried to transfer the task to the UN, Bashir threatened expulsion,98 vetoing UN logistical support and ensuring armoured personnel carriers, 100 UN officers and police advisers, assault helicopters and additional peacekeepers arrived slowly or not at all. The AU mission cost Africa dearly, with at least 19 AU peacekeepers killed or missing, and more than 100 vehicles stolen. Reports of violence and rape among the Darfur population continued despite the AU presence, as its commanders were mandated to rely on diplomacy alone to resolve altercations. There

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97 See appendices 10-12 for a list of countries contributing personnel to UNMIS and UNAMID operations.
were also allegations of sexual abuse by AU troops.\textsuperscript{99} Nevertheless, it did save lives and prevent atrocities in Darfur. It protected women who dared not leave camp unescorted to collect firewood for cooking lest they be attacked by the Janjaweed militia, conducted preventive deployments, negotiation, mediation and conflict resolution, and advocated against child soldiers – these were valuable contributions to peacekeeping in Darfur.\textsuperscript{100}

The Darfur crisis did not dampen Bashir's ambition to head the AU, a dream twice shattered by his fellow heads of state. He lost in 2006, when President Denis Sassou-Nguesso of Congo-Brazzaville was elected,\textsuperscript{101} and again in 2007, when Ghana's President John Kufuor won the chair. If elected, Bashir would have received a one-year mandate to handle African conflicts in Darfur and Somalia. Such a move would have severely dented the AU's credibility, but Bashir's candidacy was doomed to failure due to his poor reputation regionally and internationally. Chad threatened to withdraw from the 2007 summit if Bashir was elected, and other countries, led by South Africa, were also opposed.\textsuperscript{102} In an editorial Sudan Tribune called the AU move 'The African Slap', noting Bashir was slammed not just because of Darfur, but also because African leaders did not want to be represented by an Islamist with a reputation for violence and intolerance who headed an internationally isolated government.\textsuperscript{103}

Sudan has continued to host regional meetings, including the 2006 AU summit and a security and intelligence conference in June 2007 in Khartoum. The AU had established the Committee of Intelligence and Security Services of Africa in 2004 to deal with modern intelligence and security challenges. Delegates from all African countries, from African organisations and from non-African entities, including the CIA and MI6, attended the conference, also visiting Juba to look at CPA implementation and Darfur to inspect AU peacekeepers.\textsuperscript{104} In February 2008, concerned by lack of progress with the CPA, the AU appointed former Nigerian foreign minister Oluyemi Adeniji as special

\textsuperscript{101} R Cohen & WG O'Neill, p. 2.
\textsuperscript{104} ST, \textit{African intelligence and security services meet in Sudan}, Khartoum, 2 Jun 2007.
envoy for implementation of the CPA, noting Adeniji's past experience in Central African Republic and Sierra Leone as special envoy for the UN Secretary-General. The AU set up liaison offices in Khartoum and Juba to monitor progress. Following the JEM attack on Omdurman in May 2008, the AU mediated between Chad and Sudan, with AU chair Jean Ping holding talks in both countries. Thirty African countries have signed the Rome Statute, and all four ICC investigations (Uganda, DRC, CAR, Darfur) are in Africa – Darfur is the only situation referred by the Security Council rather than a head of state. Despite this track record of interaction, the AU expressed concern at the ICC warrant for Bashir, fearing a power vacuum at the top in Sudan and warning that the 'search for justice should be pursued in a way that does not impede or jeopardise the promotion of peace'. In June 2009 African members of the ICC rejected a proposal to withdraw from the court as a protest against the Bashir charges, despite heavy lobbying from Sudan and concerns about a backlash against AU peacekeepers. Senegalese President Abdoulaye Wade told Bashir in 2008 he could not offer him refuge if he faced a warrant, while Botswana criticised Sudan’s push at the AU for a continent-wide reprieve for Bashir, saying he would be arrested if he visited Botswana.

**Arab and Islamic countries**

Arab and Islamic countries and organisations do not support self-determination for southern Sudan, preferring a united Sudan to an independent south. Egypt in particular is always wary of another player entering the waters of the Nile. Libya has swung between support for the SPLM and support for Khartoum, and in more recent times attempts to be a regional peacekeeper. Over Darfur Arab countries have shown solidarity with Bashir, despite the embarrassment of having an Islamist leader who is a pariah in the international community and wanted by the ICC. Only Djibouti and Jordan are signatories to the Rome Statute.

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The United Arab Emirates (UAE) and Saudi Arabia have provided aid to Sudan, including to past health and housing programs and more recent medical and agricultural programs in the south. UAE deputy Prime Minister Sheikh Hamdan Bin Zayed Al Nahyan – who is also their Red Crescent chair – is said to have taken a personal interest in the welfare of displaced southerners. For example, in May 2008 the UAE Red Crescent Authority announced it would airlift medical supplies and a team of surgeons to assist displaced people in southern Sudan; in July 2009, it provided relief materials including food, clothes and blankets to displaced people at Boma Plateau, 700 kilometres east of Juba. 107 Meanwhile, the Abu Dhabi Fund for Development has begun a massive 70,000 feddan 108 (29,400 hectares) agricultural project in Bahr Al Nil state. The project has the approval of the country's president and crown prince, and is an attempt to combat rising global food prices. 109

Arab and Islamic organisations

Arab League

The Arab League was founded in Cairo in 1945 to promote the affairs of Arab nations. It has 22 members, with an extra four states as observers. Sudan joined at independence in January 1956, and has hosted two Arab League summits in Khartoum, in August 1967 and March 2006. The 2006 summit took place as Bashir was battling UN attempts to bring its peacekeeping mission to Darfur. The meeting got off to a bad start, with the heads of state of regional heavyweights Egypt and Saudi Arabia failing to attend, while Jordan's King Abdullah II appeared only at the last moment. Other leaders stayed away, citing security concerns or political differences with Bashir, but some may have heeded a US suggestion that 'friendly' Arab countries stay away to show support for a UN force in Darfur rather than for Bashir. League members were lukewarm on Bashir's

108 Measure of area used in Sudan, Egypt and Syria. One feddan equals 4200 square metres.
stance against a UN force, but also dashed US hopes that they would provide funds for AMIS, although both Sudan and the League changed their minds six months later. The ICC charges have been an issue for the Arab League, with Sudan calling an extraordinary meeting in Cairo in July 2008 to discuss Bashir's situation. The League rejected the ICC prosecutor's 'unbalanced, not objective' position. Sudan agreed to tackle the political and legal aspects of the Darfur conflict, including examining crimes and human rights abuses, in return for the League asking the Security Council to suspend all measures taken under the 2005 resolution that referred the situation in Darfur to the ICC. The Arab League has continued to show public support for Bashir, with Qatar hosting peace talks between Sudan and JEM in February 2009 and a short-lived 'good neighbours' agreement between Sudan and Chad in May 2009. However, Bashir's expulsion of aid agencies in retaliation for the ICC charges was not well received. Egypt, especially, has been lobbying for the decision to be reversed, and for an international peace conference to discuss all outstanding issues, including the ICC warrant.

Arab Inter-Parliamentary Union

Bashir has received support from the Arab Inter-Parliamentary Union, a 22-member group of Arab parliaments. In March 2006 it opposed transferring Darfur peacekeeping from the AU to the UN, in line with Bashir's stance. In March 2009, it condemned the ICC charges, fearing the warrant would escalate the conflict in Darfur.

Organisation of the Islamic Conference (OIC)

The 57-nation OIC was established in Jeddah in 1969. It regards itself as the collective voice of the Muslim world, and has issued a string of statements on Sudan.

110 ST/Associated Press, Arab summit opens in Khartoum with sharp division over final communique, Khartoum, 28 Mar 2006.
112 AFP, Sudan calls Arab League meeting, Cairo, 13 Jul 2008; Deutsche Presse Agentur, Sudan agrees Arab League plan to defuse Darfur-ICC, Cairo, 23 Jul 2008; ICG, Sudan: Justice, peace and the ICC, Africa Report No. 152, Nairobi/Brussels, 17 Jul 2009, pp. 15-18, 20-21.
113 SUNA, Arab Parliament Union declares its rejection to any international intervention in Darfur, Khartoum, 7 Mar 2006; GA Khan, Arab lawmakers condemn ICC move against Bashir, Arab News, Riyadh, 6 Mar 2009.
114 Organisation of the Islamic Conference (OIC), various, www.oic-oci.org
For example, in April 2008, it commended Sudan for holding the census, noting its importance as a milestone for the CPA; in July 2009 it welcomed the Abyei arbitration ruling. However, most OIC statements on Sudan concern Darfur, Bashir and the ICC, and pleas for Chad and Sudan to prevent cross-border movement by armed groups. In April 2007, OIC chair and Malaysian Prime Minister Abdullah Ahmad Badawi visited Darfur, where he witnessed conditions in camps for the displaced, and promised to urge Muslim countries, the OIC and the Islamic Development Bank in Jordan to assist Sudan. In May 2009 Secretary-General Ekmeleddin Ihsanoglu visited Darfur, where he was briefed by UNAMID and announced a US$485 million plan to build 120 model villages in Darfur. Like the AU and Arab League, the OIC rejects the charges against Bashir, arguing that they show double standards and that an arrest would further destabilise Sudan and the region. Bashir also has support from the Riyadh-based Gulf Cooperation Council (GCC), comprising UAE, Oman, Bahrain, Qatar, Kuwait and Saudi Arabia, which also slammed the 'double standards' of the ICC, suggesting its time would be better spent looking at Israel's occupation of Palestinian territories.

However, support for Bashir in the Arab world is far from complete. Three Arab states have signed the Rome Statute – Djibouti, Comoros and Jordan. The first two are unlikely to arrest Bashir, but Jordan is an active supporter of the ICC, and Prince Zeid Raad Zeid Al Hussein was the first president of the ICC Assembly, from 2002 to 2005. Jordan has urged Sudan to present evidence to refute the ICC claims, but remains 'committed to the international treaties it signed with international organisations and commissions'. In June 2008, the Arab Coalition for Darfur (comprising human rights groups in Egypt, Jordan, Bahrain, Algeria, Iraq, Yemen, Syria, Libya, Mauritania, Kuwait, Palestine and Saudi Arabia) slammed the OIC for focusing on Iraq and Palestine and ignoring Darfur. The Islamic World's response to the daily killings and

115 AFP, Malaysian PM vows to pressure Muslim nations to help Darfur, Kuala Lumpur, 18 Apr 2007.
117 Xinhua News Agency (Xinhua), Gulf nations opposed to ICC 'double standards' against Sudan, Riyadh, 21 Jul 2008.
118 ST, 23 Mar 2009.
119 The coalition was created in May 2008 in Cairo by the Arab Program for Human Rights Activists and includes people originally from Sudan, Jordan, Bahrain, Algeria, Iraq, Yemen, Syria, Libya, Mauritania, Kuwait and Egypt.
sufferings of millions of Muslims in Darfur has been largely silent, both from civil society as well as from institutions and the majority of Islamic governments,’ it said, in a statement coinciding with an OIC Council of Foreign Ministers meeting in Kampala. Museveni urged the OIC countries to put some effort into both the Darfur crisis and the peace process in southern Sudan, noting that failure to resolve the Darfur issue would undermine OIC unity. Elsewhere, Lebanese politician Walid Jumblatt backed the ICC, saying it ‘demonstrates the importance of holding to account those who commit mass killings’, while the chiefs of Al Arabiya television in Dubai and Al Sharq Al Awsat newspaper in London said Bashir must face court.

The West

Western engagement with Sudan includes aid, business links and diplomatic efforts to apply pressure and find solutions for its multiple crises. The south relies on backing from the US, Britain and other western countries, often channelled through the UN, to ensure that Bashir is held accountable for implementation of the CPA. This policy of constructive engagement with Khartoum ensures the West maintains intelligence links with the country that hosted Osama Bin Laden in the 1990s. There are European companies providing technological inputs for the oil industry, but others such as Rolls Royce – which makes equipment for pumping oil – have pulled out, wary of the Sudanese government’s poor human rights records in Darfur and elsewhere. Sudan’s multiple wars and terrorist links make it something of a social pariah, but as British Prime Minister Tony Blair warned in 2007, the West ignores African countries at its peril:

The more I look at what is happening in Africa, in some of the worst trouble spots, in Sudan and Somalia and so on, the more I am convinced that if we do not take a responsible and long-term view of Africa and its need to develop and make progress, then we will end up ultimately with our own self-interest back in countries like Germany and

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120 ST, Arab activists slam Islamic silence over Darfur atrocities, Kampala, 20 Jun 2008.
the UK being damaged as a result of the poverty, the conflict, the mass migration and the spread of terrorism.124

Britain

Sudan and Britain have a long, shared history, but the experiences of the past have failed to foster strong friendships in the present. Neither Britain nor the US sounded alarm bells when Bashir took power in 1989, both seeing the coup as a chance to farewell Sadig Al Mahdi and his links with Iran and Libya.125 As the war dragged on, Britain took its place as a Friend of IGAD and sent a special representative to assist negotiations, along with the US, Norway and others.126 It provided refuge and education for tens of thousands of Sudanese – pressure groups of various persuasions still operate as part of the Sudanese-British diaspora. British aid agencies such as Oxfam and Caritas are strong supporters of emergency and development aid to Sudan.

Under Blair, Britain raised the profile of Africa's development needs, with the 2005 Gleneagles summit extracting promises from Group of Eight leaders to grant substantial debt relief and double aid to Africa by 2010. Although debt write-off targets of US$38 billion have largely been met, aid money has been slower to materialise.127 Britain's aid program to Sudan includes substantial pledges to support the CPA, including US$650 million at the Oslo meeting in 2008, where it noted that 'the extent to which these funds can be used for development will depend crucially on resolution of the Darfur crisis'.128 Britain, a signatory to the Rome Statute, has resisted calls by some African and Arab leaders for the ICC warrant to be deferred, and continues with attempts to broker a peace deal at Doha for Darfur.129

124 G Jackson, Blair warns West will suffer if it fails Africa, AFP, Berlin, 24 Apr 2007.
125 E Rogier, Aug 2005, p. 46.
126 DH Johnson, 2006, p.179.
128 ST, Oslo donors pledge around US$5 billion to Sudan, Oslo, 7 May 2008.
France

France views Sudan through a Chadian window. The French have supported Chadian leader Idriss Deby through thick and thin, adopting a neo-colonialist role in both Chad and its neighbour CAR. In 2006, France had more than 1000 soldiers in Chad, and flew surveillance missions across the country to investigate Chad's accusations of Sudanese involvement in destabilisation. From January 2008 French troops took part in the 3700-strong European Force (EUFOR) in Chad, handing over to the UN peacekeeping force MINURCAT in March 2009. A signatory to the Rome Statute, France has been lobbied by Sudan to push for an ICC deferral, but is unlikely to provide support unless there is 'a clear change of policy' from Khartoum. Despite French support for the Doha negotiations, Sudan failed to meet benchmarks that would have demonstrated a change of heart.

Russia

Russia and Sudan had a blossoming relationship in the early Nimeiri years, allowing Khartoum to access aid, military advisers and supplies. However, the attempted coup by the Sudanese Communist Party in 1971, and subsequent protests by Moscow at the executions of three SCP leaders, cooled the friendship. Sudan pursued other backers such as the US, and by the mid-1980s Russia was focused on events at home rather than the Horn of Africa. The SPLA was influenced by Ethiopian and Eritrean Marxist discourse when it prepared its 1983 manifesto, particularly in the sections on colonialism and neo-colonialism, and nationality and religion, however, this reflected Ethiopian rather than Russian backing.

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130 D Flynn, AU probes Sudan role in Chad insurgency, Reuters, N'djamena, 21 Apr 2006.
Russia's relationship with Sudan has a military flavour, comprising contributions of personnel and equipment to UNMIS and UNAMID peacekeeping operations, and sales of a range of military supplies. In December 2005 Russia provided 200 peacekeepers, four Mi-8MT (MTB) helicopters, arms and ammunition to support UNMIS rapid reaction forces, surveillance, and search and rescue operations in the south. In March 2008 it offered helicopters to the cash-strapped UN force in Darfur. A 2006 report from the Control Arms Campaign notes that military aircraft and components have been sold to Sudan by companies in Russia and Belarus, while tanks, vehicles and artillery have been sourced from Russia, Belarus and Poland. In May 2008 a MIG-29 tactical fighter was shot down over Omdurman by Darfur rebels and its Russian pilot killed. In July 2008, reports emerged that new Russian MiG-29 fighters, shipped via Belarus, were parked at Wadi Sayedna air base near Omdurman. It is uncertain if Belarus was the seller or simply the way station for another country; however, Sudan and Belarus have signed a military cooperation protocol covering training and military science. In 2004, 12 MiG-29S plus a number of Mi-24 attack helicopters were delivered. Russia denies that it supplies arms to Sudan for use in Darfur; however if the MiG-29s are deployed there, that would violate Security Council Resolution 1591, that prohibits selling arms to either the Sudan government or Darfur rebels for use in Darfur.

Scandinavia

Norway has a strong relationship with the Government of Southern Sudan, developed through the work of Norwegian People's Aid (NPA) and Norwegian Church Aid (NCA) during the war. NPA was the only secular agency that provided direct assistance to SPLA-held areas and populations in those troubled times, distancing itself from the UN Operation Lifeline consortium that flew supplies to rebel strongholds only when Khartoum gave permission. Oslo hosted both the crucial post-agreement donor

136 See appendices 10-12 for list of countries contributing personnel to UNMIS and UNAMID operations.
137 V Putin, President of Russia, Proposal on sending a Russian contingent to Sudan, 21 Dec 2005; P Worsnip, Russia proposing choppers for Darfur force, Reuters, United Nations, 5 Mar 2008.
138 The Control Arms Campaign is backed by Amnesty International, the International Action Network on Small Arms and Oxfam International.
conference in 2005 and the follow-up Sudan Consortium meeting in 2008, where it pledged US$500 million for emergency and development aid for Sudan from 2008 to 2011. Norway has a consulate in Juba and NPA and NCA continue grassroots development in the south.

Sweden also has a strong and positive relationship with the south, supporting humanitarian and reconstruction projects. Sweden is focusing on CPA implementation; its strategy for 2008-11 has the themes of peaceful development, human rights, democratic governance, reconciliation and national unity. Support for the peace agreement in the east is also flagged, and while assistance for Darfur to date has been humanitarian, there will be support for reconstruction when the time is ripe. Most Swedish support is channelled through multilateral organisations. In February 2009 Sweden's Lundin Petroleum sold its East African investments after negative drilling results in southern Sudan on Block 5B in Muglad Basin. Indian partner ONGC Videsh also pulled out of Block 5B, but kept its stake in other assets such as Block 5A.

Norway, Sweden, Denmark and Finland have contributed personnel to UN peacekeeping missions in Sudan in military and police capacities, with Danish police officer Kai Vittrup serving for two years as UNMIS police commissioner. However, in 2008 Bashir ordered a boycott of Danish goods, and threatened to expel Danish diplomats and aid agencies, after controversial cartoons depicting Prophet Mohamed were republished in Danish newspapers. Previously, Bashir had used the cartoon issue to ban from Darfur Scandinavian peacekeepers and the UN Undersecretary General for Humanitarian Affairs, Jan Egeland.

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140 ST, 7 May 2008.
141 Gov’t of Sweden, New Swedish strategy for development assistance to Sudan, Stockholm, 26 Jun 2008.
142 See appendix 7 for map of oil concessions.
143 ST, Swedish Lundin sells East Africa interests after negative results in Sudan, London, 7 Feb 2009; S Dutta, OVL to quit block in Sudan, The Times of India, New Delhi, 27 Apr 2009.
144 ST, Sudan president orders boycott of Danish goods and officials, Khartoum: 24 Feb 2008.
145 Jan Egeland is Norwegian.
European Union

The European Union (EU) suspended development aid to Sudan in 1990 following the Bashir coup, although emergency aid was still provided. It took a carrot-and-stick approach from 1999, trying to coerce the Sudanese government into humanitarian improvements. As peace talks with the south intensified, the EU took an active role in the IGAD Partners Forum, and, later, in the Joint Assessment Mission. In January 2005 the CPA opened a new chapter for the EU and Sudan, and a three-year Euro 400 million country strategy was agreed. Funds are linked to effective implementation of the CPA and to the efforts of the Bashir government and concerned parties to resolve the Darfur conflict. Access to the European Investment Bank for private sector development and large public investment funds is contingent on resolution of Sudan's Euro 73.4 million debt to the bank. The EU strategy supports humanitarian and reconstruction programs; peace dividends for war-affected communities; census preparations; disarmament, demobilisation and reintegration; media-strengthening initiatives; food security; democracy and human rights; and education in the north. The European Commission Humanitarian Aid office (ECHO) has offices in Khartoum, Nyala and Juba. In 2005, after intensive lobbying from NGOs, the EU appointed a special representative for Sudan, who visits regularly from Brussels. However, a 2007 report on the EU and southern Sudan commissioned by APRODEV, the Brussels-based association of 17 European church-related aid organisations, maintained that EU states tend to pursue their own agendas and programs in Sudan, and recommended the EU representative strengthen coordination between member states and institutions. The report also urged the EU to assist Sudanese civil society by engaging civilian groups in reconstruction, rehabilitation and governance programs. Despite serious concerns about the lack of progress with both the CPA and Darfur, the EU has been reluctant to impose sanctions on Sudan. However, EU development policies for Sudan fall under the Cotonou

146 The EU replaced the European Economic Commission on 1 November 1993. It has 27 members.
147 The European Commission is the executive body of the EU and implements policy decisions made by the European Parliament and Council of Ministers. ECHO, Europe in Sudan fact sheet, Nairobi, 20 Jun 2009.
Agreement, which also covers trade issues such as preferential treatment for the signatories, and highlights respect for human rights and democratic institutions. Amendments in 2005 incorporated the fight against impunity and for promotion of criminal justice through the ICC. Sudan was due to ratify the amendments by 30 June 2009, but instead notified it would 'withdraw' from the amendments, thus jeopardising its funding from the EU.

North America

Canada

Canada is an active supporter of the CPA and conflict resolution in Darfur. An early member of the Friends of IGAD, it contributed to the southern peace process, and now co-chairs the Friends of UNAMID with the US. Canada began providing aid to Sudan in the late 1960s, but phased out assistance after the Bashir coup. Government aid resumed when the CPA was signed, as part of a three-pronged approach that also includes diplomacy and security. Canada has provided US$500 million in aid to Sudan since 2006, including support for reconstruction through the Multi-Donor Trust Fund. It has up to 50 military personnel and 25 police with UNMIS and UNAMID, and has been an international observer at talks on Darfur. In August 2007 Sudan expelled Canada's charge d'affaires for allegedly 'interfering in Sudan's internal affairs'; Canada retaliated by expelling a Sudanese diplomat.

Canadian business invested early in Sudan's oil industry, and this became a matter of national interest as the southern war escalated. Canadian company Arakis entered the oilfields in 1995, backed by US$750 million from the Arab Group International; the following year, it formed Greater Nile Petroleum Operating Company with the Chinese

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149 This treaty between the EU and the African, Caribbean and Pacific (ACP) Group of States was signed in Cotonou, Benin, in June 2000. It came into force in 2003 and targets poverty, sustainable development and ACP integration into the world economy.
150 ST, Sudan formally withdraws from Cotonou Agreement amendments, Khartoum, 23 Jun 2009.
153 Reuters, Canada to expel Sudan diplomat in tit-for-tat move, Ottawa, 29 Aug 2007.
National Petroleum Company, Malaysia's Petronas and the Sudanese state oil company, Sudapet. It operated north of Bentiu in the Unity and Heglig fields in the border areas of Upper Nile and Southern Kordofan. By 1998, Canada's largest independent gas and oil company, Talisman, had bought the Arakis share, building a pipeline from Unity field to Port Sudan and starting to pump oil. As time went by, the bloodshed in the oil areas, in particular Sudan's scorched earth policies, and reports from human rights groups, caused Canada to threaten Talisman with sanctions against its activities in Sudan. Although sanctions were never imposed, consistent negative publicity over human rights issues forced Talisman to sell its shares in Sudan's oil in 2002.155

United States of America

The USA and Sudan have had a strained relationship for years. In 1989, Congress banned bilateral aid after Bashir overthrew Sudan's elected government. Sudan's Islamist links, safe harbour for certain terrorists, ties with Iran and support for Iraq in the Gulf war did not endear it to Washington, and by 1993 the US had declared Sudan a state sponsor of terrorism, banning defence exports and sales, restricting foreign assistance and exports of certain dual use items, and requiring directed votes on international financial institution assistance.156 In 1997 the US placed a trade embargo on Sudan, and froze its assets for supporting terrorism, destabilising other governments and sustaining a poor human rights record. After attacks on US embassies in Kenya and Tanzania in 1998, the US deployed cruise missiles to destroy alleged terrorist-related facilities, including a Khartoum North pharmaceutical factory. The US ambassador left town before the missiles landed, and since that time a charge d'affaires has headed the US embassy in Sudan.157 In 1999, relations thawed slightly when Bashir broke with Turabi, but President Clinton still vetoed Sudan's bid for a seat on the Security Council. Sudan fomented local protests against the US as an anti-Islamic force, and sourced weapons from China and former Soviet states. After the September 11 attacks the Bashir government's past connections with Osama Bin Laden placed it squarely on the list of terrorist supporters,

and Sudan sought to improve relations with the US to avoid further missile attacks. In November 2001 the CIA reopened its base in Khartoum; Sudan's National Intelligence and Security Service (NISS) works with the CIA and FBI to monitor the movements of Al Qaeda and others through Sudan and the Horn of Africa. NISS shared information on insurgents in Iraq, and collaborated with the US military intervention in Somalia. In 2005 there was an outcry when NISS head Salah Abdallah Gosh was flown to Washington for secret meetings with US security agencies at the same time as he was under scrutiny by Congress for activities in Darfur. Later, UN investigators advised the Security Council that Gosh and 16 others should face sanctions for crimes against humanity. Congress asked how the State Department could describe Sudan as a strong partner in the war on terror while it was listed as a state sponsor of terror. In 2006 Bush signed the Darfur Peace and Accountability Act, underscoring economic sanctions on the Government of National Unity (GNU) while easing restrictions on the south, Darfur, the Three Areas and some camps for displaced in Khartoum. The Sudan Accountability and Divestment Act 2007 authorises US state and local governments to divest from companies doing business in named sectors of Sudan. The US is the largest single donor to Sudan, providing more than US$4 billion since 2005 to humanitarian, development and peacekeeping efforts throughout the country. It supports both UNMIS and UNAMID, providing US$450 million from 2005 to 2008 to construct and operate 24 UNMIS base camps in the south including vehicles and communications equipment for troops. It contributes 25 percent of UNAMID's budget, and pledged an extra US$100 million in February 2008 to train and equip African battalions for Darfur. Successive US governments have named special representatives for Sudan – in March 2009 President Barack Obama appointed retired Air Force General Scott Gration as US special envoy for Sudan. Obama tasked Gration with reinvigorating the CPA and promoting its effective implementation, and exploring mechanisms to get talks between rebels and Khartoum that could resolve the Darfur conflict once and for all,


noting 'this is going to be a very difficult task. It will be a time-consuming task. We don't expect any solutions overnight to the long-standing problems there'.\textsuperscript{161} In October 2009 Obama reiterated his intention to pursue twin goals in Sudan: an end to the human rights abuses in Darfur, and ensuring the CPA is implemented to create the possibility of long-term peace. Despite suggestions by Gratian in July 2009 that there was no intelligence to justify keeping Sudan on the list of state sponsors of terrorists, in October 2009 Obama renewed US sanctions on Sudan, until such time as 'the Government of Sudan acts to improve the situation on the ground and to advance peace'.\textsuperscript{162} US officials noted that due to the ICC charges any engagement policy with Sudan would not include Bashir.\textsuperscript{163} In December 2009, pressure from the US ensured the NCP was obliged to review a controversial amendment to the referendum law, defusing a political crisis over eligibility to take part in the 2011 vote.\textsuperscript{164}

\textbf{Asia/Pacific}

\textbf{Australia}

Australia landed troops at the Sudanese Red Sea port of Suakin in 1885 to support Britain's General Kitchener against the Mahdist forces – the first time Australian colonies had sent a force to support the motherland. A low-key relationship developed, with missionaries, and, later, aid workers and teachers, maintaining a small Australian presence in Sudan.\textsuperscript{165} A modest scholarship scheme bringing Sudanese students to Australia was discontinued in the wake of the 1984 Jackson Report,\textsuperscript{166} which recommended Australia focus its aid activities on the Asia-Pacific region. As the southern war and human rights abuses intensified, Sudanese began migrating to Australia.

\textsuperscript{161} US Department of State, \textit{Remarks by the President}, White House, Washington, 30 Mar 2009.
\textsuperscript{164} K Abdelaziz, \textit{Sudan passes law on southern independence vote}, Reuters, Khartoum, 29 Dec 2009.
\textsuperscript{166} [Parliamentary] Committee to review the Australian overseas aid program, \textit{Australian Overseas Aid Program} (the Jackson report), Government Printer, Canberra, 1984.
under humanitarian programs. On the trade side, for many years Australia has been the sole commercial supplier of wheat to Sudan, providing 1.2 million to 1.8 million tonnes a year. Australia provides military and police personnel for UNMIS and UNAMID; emergency and development assistance through UN and multilateral organisations and NGOs. In 2007-08, Australia's largest contribution to an African country was A$25 million for humanitarian work in Darfur; in 2007 it was the fourth largest bilateral donor to the UN World Food Programme's emergency operation in Sudan. Over the past ten years, Sudanese migration flows to Australia increased, and by 2007 more than 23,000 Australian residents had been born in Sudan. There are Sudanese communities in every Australian capital city and many regional centres, fostering the growth of educational, development and lobby groups. In 2009, the Rudd Government's commitment to broaden and deepen Australia's engagement with Africa identified three priorities: supporting Africa's efforts to promote economic growth and security, accelerating progress towards the Millennium Development Goals and addressing peace and security challenges. However Australia is unlikely to significantly increase its engagement with Khartoum while Bashir remains in place. Australia has signed the Rome Statute.

China

China and Sudan established diplomatic relations in 1959, and have developed strong trade, aid, cultural, political and military ties. Chinese household goods are ubiquitous in Sudan; the Chinese-built Friendship Hall conference centre is a Khartoum landmark, now joined by new hotels in Juba and Omdurman's second White Nile Bridge. China is also involved in building the El Gaili power plant and Merowe Dam.

role in Sudan began to strengthen after the 1989 Bashir coup; in the 1990s, in search of new energy sources, China entered the Sudanese oil market as Western companies began leaving Sudan due to legal, shareholder and US government pressures. Sudan's political isolation, lack of business competition and huge untapped reserves created a prime opportunity for China, and in 1996 China National Petroleum Company bought 40 percent of Sudan's Greater Nile Petroleum Operation Company. The oil sector in Sudan is now dominated by China, which has more than US$8 billion invested in 14 projects. China is Sudan's most important foreign investor, a relationship built on oil and bolstered by the Bashir government's purchase of Chinese armaments. Beijing's traditional policy of non-interference, its growing influence and Security Council vote have made it an attractive partner for Khartoum, but conversely, its involvement with Sudan, particularly in arms supply, made China a target for activists, especially campaigners for Darfur, including in the lead-up to the 2008 Beijing Olympics.

Behind the scenes, China has stepped up its diplomatic manoeuvres, trying to influence Sudan to modify its bullyboy tactics and protect China's oil investments. In 2006 China brought Bashir confidant Nafi Ali Nafi to Beijing, to raise concerns about stability in Darfur and urge Sudan to accept a three-phase UN peacekeeping deployment, stressing that UNAMID would not undermine Bashir. Next May China appointed Liu Guijin as special representative for Darfur, sending him on fact-finding missions that led to aid worth more than US$10 million and a contingent of 275 engineers for UNAMID. China provided military and police for UNMIS, and Chinese companies in Sudan installed classrooms and clinics, provided computers and dug wells. China continues to provide arms to Sudan despite the UN embargo; claiming that it accounts for just eight percent of Sudan's total arms imports, that the US, UK and Russia are the biggest arms exporters to developing countries including Sudan, and that Chinese weapons are not fuelling the conflict in Darfur. Sudan is a flourishing arms producer in its own right, third largest in Africa behind South Africa and Egypt, and China is only one of seven countries supplying arms to Sudan; however, China's role is more

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significant than it admits. In March 2008, US group Human Rights First noted that China sold Sudan US$55 million worth of small arms from 2003-06 and had provided 90 percent of Sudan's small arms since the UN arms embargo took effect in 2004. Recently Sudan became China's first African customer for an unknown number of long-range WS-2 multi-launch rocket systems with 200 kilogram warheads.

China is in Sudan for the long haul. It became the world's second largest importer of oil in 2004 and is unlikely to step back from its investments, lest others such as India step in. Stability in Sudan is in China's interests, but Bashir's policies in Darfur and areas such as Abyei are threatening the CPA and future peace and prosperity. China is looking ahead, aware that in the case of partition most of its oilfields would be controlled by GOSS – a government likely to be run by the very rebels against whom China sought Khartoum's help when oil installations were attacked during the war. Salva Kiir has visited China several times in recent years, where Chinese officials discussed developing resources in the south and further oil exploration. Chinese teams have travelled to the south to look at infrastructure, and there has been a contingent of troops with UNMIS in Wau. China has warned that the ICC warrant for Bashir could severely disturb the political process in Darfur as well as the stability of Sudan, urging the international community to listen to the AU and Arab League and to fully deploy UNAMID as soon as possible. Oil is a competitive business, and de Oliviera notes that internationally, Chinese oil companies are perceived as 'poachers in previously Western-only turf,' an antagonism that does not extend to other, less active, Asian countries. Other countries also escape the criticisms directed at China about its work and employment practices, including past allegations that it employs Chinese prison gangs in Sudan. China's principle of non-interference in Sudan may be merely 'rhetoric cloaking the defence of China's established interests in Sudan and support for a government with a particularly

177 R de Oliviera, *Chinese oil companies in Africa: very different or more of the same?* Oxford, Apr 2008
179 Xinhua, *Chinese envoy: ICC’s arrest warrant disturbs Sudan’s stability*, Beijing, 5 Mar 2009
180 R de Oliviera, Apr 2008, p. 3.
violent record.\textsuperscript{182} Oil production backed by China – and the buying power oil brings – has kept the NCP in power. China's support for Bashir in the UN has been especially valuable for the Sudanese president at a time when his leadership is under question due to the ICC charges.

Other Asian countries

Sudan maintains embassies in both Jakarta and Kuala Lumpur, in recognition of a shared Islamic heritage and membership of bodies such as the OIC. It has economic ties with Malaysia and India through their stakes in Sudan's oil industry – China, Malaysia's Petronas and until recently, India's ONGC Videsh,\textsuperscript{183} are partners with Sudapet\textsuperscript{184} in the Greater Nile oil project. Sudan also has economic links with Japan, which in 2006 was the single largest customer for Sudanese crude and imported more oil from Sudan than China.\textsuperscript{185} Japan is keen to tap into mineral wealth in Sudan and other African nations; it is also seeking a permanent seat on the UN Security Council, and is working to show leadership in African development. In 2008, it pledged US$200 million for the Sudan Consortium at the Oslo Donors Conference.\textsuperscript{186} India, Indonesia, Malaysia and Japan have provided military and/or police for UNMIS or UNAMID or both, as has China. Unlike China, the four do not have large weapons sales programs with Sudan or a large presence on the ground, and they have not been targeted by activists seeking peace in Darfur. Japan has signed the Rome Statute.

United Nations

The United Nations and Sudan have a complex relationship that is focused on what is being received by or done to Sudan, rather than on any constructive actions by Sudan on the world stage. The situation in Sudan is a regular agenda item for the Security Council, in recent years Sudan's activities have led to a UN arms embargo, two

\textsuperscript{182} D Large, 2008, p. 294.
\textsuperscript{183} S Dutta, 27 Apr 2009.
\textsuperscript{184} Sudapet (Sudan National Petroleum Corporation) is owned by Sudan's Minister of Energy and Mining. It manages revenues received from concessions granted to foreign operators rather than exploring for oil.
\textsuperscript{185} D Large, 2008, p. 285.
\textsuperscript{186} C Fujioka, \textit{Japan to send military officials to Sudan}, Reuters, Tokyo, 30 Jun 2008; ST, 7 May 2008.
international peacekeeping missions (UNMIS and UNAMID), and referrals to the ICC.\textsuperscript{187} Sudan's instability has ensured that it is a rare UN emergency or development agency that does not have a presence there. Yet despite the assistance, when the UN tries to get tough with Bashir, the government's knee-jerk response includes organising rowdy protests outside UN headquarters in Khartoum and delaying entry visas and internal travel permits for aid workers. Sudan views the Security Council as the extended hand of US and British foreign policy.\textsuperscript{188} While the CPA could have heralded a more constructive relationship between the Security Council and Sudan, the eclipse of Vice-President Ali Osman Taha and subsequent rise of Nafi Ali Nafi ensured that the Bashir government continued along a path of non-accommodation. Secretary-General Ban Ki-moon provides regular reports on Sudan to the Security Council, including comprehensive assessments on the progress of the work of UNMIS and UNAMID. He has sounded the alarm on the fragility of the north-south accord, noting that the CPA is the bedrock for sustainable peace in Sudan, while instability such as the JEM attack on Omdurman and fighting between SAF and SPLA forces in Abyei highlights how Sudanese would suffer if the CPA failed.\textsuperscript{189}

**United Nations Mission in Sudan (UNMIS)**\textsuperscript{190}

UNMIS has the mandate to support implementation of the CPA, with a view to helping the parties fulfil their commitment to making unity attractive and to creating the conditions required for a peaceful referendum in 2011. It is also tasked with facilitating the voluntary return of refugees and displaced persons, providing demining assistance, and contributing to international efforts to protect and promote human rights in Sudan. The seven-year\textsuperscript{191} task is broad and should focus on milestones for reaching the

\textsuperscript{187} See appendices 14 and 15 for examples of UN Security Council resolutions.


\textsuperscript{189} UN News Centre, *Secretary-General Ban Ki-moon sounds alarm on fragility of Sudan's north-south peace accord*, New York, 2 Aug 2008.

\textsuperscript{190} Known as UNAMIS, the United Nations Advance Mission in Sudan, until the CPA was signed.

\textsuperscript{191} Includes a six-year interim period from July 2005 to July 2011, plus a six-month pre-interim period and a six-month phase-out stage.
referendum peacefully and foundations for peace beyond 2011, whatever the result of the referendum. Success indicators include:

- sustainable security cooperation
- agreed borders
- free movement of people and goods
- agreement on wealth-sharing
- guarantees of minority rights
- demobilisation of ex-combatants and development of civilian policing
- reduced economic inequality.\(^{192}\)

UNMIS is headed by the Secretary-General’s Special Representative for Sudan, Ashraf Jehangir Qazi, working closely with the Principal Deputy Special Representative, Deputy Special Representative (Resident Coordinator/Humanitarian Coordinator) and the UN Force Commander. Qazi was appointed in September 2007, replacing Jan Pronk (August 2004 to December 2006), who was ordered out of Sudan by the Bashir government in October 2006 after comments on his personal blog that the Sudanese army was demoralised after major defeats in Darfur.\(^{193}\) UNMIS coordinates all UN activities in Sudan. Its military force assists GNU and GOSS to implement the peace process and comprises 750 military observers, a protection force under Chapter VI of the UN charter and logistics support. The total military peacekeeping force\(^{194}\) is 10,000, deployed in two key locations and six other sectors as follows:

- Headquarters: Khartoum
- Logistics base: El Obeid
- Sector I: Equatoria, covering Western Equatoria, Bahr Al Jabal and Eastern Equatoria states. The sector HQ is co-located with the Ceasefire Joint Military Committee and Joint Integrated Units (JIU) in Juba.


\(^{194}\) See appendices 10-12 for a list of countries providing personnel to UNMIS and UNAMID.
• Sector III: Upper Nile, covering Jonglei, Unity and Upper Nile. HQ in Malakal.
• Sector IV: Nuba Mountains, covering southern Kordofan. HQ in Kadugli.
• Sector V: Southern Blue Nile, covering Blue Nile state. HQ in Ed Damazin.
• Sector VI: Abyei. HQ in Abyei.

There is a strong contingent of UN police officers seconded from various member nations which provides training and support for developing Sudanese policing to international standards. UNMIS reports quarterly to the Secretary-General on progress in all aspects of the CPA and issues information about CPA implementation such as the monthly report *The CPA Monitor*.195

For the CPA to succeed, both GNU and GOSS must be willing and sincere in their efforts. For UNMIS to succeed in its mission, it requires the same willingness and sincerity from GNU and GOSS. UNMIS faces many obstacles, not least the fact that it needs the consent of Khartoum – and therefore Bashir and the NCP – to carry out its work. This can have a delaying, even detrimental, effect on operations; for example, Bashir attempted to delay the UN advance mission, just as peace talks had been stalled wherever possible. When Salva Kiir replaced Garang the NCP became even less cooperative with UNMIS, and relations deteriorated further when the UN spoke out about Darfur. As well as delays in issuing visas and permits, and government-organised marches on UN offices, other unhelpful activities have included blocking UNMIS radio broadcasts in the north, lengthy customs procedures, and harassment such as arrests of UNMIS Sudanese staff – the same tactics employed by successive Sudanese governments for decades. The SPLM's past experiences with delayed or denied emergency assistance had made it wary of the international community. Initially it refused UNAMIS access to areas under SPLM control, relaxing only after Kiir took over and the benefits of UN assistance in helping rebuild the south became more apparent.196 However, relations between Khartoum and UNMIS plummeted as Darfur began to boil and Special Representative Jan Pronk was expelled in December 2006 after months of tensions. More recently, UNMIS has been slammed for standing by during deadly clashes in Abyei in

May 2008. It had not lived up to its responsibilities, said US special envoy Richard Williamson:

We pay a billion dollars a year for UNMIS and they didn't leave their garrison while 52,000 lives were shattered and nearly a hundred people perished. UN peacekeepers and UNMIS staff in their garrison were as close as 25 feet [7.6 metres] away. Sudanese homes were burnt to the ground and looting took place, despite the fact that UNMIS has a mission … to intervene to protect innocent people.197

United Nations/African Union Hybrid Operation in Darfur (UNAMID)

UNAMID is the compromise replacement for AMIS, the under-funded, under-equipped, AU force that bore the brunt of early peacekeeping operations in Darfur. Khartoum blocked the introduction of the joint operation for as long as possible, finally accepting an African-led force with military and police from select countries. UNAMID was authorised to start work before the end of 2007, led by AU/UN Special Representative Rodolphe Adada from Republic of Congo, with Nigerian General Martin Luther Agwai as force commander. At full strength UNAMID would have 19,555 military personnel, 6432 police and a significant civilian component; however troops have been slow to arrive; at 30 June 2009, it had just 12,855 troops, 203 military observers and 2104 police in place.198 Its mandate includes contributing to restoring security in Darfur for safe provision of humanitarian aid; protecting the civilian population, including preventing attacks; monitoring implementation of ceasefire agreements and promoting the rule of law and respect for human rights. Khartoum has employed a range of tactics to hinder the mission, including sending terse letters in October 2006 to African and Arab countries contemplating joining the force, in which Bashir claimed providing troops to the UN would be a hostile act and prelude to an invasion of a UN member.199 The Security Council was obliged to seek clarification from Khartoum after several countries complained, but Sudan's actions did not prevent the operation from going ahead.

199 AFP, Sudan rapped for warning countries against contributing troops to Darfur, UN, 5 Oct 2006; AFP, Three African leaders to visit Khartoum to discuss Darfur, Dakar, 7 Oct 2006.
It is not just personnel that UNAMID is lacking. By July 2008, a year after it was established, UNAMID did not have even one of the 18 transport helicopters it was promised. Other basic supplies from boots to ration packs had not arrived. General Agwai described UNAMID as desperately undermanned and poorly equipped, with a long shopping list that made for shameful reading. Since then, more troops and equipment have arrived, but UNAMID remains in an impossible situation, trapped on the ground between Darfur and Chad and the war of words between Khartoum and the West. In effect it is a hostage, its personnel paying with their lives for international inaction. Even at full strength, it could do little more than observe, and its mediators do not have the leverage to compel Khartoum to change its strategy. Unlike UNMIS, which was deployed as a peacekeeping operation largely with the consent of the parties, UNAMID is deployed at a stage where there is no peace to keep and war is raging.

International Criminal Court (ICC)

The ICC was established in The Hague by the international community via the Rome Statute in 2002. It investigates and prosecutes individuals accused of genocide, crimes against humanity, and crimes of war. A court of last resort, it can act only where the accused is a national of a state party, the crime took place on the territory of a state party, or when a situation is referred to the court by the Security Council. At July 2009, 110 states were parties to the Rome Statute, however China, India, and the US have refused to join, and Sudan is not a member, instead it depicts the ICC as an instrument of pressure and punishment rather than an independent body. The court has focused on conflicts in northern Uganda, DRC, CAR and Darfur, with attendant practical and logistical problems in investigating matters with people in volatile situations.

The Security Council referred the situation in Darfur to the ICC in March 2006. Resolution 1593 was the first such referral made by the Security Council and the US –

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200 IRIN, Sudan: Helicopters top list of ‘shameful’ missing equipment, Nairobi, 31 Jul 2008.
203 See appendix 13 for a list of states party to the Rome Statute of the ICC.
not a party to the Rome Statute – abstained from the vote so the referral could go through. At the time, Bashir was yet to give a green light to the hybrid force for Darfur, and it was necessary for ICC Prosecutor Luis Moreno-Ocampo to adopt a cautious approach. In 2007 the ICC issued arrest warrants for Ahmed Haroun, state minister for humanitarian affairs and Ali Mohamed Abdel Rahman, militia commander, also known as Ali Kushayb, for crimes against humanity and war crimes. Haroun was Minister of State for the Interior in 2003-04, in charge of the Darfur security desk and coordinating government bodies involved in the counter-insurgence, including police, armed forces, National Intelligence and Security Service and the militia/Janjaweed. He was reported to have 'a line to the top' in Khartoum. Bashir refused to hand over the two men, calling the ICC a first-class terrorist organisation. The Security Council continued to back the ICC, urging Sudan and all parties involved in Darfur to cooperate fully with the court and its prosecutor. On 14 July 2008, the ICC dropped a long-awaited bombshell, charging Bashir with genocide, crimes against humanity and war crimes against the Fur, Masalit and Zaghawa in Darfur. The move stimulated intense debate – Arab League and AU countries, and analysts such as Julie Flint and Alex de Waal, urged caution, and warned of a dangerous power vacuum in Khartoum if Bashir lost the leadership. AU countries also worried about backlash against their troops in Darfur if Bashir was extradited. Bashir responded to the charges by expelling 10 international aid organisations working in Darfur, closing down three Sudanese NGOs and making a series of visits to nearby countries not party to the Rome Statute and therefore not obliged to arrest him. China, Russia, the Arab League and some African countries have urged the Security Council to defer prosecution, whereas the US, Britain, France and other Western powers insist on policy changes from the NCP before a deferral could be considered. The SPLM is concerned that the ICC charges could push the NCP down an increasingly radical path.

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207 ST, Sudan president labels ICC as a 'terrorist organisation', Khartoum, 10 Jun 2008.
209 BBC, UN fails to agree on Sudan action, UN, 8 Mar 2009; ICG, 17 Jul 2009, p. 1; ST, Dissent seen in Sudan ruling coalition over aid expulsion, Washington, 10 Mar 2009.
placing the CPA in jeopardy. It also condemned the NCP’s 'unilateral decision' to expel NGOs from Darfur, noting the agencies had also been working in the Three Areas.

**World Bank**

Under the CPA funds for reconstruction and development of north and south Sudan are channelled through Multi-Donor Trust Funds (MDTFs) administered by the World Bank with UN partners, donors, civil society and the respective governments. There are two technical secretariats, MDTF-National, based in Khartoum and focused on war-affected areas of the north, and MDTF-Southern Sudan in Juba. The funds support priority projects and programs that are pro-peace and pro-poor. They originate from the Joint Assessment Mission (JAM) coordinated by the World Bank and the UN, that mapped a framework for sustained peace, development and poverty eradication for the six-year interim period. At the first donor conference, in Oslo in April 2005, donors pledged more than US$500 million for the two funds, including US$10 million from the World Bank's net income. Subsequent donor meetings elicited further pledges, including US$4.8 billion at the Sudan Consortium meeting in Oslo in May 2008. Funds have supported a variety of projects, including the national census, health, transport and animal and fish production. Nevertheless the MDTFs have faced accusations of delays in releasing money, particularly from Sudanese groups including civil servants and from other UN agencies that say the Bank is not used to dealing with emergency and humanitarian aid funds. To address some of these concerns, the Sudan Consortium meeting in May 2008 established the Sudan Recovery Fund – Southern Sudan (SRF-SS), to be managed by the UN Development Programme (UNDP).

**United Nations aid agencies**

The UN has a strong and visible presence in Sudan, with UNDP and the Office for Coordination of Humanitarian Affairs (UNOCHA) prominent, along with a wide

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range of agencies including UNICEF, World Food Programme (WFP), High Commissioner for Refugees (UNHCR), Food and Agriculture Organisation (FAO), World Health Organisation (WHO) and the Fund for Population Activities (UNFPA). To facilitate operations, the UN provides regular air services for UN, NGO and government officials only, flying planes and helicopters to regional capitals such as Juba, Rumbek and Malakal and to towns and villages that may not even have an airstrip. There can be a sense of competition between agencies and their staffs, as head offices push for involvement in high profile projects. Aspects of the work of UN and other agencies are discussed in Chapters 5, 6 and 7.

**International non-government organisations (INGOs)**

Major agencies operating in Sudan include the International Committee of Red Cross and Red Crescent (ICRC), Oxfam, CARE, Goal and Concern from Ireland, Caritas, Norwegian Peoples Aid and Norwegian Church Aid, Lutheran World Service, International Refugee Committee, Medicins Sans Frontieres, Medair and many others. Increasingly, they partner with local organisations, which are also a growth industry of sorts. INGOs and NGOs face similar restrictions to UN agencies: delays in getting visas and internal travel permits, slow Customs procedures and other obstructions that can make working in Sudan far more difficult than it need be. At times, agencies have pulled out due to insecure and other untenable working conditions; they have also been expelled for speaking out about local issues, especially abuses of human rights. Bashir accused agencies of passing information to the ICC when he expelled them in March 2009.212

**Business**

There is money to be made in Sudan. Instability and US sanctions may deter many, but the country has oil and a booming construction, transport and infrastructure industry and a seemingly insatiable need for improved telecommunications. There is also an appetite for military hardware, from aircraft and tanks for the organised forces to supplies of guns and ammunition for militia. However, the Bashir government and its

cronies have a stranglehold on many of the opportunities in both public and private sectors. Since 1989, having declared its economic goals as rooting out corruption and increasing production, the Bashir government has been actively involved in financial and business ventures, whether through creation or promotion of government entities or ensuring lucrative contracts went to its cronies. The government cracked down on hoarders and profiteers, shocking the public in December 1989 when they executed a young Coptic businessman for holding foreign currency. Privatisation policies initially aimed to reduce the public sector workforce, later extending to selling hotels, telecommunications, Sudanair, shipping lines, tanneries and textile factories, with National Islamic Front (NIF) adherents receiving priority in acquiring public sector businesses. Islamic banks controlled by the NIF were 'prime beneficiaries of the trade and privatisation policies,' providing NIF financiers with hard currency for import-exports. The NIF dominated agriculture and banking, confiscating land owned by rivals from such as the DUP and Umma, and ensuring its banks received loans for agricultural development and infrastructure rehabilitation. Government policies and actions resulted in a comprehensive restructuring of the economy. Traditionally powerful businessmen, traders and farmers were marginalised, outlying rural areas were neglected, and the urban lower and middle classes were undermined by the loss of subsidies, public sector jobs and remittances. The NIF established its economic power through Islamic banks, privatised companies, mechanised farming, oil and a monopoly on foreign trade; building on its strengths through the war years to arrive at the economic stranglehold it enjoys today. In the south, on the other hand, the business community collapsed during the war, resurfacing only as the CPA was signed and government officials, aid workers and Sudanese began to return to the war-shattered region. In the south, a wary GOSS has insisted that Islamic banks still operating in the former government garrison towns such as Juba either convert to conventional banking or leave. The Nile Commercial Bank, the first bank established in the south post-CPA, has run into problems, requiring rescue

215 Reuters, South Sudan to ban Islamic banking – officials, Juba, 25 Apr 2007.
attempts by GOSS and the Central Bank of Sudan. Hundreds of defaulters, including many civil servants, had failed to repay bank loans running into millions of Sudanese pounds and in January 2010 the Southern Sudan Legislative Assembly rejected calls from the southern Finance and Development Minister to provide a further LS25 million to bail out the bank again. There has been a huge wave of investment in the south, especially in construction. Businesspeople from neighbouring countries such as Uganda, Kenya and Ethiopia are exploring new markets in southern Sudan, from agriculture to transport to hospitality, while Chinese and Koreans are working on constructing roads and buildings such as hotels, as well as oil exploration.

Oil

Sudan produced around 480,000 barrels a day in 2008, with production forecast to rise to 590,000 barrels per day in 2010. Its proven oil reserves of 6.6 billion barrels constitute 0.5 percent of the world's reserves and production, with the main hydrocarbon reserves located in the south. The country has 23 prospective blocks; all except two have been awarded – Block 10 in east Sudan, incorporating Kassala and Gedaref; and Block 12B in Darfur, incorporating El Fasher, Geneina and Nyala. Oil exploration has concentrated on the central and south central regions, but there may be commercial reserves elsewhere, as the country is largely unexplored. Sudan has two sorts of crude oil, Nile Blend and Dar Blend. Nile Blend is sold at higher prices, whereas the heavy paraffinic Dar Blend, from Melut Basin in the south, is discounted, as it has to be transported heated at 45-50 degrees Celsius to avoid congealing in the ship tanks. Sudan's oil came on line during the war – the government was keen to attract investors, and exempted oil companies from paying tax. External pressures forced most Western companies out by 1996, and the China National Petroleum Corporation (CNPC)

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216 ST, South Sudan rescues Nile Commercial Bank, restructures management, Juba, 26 Aug 2009.
217 NA Garang, South Sudan parliament rejects financial bailout for Nile Commercial Bank, ST, Khartoum, 21 Jan 2010.
220 See appendix 7 for a map of oil concessions.
purchased 40 percent of Sudan's Greater Nile Petroleum Corporation – Malaysia's Petronas and India's ONGC Videsh were also partners. China now has more than US$8 billion invested in around 14 projects, and dominates the sector. By 2007 Sudan was providing six percent of China's total energy consumption, and crude oil exports to China comprised about 40 percent of Sudan's output. However, Japan is the biggest customer for Sudanese crude, with South Korea, Indonesia and India also important buyers. Other investors included France, Jordan, The Netherlands, Saudi Arabia, South Africa, United Arab Emirates, Britain and Yemen.\footnote{ICG, 9 Jun 2008, pp. 23-24.}

Keen to forge its own relationships, GOSS held investment forums in Kenya in 2005 to drum up business in the region. In May 2006 Kenya and Sudan agreed to share information on oil exploration,\footnote{ST, Kenya, Sudan ink agreement on oil information exchange, Nairobi, 15 Mar 2006.} establishing that Kenya's refinery in Mombasa would need upgrading to process oil from the south, but the coastal town of Lamu could be suitable as a port. The European Coalition on Oil in Sudan (ECOS) forecast oil production in Sudan would peak around 2008, but noted revenues could be maintained for another ten years at current levels, depending on oil prices. In 2009, both Sweden's Lundin and ONCG Videsh sold their shares in Block 5B in the south's Muglad Basin, following poor drilling results.\footnote{ST. 7 Feb 2009; S Dutta, 27 Apr 2009.} Another recent departure is oil-gas explorer White Nile, which had fought a long battle to exploit the south's Block BA, originally leased to French company Total in 1980.\footnote{E Watkins, White Nile raises the white flag, Oil & Gas Journal, Vol 106, Issue 47, 15 Dec 2008: p. 26.}

Sudan's oil fields have generated serious concerns, ranging from southern accusations of double-dealing by the north to environmental problems and human rights. The CPA grants GOSS 50 percent of all oil produced in the south, minus two per cent for the producing southern state and a deduction for the oil stabilisation fund. However it is difficult to verify production figures provided by GNU, leaving open the possibility that GNU is short-changing the south.\footnote{Fatal Transactions & ECOS, p. 34.} Southern state politicians are indignant at the activities of oil companies in their areas, saying villagers have been forced from their homes and forests decimated to make way for oil.\footnote{B Mulumba, Search for oil causes major damage in southern Sudan, Daily Nation, Juba, 14 Oct 2008; Gurtong, Whistleblowers: toxic water from oil companies in south, Juba, 11 Apr 2007.}

\footnote{B Mulumba, Search for oil causes major damage in southern Sudan, Daily Nation, Juba, 14 Oct 2008; Gurtong, Whistleblowers: toxic water from oil companies in south, Juba, 11 Apr 2007.}
water from the oil extraction process is degrading the environment, including the waters of the Nile. The presence of SAF troops in the oil areas of the south's Unity state aroused resentment and concerns that southerners would not return to areas where past enemies still roamed around. SAF and SPLA troops were supposed to form an integrated force in Unity, but stayed in separate barracks and took separate orders, raising fears among locals who had already suffered in the war. Eventually SAF withdrew as required by the CPA, leaving the SPLA in charge; however, concerns over southern security remain, especially in oil areas. In the event of serious unrest, or of separation, both north and south could find their oil income reduced, the north through lack of access to oil producing areas, the south through lack of access to the 1600 kilometre pipeline to Port Sudan and 'few immediate options to sell its oil in large amounts'.

Diaspora and campaigners

Sudanese are valued employees in the Gulf and other Arabic-speaking areas. During the war hundreds of thousands fled to neighbouring countries such as Egypt, Kenya and Uganda; others sought refuge in Europe, the US, Canada and Australia. In this way an intricate web of Sudanese diaspora has developed, that includes many who have spent most or all of their lives outside Sudan. Some are returning to Sudan as senior members of GOSS, as civil servants and aid workers, or through TOKTEN, the UNDP program that facilitates the return of expatriate professionals, providing an airfare, stipend and short-term contract with a Sudanese organisation, with a possibility of extension. Expatriate Sudanese who are dual nationals are entitled to a special identity card and all the rights of a Sudanese citizen. Other Sudanese are in a more precarious position, returning from refugee camps in neighbouring countries with or without assistance from UNHCR, and finding life tough in war-ravaged home areas with poorer access to schools and clinics than in the refugee camps they left. The diaspora has been active at political and community levels, sending money to support families and build homes. Pressure groups range from the bipartisan Sudan Human Rights Organisation in

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228 Reuters, South Sudanese resent northern troops in oil areas, Bentiu, 13 Apr 2007.
Cairo through to organisations based on ethnicity and region, for example, the Sudanese Community of Eastern Equatoria State in the USA and the SPLM Chapter in Auckland. New NGOs appear as expatriate Sudanese raise funds for aid projects in their home areas.

There has been increased campaigning on Sudanese human rights issues, but it is the problems faced by Darfur rather than those concerning CPA implementation that have occupied activists. Darfur lobby groups have attracted high-profile supporters and achieved great success in making Darfur and the Janjaweed household names. This contrasts with earlier years and the war in the south, which rarely made television screens, despite the efforts of human rights campaigners, aid workers and churches.

Conclusion

In the international diplomatic playground Sudan's government has no real friends. AU colleagues give grudging support; they talk with Sudan about its problems, found space for its refugees, sponsored peace talks and volunteered their soldiers for life-threatening peacekeeping duties in the south and Darfur. A handful of countries have allowed Bashir to come and stay for a few nights despite the ICC charges, but when he wanted to head the AU, support melted away. At regional summits and conferences Bashir keeps his aides close by lest – like South African diplomats in the dying days of apartheid – he cuts a lonely figure at public functions. He fares no better when visiting his colleagues in the Arab and Islamic world. While few doubt the sincerity of Bashir's personal beliefs, many are embarrassed by the public face of Islam portrayed by the Sudanese government.

Egypt and Sudan have had a long relationship as neighbours and as shared users of the waters of the Nile, presenting a united front in dialogues with other Nile Basin countries. Protective of its water rights, Egypt prefers to maintain the status quo and a united Sudan, rather than the uncertainty of partition or a power vacuum if Bashir were to topple in the wake of the ICC charges. But Egypt is only Sudan's neighbour, not its friend. If the south could convince Cairo that it does not covet its Nile waters, Egypt may feel more relaxed about GOSS, the SPLM and the possibility of partition. If a new national leadership team appeared that was more attractive than the NCP – and less in tune with Egypt's radical Islamists – Bashir's support from Egypt could disappear.
Sharing a border with Sudan can mean shared wars as well as shared waters, as its neighbours have found out to their detriment. It is difficult to establish a strong diplomatic relationship with a country such as Sudan, that prefers to arm groups to destabilise rather than to find real solutions to common problems. This attention-seeking behaviour on the part of Sudan betrays an inability to build good working relationships with some or all of its neighbours for mutually-beneficial development.

Sudan's friendship with China stretches as far as the oilfields and any other business opportunities that might come China's way – and no further. China has turned a blind eye to many of the excesses of the Bashir government, but it is concerned about the viability of its commercial investments in Sudan. In recent times, it has been pressing Sudan to modify its behaviour, especially in Darfur, fearful that the spread of fighting could jeopardise Chinese installations. Other Asian nations such as Malaysia, India, Indonesia and Japan have shown interest in Sudan, usually in its oil.

Do the Europeans find the rise of China in Sudan and elsewhere in Africa somewhat disturbing? After all, it is only 50 years or so since Europe's colonial powers were controlling Africa, and European companies had a free hand when doing business on that continent. European businesses have another problem, in the form of a strong human rights lobby – when their companies try to do business with Sudan, activists often find a connection to the government's human rights abuses, and, like Rolls Royce, the company is obliged to pull out. Until the Bashir government moves on, business expansion is limited. For the US and Britain, among others, Sudan's past support for terrorists makes it an unlikely choice as a friend. President Obama is keen to end the conflict in Darfur and ensure the CPA train stays on the rails, but alone he has no more likelihood of making that happen than his predecessors did.

The UN is attempting to address Sudan's problems, through aid and its peacekeeping activities with UNMIS and UNAMID. It costs a lot of countries a lot of money to maintain the UN presence in Sudan, and they sorely need success stories to relay to their parliaments back home. Yet despite all the attention from the UN, Sudan does not treat it as a friend, repeatedly expelling senior UN people and delaying and derailing the work of UN agencies. Bashir is scathing about the ICC, thumbing his nose at the charges by travelling wherever and whenever he can. The international community
is dubious about the arrest warrant, uncertain as to whether it is the best lever to push, the most suitable diplomatic tool to use – yet few question the veracity of the charges.

If nobody wants to be friends with Bashir, what about the south, who is there for the international community to talk to? It has been difficult for Kiir to make a mark on the international stage, he has his hands full trying to prepare GOSS for elections and a referendum, to maintain peace and rehabilitate the south. He has made a series of international visits, including several to China, and looks to the UN, the US, Britain and others to ensure that the peace agreement they backed is adhered to by Bashir. However, Kiir can expect challenges for GOSS leadership in the lead-up to the election, and countries may be reluctant to get too close until it is clear who will hold the top spot for the south.

The peace deal is five years old, there has been ample time for, say, Bashir and Kiir to take steps towards reconciliation in the interests of the nation. However there have been no words or actions, even at the most personal level, that indicate the CPA parties are ready to let bygones be bygones – they are working together because they have to, not because they want to, and it is a grindingly slow and painful process every step of the way. The conflict in Darfur, Bashir's heel-dragging with every aspect of the comprehensive agreement, all these factors indicate that even serious and concerted action by the international community is unlikely to improve the north-south relationship. That is no reason to stop trying, however, and the international community should continue to provide positive inputs such as timely and suitable aid packages, and to apply appropriate political pressure whenever and wherever it can. In December 2009 the US expressed deep concern about NCP meddling with the referendum bill, leading to a return to the agreed language for the bill within a few days. The US, among others, has also urged Sudan to make immediate improvements to the electoral environment, including permitting peaceful demonstrations and ending press censorship, calling on 'all parties to work together to ensure the upcoming elections and referenda are conducted in a credible manner'. What remains to be seen is what further action might be taken by countries

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such as the US if the Bashir government fails to recognise 'the clear desire of the people of Sudan to 'participate in the process of democratic transformation as proposed in the spirit and letter of the CPA'. The inability of the UN to assist with the conflict in areas such as Abyei and Malakal, let alone in the more remote parts of the Jonglei region, cannot be encouraging for southerners – and northerners – who see no benefit in returning to war. Although many look fervently to the international community, especially the US, for support in their hour of need, their experience over decades of war has shown that assistance on the ground can be slow to materialise.
CHAPTER FIVE

Delivering services to the people in post-war Sudan

Introduction

Creating a situation where warring parties will agree to peace is difficult. Once agreement is achieved, an equally difficult task follows, that of working with former enemies to build a strong and stable peace that facilitates development for future generations. Better infrastructure and services combined with security are part of the peace dividend sought by ex-combatants and their communities when they contemplate an end to war. Failure to meet those expectations – whether realistic or not – can lead to a loss of confidence in long-term peace.¹ ²

The problems of delivering services in a post-war situation are not unique to Sudan. In recent decades, countries such as Cambodia, Mozambique, Bosnia, Rwanda and Afghanistan have faced some of the same challenges. Post-Cold War patterns of conflict changed; most armed conflicts are internal, with civilians rather than military bearing the brunt. Internal conflicts may render states 'incapable of performing even the most basic government functions, further exacerbating the humanitarian plight of civilians'.² Yet peace-building is complex, requiring 'coherent approaches to the multiple domains of peace-building, including security, development, social rehabilitation and political reform'.³ It must tackle multiple agendas, alleviating human suffering while repairing economic destruction and building infrastructure and institutions. Activities may be interdependent, and good work in one area may cause harm in another. Demobilisation works best when coupled with employment for former combatants, while the failure to control violence threatens all activities and raises the spectre of a return to

¹ TD Cook, Searching for a path to peace, National Democratic Institute for International Affairs (NDI), Washington, 12 Apr 2006, p. 34.
war. However, supervising the ceasefire, providing aid and monitoring elections are not sufficient to generate long-term effects.\textsuperscript{4} Expectations for an improved economy, better transport, education, medical care and communications are high, as is the potential for social unrest if these improved services are not delivered quickly. While short-term needs can be met through humanitarian programs, longer-term goals need investment in people and infrastructure.\textsuperscript{5} Local governments may struggle to demonstrate their ability to provide services when those services are plastered with the logos of international donors and agencies. In Afghanistan, the World Bank used the term 'second civil service'\textsuperscript{6} to refer to the group of NGOs, consultans and Afghans working in Kabul for relatively high salaries, in contrast to the local public sector where pay is low. This of course has political ramifications: the government's ability to boost its standing by being seen to be doing good is limited if other actors in effect claim the credit, and good governance is not enhanced when the 'second civil service' is not transparent.\textsuperscript{7} For post-war Sudan, there is much to be learnt from the experiences of Afghanistan – the involvement of donors, the need for skilled personnel, under-development and the ever-present threat of a return to conflict are some of the common factors.

Sudan has a long history of underdevelopment, especially in the south. In colonial Sudan, there was little political impetus to spend funds on southern development. A British report noted in 1947 that:

The development of local government in the southern Sudan and the association of that part of the country with the development of central government have not taken place at the same rate as has been achieved for the northern Sudan. The basic reasons for this were that it took much longer to re-establish public security in the south and that it was impossible for many years to find funds to spend on areas, which even now, contribute next to nothing to the normal revenues of the country.\textsuperscript{8}

The pattern of under-funding and under-development continued after independence, and was a major contributor to both civil wars. The CPA reflects knowledge that conflicts in Sudan have been driven by unequal development of regions and a highly centralised,

\textsuperscript{4} H-W Jeong, 2005, p. 27.
\textsuperscript{5} H-W Jeong, 2005, p. 124.
authoritarian system of government. Advancing economically and socially has depended on family and/or tribal connections, with marginalised and disadvantaged groups and areas lacking access to social services such as health and education, economic assistance and all government institutions. People from these groups and areas form the lower ranks of the public service, military and police; their lack of connections perpetuates the cycle in successive generations. The CPA seeks to remedy this by ensuring that development funds are spread around rather than concentrated in the major cities. Plans for equitable development include the added incentive to 'make unity attractive' – at least for as long as the south needs to get on its feet – and to demonstrate the existence of a peace dividend for the long-suffering population. For the south, there is the need to transition from years of stop-gap assistance without a working civilian government or infrastructure to a new system providing visible peace dividends while speedily creating a framework for equitable government.

The IGAD Partners Forum saw the importance of a strategic plan for this agenda, establishing the Joint Assessment Mission (JAM) in December 2003, well before peace negotiations were finalised. The JAM process had been used in other countries emerging from war, such as Liberia, Iraq and Timor Leste, but the mission to Sudan was the most extensive thus far. In Sudan, the JAM comprised representatives from the Sudanese Government and the SPLM, the two main implementation agencies (UNDP and World Bank), and Norway, Italy, USA and UK as IGAD representatives. The mission was 'joint' in name only; in practice two teams worked separately to cover south and north (excluding Darfur). A UN/World Bank team coordinated, the Bank led on economic growth and fiscal policy, civil service, infrastructure, private sector development and monitoring and poverty eradication strategy, while UNDP handled governance, returnees, post-war relief and recovery. The work required for the JAM process would have been difficult to manage without the expertise of the two agencies; however, the two teams – north and south – were as much a result of Sudan's politics as of any attempts to expedite process.

JAM developed a set of thematic 'clusters' for assessing needs (including a special report on the Three Areas):  

1. Capacity-building and institutional development – public service; local government and service delivery; decentralisation framework; public financial management; public procurement.  
2. Governance and rule of law – constitutional and electoral reform; judiciary and legal administration; law enforcement; land policy; civil society; media; culture; human rights.  
3. Economic policy – poverty-reduction strategy; oil sector management and transparency; external debt management; central banking and financial system.  
4. Productive sectors – agriculture and livestock; rural finance; private sector development; environmental capacity-building.  
5. Social services – basic education; technical, vocational and adult education; health system investment and service delivery; HIV/AIDS; water and sanitation.  
6. Infrastructure – roads; railways; civil aviation; ports and waterways; urban infrastructure; electricity.  
7. Livelihoods and social protection – internally displaced people (IDP) and refugee programs; disarmament, demobilisation and reintegration; mine clearance; community-based recovery; reconciliation; mainstreaming gender.  
8. Information and monitoring – improving statistical information; integrating information systems; improving access to information; building capacity; census; evaluating impact  
9. The Three Areas.

Implementation was divided into two phases:

- **Phase 1:** Recovery – for two years from signing of the CPA. Rehabilitation and local capacity-building (US$7.8 billion – US$4.3 billion for the north, including the Three Areas, US$3.5 billion for the south)

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• Phase 2: Poverty alleviation – 2008-11. Creating macroeconomic stability, decentralised governance structures, major infrastructure programs, promoting the private sector, comprehensive capacity-building, institution-strengthening and sound natural resource management (US$1.5 billion per year).

Two multi-donor trust funds (MDTF) were established, one national, the other for southern Sudan. JAM determined that the need for external finance would fall sharply into line with African averages by 2011, and, if all went well, Sudan would no longer require major external assistance by 2015.12

JAM outlined the reconstruction and development requirements for consolidating peace in Sudan. However, Rogier argues that the fact that it was led by two major development actors ensured that 'the entity pondered structural deficiencies without necessarily attending to critical security issues and political dynamics'.13 He believes donors should avoid using the report as 'the blueprint for the interim period since peace in Sudan can neither be reduced to reconstruction and development efforts nor to the mere implementation of the CPA'. Nevertheless, JAM does provide a clear framework for Sudan's post-war needs that is also useful for studying aspects of service delivery and public satisfaction, that is, for determining how the peace dividend is experienced on the ground. This chapter selects items from some clusters most pertinent to the peace process, and explores problems, progress and public perceptions in service delivery. The ninth cluster, the Three Areas, will be discussed in detail in Chapter 7, along with other issues such as security and the forthcoming elections and referendum.

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13 E Rogier, Apr 2005, p. 44.
Capacity-building and institutional development

Public service

Sudan's public service had been in decline for many years, with political leaders and senior military, security and police accorded much higher status and influence. Salaries were poor, and many staff took on extra work outside (or even during) office hours to make ends meet, while others sought more lucrative positions in the Gulf or with international agencies, or fell into corruption. In the years after the Bashir coup productivity, accountability and morale sank to rock bottom in the national public service, in the northern states and also in the south, where the service was in complete decay. Earlier, in the lead-up to the war, people in the south and other marginalised areas complained of exclusion from national public service posts. This was exacerbated during the war, when the NIF had women and others not following their agenda dismissed or excluded from employment. For example, in the early 1990s, women diplomats were recalled from overseas posts. For Sudan to build a strong public service requires input at many levels, from modernising national structures to ensuring equitable recruitment.

Table 1: Size and distribution of Sudan public service, June 2004

<table>
<thead>
<tr>
<th>Institution</th>
<th>Number of employees</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>28,305</td>
<td>7.4</td>
</tr>
<tr>
<td>State</td>
<td>302,668</td>
<td>79</td>
</tr>
<tr>
<td>Total civil service</td>
<td>330,973</td>
<td>86.4</td>
</tr>
<tr>
<td>Public universities</td>
<td>4,207</td>
<td>1.1</td>
</tr>
<tr>
<td>Public enterprises</td>
<td>47,727</td>
<td>12.5</td>
</tr>
<tr>
<td>Total</td>
<td>382,907</td>
<td>100</td>
</tr>
</tbody>
</table>

In 2004, as the table shows, there were about 331,000 public servants at national, state and local levels, with numbers rising to 380,000 when public enterprises and universities were included. Salaries are largely drawn from the national budget. Pre-war,

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the national government employed, at most, no more than one percent of southerners. The CPA's stipulation that at least 20 percent of middle and top level national public service positions should go to southerners is extremely significant, and holds the potential of delivering income and influence to those public servants and their families. Further, the CPA makes it clear that 25 percent of government posts must go to women, in an attempt to redress years of gender imbalance. In south Sudan, the central, state and local public services must be rebuilt virtually from scratch, with no guaranteed posts for existing employees. A major achievement has been GOSS developing a full complement of ministries and commissions from the previous southern administration, Southern Sudan Coordinating Council and SPLM Civil Authority for New Sudan. This new civil service is accountable to parliament, at least in theory, and through public expectation and a robust press. Stronger legislative oversight is needed at southern and state levels, where ministries have had difficulties recruiting senior staff, and face serious capacity constraints. At national level, recruitment has also been slow, with the national civil service commission only established in August 2007. Commission head Moses Machar, announced in June 2008 that 1500 southerners were being interviewed for national civil service posts, as GNU's promised first attempt to address imbalances in the civil service.

Building a strong public service requires enough money to attract and retain skilled staff and train recruits. In Afghanistan, public sector pay is extremely low, and government departments must compete for quality staff with better-paying international organisations. In Sudan, the situation is no different. Salary levels are contentious, as GNU and GOSS compete for staff with UN and other international agencies. Skilled Sudanese planning to return from the diaspora may find low government salaries a disincentive. From the outset JAM warned that wage levels needed attention, as large and lumpy aid inflows to post-conflict economies create inflation, with enormous

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16 SPLM politician Anne Itto, cited in Reuters, Sudan civil service begins to employ more southerners, Juba, 12 Jun 2008.
18 Reuters, 12 Jun 2008.
problems for the poor. JAM recommended monthly salaries ranging from around US$50 for an army private to US$1500 for a top-ranking civil servant; however, critics allege GOSS pays much more, from US$350 monthly for privates to US$5000 plus allowances for government ministers. Whatever the salary, anyone employed in Sudan – north or south, married or single, parent or childless – supports many others, regularly or through one-off payments for particular needs.

Table 2: Proposed GOSS average monthly wage, 2005 (US$)

<table>
<thead>
<tr>
<th>Grade</th>
<th>GOSS (proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1+ Senior level – Super grades</td>
<td>500-1000</td>
</tr>
<tr>
<td>1 Administrative professional</td>
<td>170-340</td>
</tr>
<tr>
<td>2 Technical/sub professional</td>
<td>90-180</td>
</tr>
<tr>
<td>3 Clerical</td>
<td>50-100</td>
</tr>
<tr>
<td>4 Unclassified</td>
<td>30-60</td>
</tr>
</tbody>
</table>

It is not only the levels of salaries that can create problems. Delays in paying salaries can damage performance of qualified public servants, and are often a source of disorder and social instability. In Nicaragua and Sierra Leone the failure to pay soldiers and police caused banditry; in Ivory Coast, Somalia and Liberia militia violence and looting became part of a conflict cycle of continuing economic deterioration and lawlessness; in Central African Republic, the failure of the newly elected government to pay salaries in 1999 resulted in mutiny by soldiers, strikes and demonstrations by civil servants. In Sudan late payment of salaries to the military has led to a number of disturbances in the south. Even when salaries are paid on time, they may be insufficient to meet the needs of civil servants, and fail to keep pace with the cost of living. Adjusting pay rates can be difficult for governments, as wages tend to represent the largest part of their budget. The dangers of late and/or low salaries stretch beyond those posed by

rioting soldiers; the end result is often corruption, even among those at the top of the bureaucracy. Transparency International's 2009 Corruption Perception Index ranks Sudan and Iraq equal fifth from the bottom, where they languish with other fragile war-scarred states such as Somalia, Afghanistan and Myanmar.

In Sudan corruption is seen as a problem at all levels of governments, and includes misuse of public funds, favouritism in hiring and ghost names on public payrolls. Officials believe there is strong political will to tackle corruption, citing efforts such as the establishment of the Southern Sudan Anti-Corruption Commission, which in a 2007 survey found that corruption culture is mainly attributable to poor management skills and lack of operational procedures for civil servants managing resources. Respondents ranked government and ministry offices as the most corrupt, followed by police stations, councils, the private sector and law courts. They saw nepotism when hiring, abuse of government property, especially vehicles, and misappropriation of government funds as the main forms of corruption. However, some maintain allegations of corruption were exaggerated to promote political agendas. Officials support the wisdom of merit-based hiring, but there are mixed views on whether regulations for merit-based recruitment are being met. They note it is not easy to tackle ethnic-based hiring, particularly hiring of relatives, but suggest the practice will disappear over time. There is support for women's employment, but most officials believe it will take years to meet the 25 percent target, due to the limited pool of educated and experienced women.

A strong public service that operates ethically and transparently has an important role to play in Sudan's post-war rehabilitation. Each level of government – national, southern, states – is judged by its citizens, using criteria ranging from the merits of cadre recruitment to their treatment when seeking assistance from a department or agency. After decades of meddling by the NCP it would be unrealistic for confidence to be

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28 Transparency International, 2009 Corruption Perception Index, Berlin, 17 Nov 2009. Of 180 countries surveyed, New Zealand was seen as least corrupt, followed by Denmark, Singapore and Sweden, and Switzerland; Australia ranked 8, with Somalia at the bottom.
29 TD Cook, Intergovernmental Relations in Southern Sudan: Findings from interviews with government officials and legislators at the GOSS and state levels, NDI, Washington, 30 Sep 2008, pp. 75-78.
restored to the national public service in a few short years. Moves to recruit qualified southerners are a step in the right direction for a more balanced service; however, all staff continue to face the problem of salaries that do not meet the cost of living, forcing many to seek extra work to support their families. It has been a major undertaking for GOSS to establish a new southern service; it has been even more difficult for the southern states, as the few skilled people seek better-paying jobs with other organisations. Reasonable relations between the states and GOSS, and improving methods of communication such as installation of computer and telephone networks, have assisted both governments and public confidence in their work.\(^{32}\) However, officials working in states that are far from Juba say distance negatively affects communication, especially during the rains when documents and letters arrive late or not at all. If the peace dividend is to be fully realised, the public service is a vital delivery mechanism; Sudan has made some gains, notably in the south, but still has far to go.

**Governance and rule of law**

Peace accords ending civil wars tend to focus on the security of former combatants and preventing a resumption of war. It is also important to look at who will protect civilians after fighting stops, and the judicial framework in which these groups will work.\(^{33}\) Decades of war placed military culture uppermost in much of Sudan.\(^{34}\) Military and security forces were the principal law and order enforcers, sometimes at the expense of human rights. Military activities, tribal fighting and availability of small arms threatened law enforcement, always difficult where police are poorly-resourced and investigations might require a walk of several days, yet governance and rule of law are critical for implementing the CPA. There were widespread feelings of exclusion, and a need for changes in attitudes to make the CPA vision reality, with JAM mooting a code of ethics to support peace-building. All levels of Sudanese society needed to own the process, to grapple openly with the root causes of the conflict, entrench acceptance of

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\(^{32}\) TD Cook, 30 Sep 2008, pp. 11, 28, 34.


diversity, and embed human rights. Substantive benefits would result from creating 'neutral and impartial legislative, executive and judicial institutions as guarantors of a level playing ground and of a share for everyone in transparent and inclusive decision-making.'

**Law enforcement**

Post-war one of the greatest threats to law enforcement comes from armed groups – military, paramilitary militia, police, security – who feel betrayed by the settlement process, or unhappy with their demobilisation deal, and continue with ethnic violence or use their weapons for crime. This has led to civilians perceiving greater insecurity post-war than during a war; for example, in El Salvador and South Africa, 'civilians faced greater risk of violent death or serious injury after the end of the conflict than during it.' Sudan has equated national security with regime security, and considerations of military defence and regime stability are uppermost. Successive governments have used military might to address conflicts, casting advocates of non-violence as enemies of the state. The war brought a proliferation of arms across the south, with both Khartoum and the SPLA using small arms beyond their organised forces. Now that herders guard cattle with guns as well as spears and clubs, civilian misunderstandings may be settled with bullets instead of traditional dispute mechanisms. By 2006, civilians in oil-producing areas were complaining about the private security firms guarding oil company property. The Joint Integrated Units established under the CPA should have been the only enforcers of security in such areas, yet locals reported that oil company Petrodar's security force in Upper Nile was armed and seemingly not answerable to the army, complicating local authorities' efforts to resolve issues. More recently, there has been a widespread and rapid increase in the frequency and intensity of fighting between different ethnic groups, fighting that the police lack the numbers and resources to combat, and that both GOSS and UNMIS have failed to prevent. More than 1,200 people have died in ethnic fighting in the south in 2009, including in attacks by the Lou Nuer on the Murle, Dinka Bor and

36 CT Call & W Stanley, p. 303.
37 New Sudanese Indigenous NGOs Network (NESI) and European Coalition on Oil in Sudan (ECOS), *Oil and the future of Sudan: Conference report, Juba, Dec 2006*, pp. 19, 31.
Dinka Hol; by the Jikany Nuer on a UN food aid barge on the Sobat River, and in tit-for-tat cattle raids between the Mundari and Dinka Bor. The fighting goes beyond the cattle raids of the past, featuring unprecedented attacks on women, children and the elderly, and on village homes. The violence was 'the culmination of continuous irritation,' said a long-term observer from UNDP. 'The two sides are hardened and dehumanising each other'. Disarmament campaigns have generally been poorly planned and implemented, collecting only a small portion of weapons held and failing to impact positively on security. In May 2009, the Director of Community Security and Arms Control Bureau in southern Sudan, Riak Gok Majok, estimated there were about two million small arms in civilians' hands in the south, and warned that, if not addressed in a timely manner, this spread of arms could affect the forthcoming elections and referendum.

Regular police forces face many problems after civil war. They may find it difficult to refocus personnel and resources from political control to citizen protection, from serving privileged groups to serving the whole population, including demonised groups. 'Criminal investigative units, in particular, have often been dedicated to political spying or covering up abuses by state agencies.' In Sudan the composition of the police force varies from north to south. In 2005 the north had a traditionally-structured force of 30,000 police, including 10,000 with diplomas from the Rabat police academy. Officer training is theory-based, while lower ranks receive paramilitary rather than modern policing training, and may be illiterate. In the south there were 5,000 police, 4,000 of whom had transferred from the SPLA and had a military rather than police background. The force lacked training, transport and communications equipment adequate for south Sudan's poor roads and difficult terrain. Southern enforcement agencies include police, prisons, wildlife rangers and fire brigades; many did not have their own command centres and barracks, and had to share whatever premises were available.

42 CT Call & W Stanley, p. 306.
Sudan's prison system also varied from north to south, but all required overhaul. In 2005 in the north there were about 33 prisons, including one for women in Omdurman, four juvenile centres, and prisons in most states. All buildings were more than 50 years old, dilapidated and overcrowded, meant for 4,300 but holding 14,000. The police provide 400 senior and 7,100 lower-rank prison officers, but while correction officers are trained at Rabat, warders receive minimal training. Prisoners are segregated only by gender, not age or type of crime. Food is insufficient, and there is no money to buy more or provide other daily essentials. About two percent of prisoners in the north are women, mainly war-displaced southerners who lived by brewing, prostitution or petty theft. Children are often war orphans or offspring of women prisoners who have no-one with whom to leave them. In the south there are about 55 prisons, many only partly functional, well below international human rights standards, lacking food, health services, water, electricity and items such as mosquito nets. The scanty records make it difficult to assess prisoner numbers, but in 2005 there were only 800 trained prison officers, some of them northerners planning to leave.

As part of the CPA, the police force absorbed significant numbers of demobilised soldiers who were not trained in the role of a police officer. Formal education was required for both existing and reassigned officers, including 'exposure to international thinking on policing, especially with regard to their role in providing safety and security', human rights, crime prevention, investigation and interrogation techniques. Training was provided through the police forces of other African countries and by experts attached to UNMIS, including officers from the Australian Federal Police. For example, in 2008 in the south, 2,700 new recruits and demobilised soldiers were trained as part of a GOSS/Multi Donor Trust Fund police and prison support project. There were also plans to review customary laws and practices against international human rights standards, particularly with regard to women and children, although JAM noted later that the

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45 Australian Federal Police, AFP officers join UN peacekeeping mission in Sudan, Canberra, 6 Mar 2006.
46 UNDP, Southern Sudan Police Service commences US$45m infrastructure project in partnership with UNDP, Juba, 7 Aug 2008.
47 UN Office for the Coordination of Humanitarian Affairs (UNOCHA), Sudan establishing law and order in the south, IRIN, Yei, 23 May 2006; UN News Service, UN anti-crime agency begins work on prison reform in south Sudan, Juba, 26 Mar 2008.
program had been overly ambitious.\textsuperscript{48} Much of southern Sudan operates under customary law handed down through the centuries, a situation unlikely to change in the near future. The southern police force was to comprise 33,000 police, with 3,000 for each state regardless of size.\textsuperscript{49} By mid-2009 deployment was patchy, and officers lacked equipment, transport and training in ways to enforce law among cattle-raiders. Police were overwhelmed when it came to the increasing armed attacks, both in terms of numbers and firepower. A GNU/GOSS report in 2008 noted that expectations to reform the police force had been optimistic, and that both demobilisation and merging of potentially rival police forces were major challenges that should not be underestimated.\textsuperscript{50}

It has been very difficult to make gains in this sector, as testified by the devastating rise of violence in the south and Abyei. Although there have been efforts to retrieve illegal firearms,\textsuperscript{51} the range and numbers of weapons in civilian hands would pose problems for a well-established and well-equipped law enforcement sector, let alone for one finding its feet after years of war. Southern police have neither the numbers nor the firepower to combat the attacks in areas such as Jonglei, while the SPLA received minimal assistance from UNMIS when violence broke out Abyei and Malakal. In the community, there is a growing lack of faith in the capacity of GOSS to combat illegal activity, with some believing 'enemies of the CPA' are exploiting the situation.\textsuperscript{52} UNMIS Regional Coordinator for the South David Gressly believed GOSS 'had done little to disarm militia groups since the war ended and the UN was in a race against time to strengthen the police and army ahead of the elections'.\textsuperscript{53} Rather than looking at security challenges within the south, GOSS focused on the contested north-south border as a primary threat,\textsuperscript{54} equipping and positioning its regular army accordingly. Its belief that 'a confrontation with the north is likely' has ensured that, since 2006, 30-40 percent of the

\textsuperscript{49} Human Rights Watch, June 2009, pp. 10-11.
\textsuperscript{50} GNU & GOSS, 2008, p. 28.
\textsuperscript{51} JG Dak, \textit{Army retrieves illegal firearms in South Sudan’s Juba}, Sudan Tribune (ST), Juba, 10 Sep 2009
\textsuperscript{52} IRIN, \textit{Sudan: Organised violence escalating in the south}, Juba, 1 Oct 2009.
\textsuperscript{53} F Nyakairu, \textit{Interview – South Sudan tribal violence kills at least 1200}, Reuters, Nairobi, 2 Sep 2009.
southern budget has been directed to the SPLA.\textsuperscript{55} However, strengthening the Southern Sudan Police Force and related law enforcement agencies could still reap a peace dividend in the south.

**Economic policy**

Oil wealth notwithstanding, it was clear even before the ink dried on the peace agreement that post-conflict Sudan would be in debt and dependent on aid, leading some observers to warn against reliance on Western donors, lest they stipulated conditions for debt relief or major development assistance.\textsuperscript{56} Sudan ended the war with a fairly stable economy and good growth rates over the previous eight years, and post-conflict was expected to sustain high growth rates of seven to nine percent until 2015.\textsuperscript{57} The challenge was less how to create growth, more to ensure growth was sustainable and benefited the poor. Economic development policy should reduce the risks of future civil wars, and target poverty, as part of efforts to meet the Millennium Development Goals (MDGs).\textsuperscript{58}

In the past macro-economic developments had crucial effects on Sudanese political developments and the ensuing conflicts. The NIF continued Nimeiri's policy of political concessions to Islamists, entrenching their economic power in areas such as Islamic banking and rain-fed mechanised farming, and providing tax exemptions for financial support for the war in the south and parts of the north. Whether or not the Islamists retain political power, this economic clout will ensure the NIF continues to wield major economic influence.\textsuperscript{59}


\textsuperscript{58} In 2000, the UN committed to achieving eight Millennium Development Goals by 2015 – end poverty and hunger; universal education; gender equality; child health; maternal health; combat HIV/AIDS; environmental sustainability; global partnerships.

Poverty-reduction strategy

Despite Sudan’s sustained growth, poverty is widespread, with the war-devastated south and other regional areas experiencing greater poverty than some parts of the north. The 2005 JAM report, for example, cited figures from 1992 that suggested that 60-75 percent of northerners and 90 percent of southerners lived on less than US$1 a day, and analysts believe poverty has since increased. Chronic acute malnutrition affects 35 percent of people in the north and 45 percent in the south. Sudan shows inequalities on all MDGs, in gender, rural-urban divide, north-south and regional differences, especially in basic education and health; infant mortality and incidence of infectious diseases, such as malaria and tuberculosis, are high, and HIV/AIDS is increasing. Extreme differences in wealth between regions and classes are further skewed by remittances the many Sudanese working in Arab countries send to major urban areas. In effect, Sudan has two economies: one in Khartoum and a few other major towns, the other in rural areas. Economic policy has displayed an urban bias throughout the 20th century; there has also been massive capital flight and accumulated investment abroad.

In 2004, Khartoum and the SPLM agreed on a national poverty-eradication concept that could eventually be expanded into a fully-fledged strategy. It identified two goals: achieving peace and reducing the risk of future conflicts; and making a lasting impact on poverty and progress on other MDGs. Structural reforms enabling private growth, coupled with public investments in health, education and infrastructure, would sustain long-term growth, and public expenditure could be redirected towards increased spending on poverty-reduction programs. Specific longer-term targets for achieving the poverty alleviation MDG were set for 2008 to 2015. Poverty was to be reduced to 60 percent by 2015 in the south, Three Areas and poor northern areas, and to 40 percent in better-off northern regions. The overseas aid required for this would start at US$1.7 billion for 2008, falling to US$1.4 billion by 2011 and US$400 million by 2015. To reduce disparities with the north, a higher proportion of funds would be directed to the

60 JAM, Volume III: Cluster Report 3, 2005, pp. 78-81. UNICEF and others do not have up-to-date figures for Sudanese living below the current poverty line of US$1.25, but the 1992 figures remain indicative.
poorer regions. Transfers from the national budget to the states form an important part of pro-poor spending.

By 2008, the GNU/GOSS report for the Oslo Donor Consortium indicated 'serious efforts have been exerted in increased public spending for the pro-poor sectors, particularly those related to MDGs such as basic education, health and water supply'. Pro-poor spending had increased steadily from 2.5 percent of GDP in 2005, to 5.6 percent in 2006 and 9 percent in 2007. Government policy provided free medication to children under five, as well as emergency admission to hospital, no customs charges for malaria drugs, medicated mosquito nets, and tax relief on other essential commodities and services. The 2006 Sudan Household Health Survey – the first household survey covering the whole of Sudan in two decades – provided much needed data for measuring progress towards the MDGs, and highlighted the existence of pronounced variations among states in regard to most of the MDG indicators. State-specific plans were required, especially for war-affected and disadvantaged areas, if Sudan was to reduce disparity and meet MDG and other targets. Although progress was relatively slow, the CPA had made it possible to reach remote and/or disadvantaged parts of the country, while steady economic growth had enhanced Sudan's financial capacity to further increase pro-poor spending.

Oil sector management and transparency

South Sudan is unique among low-income post-conflict regions. With a per capita income estimated at US$186 in 2006, it is much better-off than post-conflict countries such as Timor Leste with US$22 (2004), or Afghanistan with US$5 (2002-03), Sudan's north with US$25 or Darfur at US$15. However, for Sudan, especially the south, the potential oil wealth has raised issues that could affect transition to peace. The southern budget is heavily dependent on oil revenue. From 2005 to 2007 GOSS received US$3,315 million in revenue, of which more than 99 percent was from oil, leaving it extremely vulnerable to market fluctuations and making short-term fiscal management

63 GNU & GOSS, 2008, p. 15.
64 GNU & GOSS, 2008, pp. 18-19.
65 GNU & GOSS, 2008, pp. 16-17.
difficult. Monthly flows averaged US$111 million in 2007, but there was a low of US$38 million in March 2007 and a high of US$243 million in December 2007. The uneven flow causes problems for GOSS when it comes to budgeting salaries and other payments. While proportional distribution of oil money has been laid down in the CPA, full and timely delivery of funds to the south is hard to enforce. In turn, GOSS may be obliged to delay transfers to the states, forcing the states to delay salaries, and leading some officials to suggest that Khartoum is deliberately withholding funds to sabotage the CPA. Equal employment in the oil areas is another issue, with many jobs going to northern Sudanese or expatriates, especially those from the parent company's home country. For example, the oil lease in the southern town of Paloich belongs to Petrodar, which is majority owned by China's National Petroleum Company (CNPC). Locals report that the bulk of Petrodar staff are either expatriates, mostly Chinese, Malaysian and Qatari, or northern Sudanese. The consortium hires Paloich residents only rarely, for menial jobs. Southerners hope in vain for better-paid work beyond labouring on site or access roads or camp duties such as washing, cleaning and cooking. Concerns have also been raised about treatment of locals in oil areas, including the activities of government or private militia security forces, with reports that intimidation is preventing displaced southerners from returning home. Oil companies in Western Upper Nile are operating with impunity. They don't respect the rights of the people. They operate as if there are no people in Western Upper Nile.

Environmental issues include deforestation, poorly located roads that obstruct the flow of water and distort cattle movement, and inappropriate disposal of waste. Environmental activists are aghast, but find it difficult to have their voices heard in the corridors of power.

There are all sorts of pits, flare pits, drilling pits, sewage pits, garbage pits and they are all left behind without care. There is not a single proper treatment for sewage ... There is

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66 M Mayom, Doctors in south Sudan town protest salaries delay, ST, Rumbek, 8 Jun 2009.
69 TD Gai, Governor, Unity State, in NESI/ECOS, Dec 2006, p. 20.
no commitment towards the environment. There is no communication with local communities. Civil society is weak. There is no monitoring in environmental impact.\textsuperscript{70} Antagonism between the SPLM and the French firm Total has been an issue. During the war Total paid Khartoum sweeteners of around US$1.5 million annually to retain its concession.\textsuperscript{71} However, GOSS allowed the fledgling British oil company White Nile to start drilling in a 67,000 square kilometre concession area, where the boundary between north and south Sudan was not yet delimited under the CPA. This was the area Khartoum had allocated to Total, which in turn insisted that Malaysian company Petronas be allowed to continue exploration in the south. Protracted negotiations were eventually settled by the National Petroleum Company at the expense of White Nile. GOSS later partnered with White Nile to replace US company Marathon Oil, which left Sudan because of Washington's sanctions.\textsuperscript{72} This was not to be the last dispute over oil matters between GOSS and GNU. In September 2009 GOSS asked GNU for an audit of national oil production figures, after researchers from the London group Global Witness reported major discrepancies between Khartoum's figures and those of major producer, China National Petroleum Company (CNPC). The findings cover six of the seven productive blocks in Sudan. The report\textsuperscript{73} found that figures stated by Khartoum were often lower than those from CNPC and other sources, varying from field to field and year to year, but in the order of 10 percent, which could mean GOSS was owed more than US$600 million by the Bashir government.\textsuperscript{74} Neither GOSS nor Sudanese in general are able to verify the figures compiled by Khartoum; further, a three percent 'management' fee imposed by Khartoum ensured the south did not receive half of the revenue from southern oil wells as stipulated in the CPA. GNU agreed to Juba's demand for the audit by an independent third party, ordering the Ministry of Energy and Mining to verify the figures received from oil producers,\textsuperscript{75} but in January 2010 results were not yet available.

\textsuperscript{72} S Wheeler, White Nile given stake in new S. Sudan government firm, Reuters, Juba, 9 Nov 2007.
\textsuperscript{73} Global Witness, Fuelling mistrust: the need for transparency in Sudan's oil industry, London, Sep 2008, pp. 4-6.
\textsuperscript{74} S Wheeler, Sudan could owe south millions in oil revenue: report, Juba, Reuters, 6 Sep 2009.
\textsuperscript{75} ST, Sudanese presidency orders to probe oil figures, Khartoum, 15 Sep 2009; ST, China and Japan have to press Sudan for transparency in oil figures, London, 18 Sep 2009.
The economic sector has a mixed record when it comes to demonstrating a peace dividend. Since 2005 there has been considerable progress in reducing poverty in Sudan, largely through funding for basic education, health and water supply; however, as with areas such as law enforcement, the starting point is so low that it will take concerted effort over many years to see widespread improvements. For those hoping that peace will improve their lot, waiting for programs and projects to reach their region or village can be difficult. Sometimes lack of awareness and of public information campaigns also contributes to negative perceptions. On the other hand, oil production continues to perform strongly. The negatives here include GNU’s lack of transparency when it comes to distributing oil wealth, and concerns raised by oil-producing areas about private security operators, environmental mismanagement and continued violence. Oil is like a double-edged sword; it would help fund an independent south, but also ensures the north is against secession. There has been little sign thus far that the NCP is ready to deal fairly with the south in oil matters, except on paper in the CPA.

Productive sectors

The national economy’s productive sectors vary greatly from north to south, and all were neglected in the decades of war. Poor infrastructure, especially in the south, is a major constraint to developing trade generally and agricultural markets in particular. In the south vital transport routes were mined, and the private sector decimated by limited access to both markets and formal credit. Agricultural and livestock production had been disrupted by displacement and mining, and yields were much lower than in neighbouring countries.

Agriculture and livestock

In the north, more than 60 percent of the population live in rural areas, and agriculture accounts for about one-third of the north’s GDP. There are three farming

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76 See appendix 5 for a map of Sudan’s livelihood systems by administrative boundaries.
78 GNU & GOSS, 2008, p. 5.
systems: irrigated, rain-fed semi-mechanised and rain-fed traditional, with most of the poor living in rain-fed traditional areas. Expansions in rain-fed agriculture benefited those with access to capital and land rather than the poor. JAM prioritised investment in traditional smallholdings, noting productivity gains were needed to offset environmental and other issues precluding increased cultivation on marginal lands. Both semi-mechanised and irrigated farming required major restructuring and institutional reform, but agriculture, including livestock, fisheries and forestry, was not seen by JAM as a priority for public expenditure. JAM recommended strengthening support services, introducing market reforms and boosting the capacity of financial institutions to provide agricultural credit. Progress was slow with enhancing extension services, but improved seeds had been distributed, technology transfer centres upgraded, and new agricultural graduates recruited.\(^80\)

The south has about 50 million hectares of prime and 25 million hectares of marginal agricultural land.\(^81\) Crops such as vegetables, pulses, root crops and fruits can be grown, and there is potential for cotton, tea, sugar cane, coffee and other cash crops. Livestock are important, with an estimated six to eight million head of cattle; there are also substantial forests, and a variety of fish and wildlife. Agriculture is a potential growth-engine for the south; coupled with trade, it could greatly assist in reducing poverty. However it has suffered from low productivity, a poor skills base and lack of access to agricultural extension services, inefficient land use and lack of infrastructure. Slash-and-burn agriculture, prevalence of livestock diseases, basic fishing gear, and poor forest maintenance and replanting are some of the areas ripe for improvement. The difficulties are compounded by the particular problems of former war zones, such as land mines, unexploded ordnance and pockets of insecurity, which vary in severity depending on the area. Most rural families grow subsistence crops, supplemented by the World Food Programme (WFP) during droughts or insecurity. The domestic market is thin, farmers operate in isolation from the market, using little or no fertiliser, and even in fertile Equatoria yields are lower than in neighbouring Uganda. Farmers are caught in a low-level productivity trap, unwilling and/or unable to pay for improved technology and

\(^{80}\) GNU & GOSS, 2008, p. 23.

inputs, with limited access to competitive markets; obliged to continue subsistence farming. The SPLM had defined food self-reliance as a food security strategy, and while JAM doubted whether this was the best or only approach, southerners who have faced severe hunger once – or more – in their lives clearly understand the value of being in charge of their own food production. JAM targets for natural resources and rural development in the south were later assessed as overly ambitious, but the 2008 Oslo review was still able to report progress.\textsuperscript{82} JAM had prioritised programs for technology and extension to help realise the south's agricultural potential, noting that women must be included as they did the majority of farm work.\textsuperscript{83} It also flagged a rural finance scheme for small-scale farmers, so they could capitalise on skills gained through the extension program. Restoration of degraded farmland and provision of veterinary services for all counties were priorities. By 2008 the credit and farmland restoration targets had not been met, but progress was being made. The veterinary services program had been more successful, with a network of community animal health workers in place in all states, to be devolved to counties in due course. Targets for improving access to safe water had largely been met.

**Private sector development**

In the north, the main industries are manufacturing, construction, electricity and water, mining and activities such as sugar, oil refining, cement, food-processing, pharmaceuticals and transport.\textsuperscript{84} Service sectors such as transport, communications, hotels and restaurants are growing quickly, including services for oil and related industries. JAM studied the investment climate in the north and GNU policies and behaviour, looking at costs, risks and barriers to competition. It noted that while the private sector did not highlight corruption as a major concern, insider-dealing and cronyism were inhibiting factors. There had been large increases in indirect taxes, including customs and excise duties, and an Act allowing tax privileges for strategic industries had generated uncertainty. Red tape was an issue for business, with sensible

\begin{footnotesize}
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\item \textsuperscript{82} GNU & GOSS, 2008, pp. 25-28.
\item \textsuperscript{83} JAM, *Volume III: Cluster Report 4*, 2005, pp. 138-139.
\item \textsuperscript{84} JAM, *Volume III: Cluster Report 4*, 2005, pp. 119-125.
\end{itemize}
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laws weakened by poor implementation and ministerial interference; trade was constrained by customs procedures, especially at Port Sudan. Since Bashir came to power, more than 150 enterprises have been privatised, including significant firms in finance, telecommunications, building and construction, water resources, drilling, investment and transport. Business people said both national and state governments lack transparency, especially in war-affected areas. JAM recommended a program to foster private sector development, especially in former war zones, including agro-processing initiatives such as edible oils, leather, sugar, textiles, local housing and construction and environmental services.

In the south the war affected both trade and production; subsistence farming and barter transactions became typical, particularly for rural families unable to access the currencies in circulation in towns. As fighting eased, cross-border trade increased and markets appeared or reappeared in Equatoria and Lakes, in contrast to Northern Bahr Al Ghazal and Western Upper Nile, where supplementary food handouts were required, due to insecurity from militia, cattle raiding and other conflict. Despite constraints in production and marketing, JAM identified several areas where the future looked bright. The south produces abundant seasonal vegetables and fruits, but they are perishable and storage and transportation difficult, so it has been impossible to develop this sector. Installing infrastructure could take years, but the potential could be exploited through agro-processing, such as dried fruits, cassava, karkedeh (dried hibiscus flower, used for hot and cold drinks), fruit extracts and concentrates. Honey, dried and processed fish and products such as moisturisers made from the lulu (shea) tree have potential and could be marketed through cooperatives, of which southerners have a long tradition. JAM recommended measures to increase trade, including reducing transport risks by providing security; demining; rehabilitating and building roads; increasing storage infrastructure so that farmers need not sell their crops cheaply during post-harvest glut; and building support institutions such as market information services, telecommunications, postal service and banks.

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85 During the war, government garrison towns in the south used Sudanese currency, while SPLM areas used Kenyan and Ugandan shillings, US dollars and so on.
Post-war changes in southern Sudan have been dramatic, with the peace dividend clearly visible. Business opportunities are rich, especially in Juba, where roads, hospitals, schools, hotels and houses are under construction. The economy is assisted by remittances from expatriate Sudanese, who send millions of dollars to relatives for food, education and health, to start businesses or build homes. Foreign aid has made Juba a boomtown, where rooms in tent hotels by the Nile go for US$150 a night or more. The influx of internally displaced people and returnees from abroad has placed extra pressure on scarce land, food and fuel. Local private-sector and market-driven activities could be squeezed out by government service delivery fuelled by substantial grant flows. JAM identified private-sector opportunities beyond agro-processing, including donor and GOSS contracts for locals in reconstruction, especially roads; provision of services such as telecommunications and waste disposal; small and medium services for major oil and other industries, such as timber and minerals. While Ugandan or Kenyan companies were initially better placed to exploit these opportunities, local service providers could be mobilised over time with assistance from GOSS. By 2007 a survey found returnees had plenty of scope for service provision, including as petty traders selling peanuts, sugar, bananas, soap and oil; running small shops selling mixed goods and stationery; washing clothes and cleaning; producing street food or making bricks and furniture. Transport remained a growth area, but start-up costs, maintenance and fuel prices were high.

Overall, progress has been mixed in Sudan's productive sector, with improvements more noticeable in the south as it started from such a low base. In some former war areas programs to remove land mines have a major impact on livelihoods; however, many farmers still lack access to their fields and to roads to markets due to unexploded ordnance. Implementing extension programs in the north has been slow, but results have been promising. In the south, veterinary programs have worked well, and

89 JAM, Volume III: Cluster Report 4, 2005, pp. 126-130, 139-140.
targets for providing safe water have been met, delivering a peace benefit with immediate effect. Business is booming in the south, as flocks of returnees and officials boost the population and construction proceeds apace. Markets that were moribund during the war are returning to life, and the variety and availability of goods has improved dramatically. For those who survived the war years, flourishing markets are a demonstrable sign of the peace dividend, however those who went through the war may also have experienced food deficits — a more concerted effort in the agricultural sector is long overdue.

Social services

Sudan, particularly the south, is one of the world’s most deprived areas in terms of social welfare. Women and girls face an extra burden in accessing basic social services due to gender-based discrimination. It is a dangerous place for childbirth, with the southern maternal mortality ratio (MMR) estimated at 1,700 per 100,000 live births, compared to 509 in the north, or 1,100 in sub-Saharan Africa overall. In 2003 fewer than 400,000 of south Sudan’s 1.4 million school-age children were enrolled in school; most girls (500,000 or 82 percent) were not in school and fewer than one percent completed school.

In the north, about 61 percent of children attend school, and the disparity between male and female enrolments is less pronounced. Two-thirds of children enrolled in basic school reach grade five, but the statistics do not reveal the regional differences in enrolments. The south has ample water, but safe water is another matter, and 75 percent of southern residents have no access to it. About 65 percent of rural water points function badly or not at all, and lack spares and/or people to undertake repairs. Overall access to appropriate sanitary facilities is about 30 percent, and waterborne diseases are widespread. Where there is a functioning water point, daily consumption is around six litres per head, well below the recommended 20 litres per head per day.

92 Australia’s total MMR was 11.1 maternal deaths per 100,000 live births for the three-year period 2000-2002. However, the rate for indigenous Australian women of 45.9 deaths per 100,000 births was more than five times higher than that of non-indigenous Australian women at 8.4 (Australian Institute of Health and Welfare 18 October 2006).


JAM noted an interesting continuum: if schools have adequate water and sanitation, girls are more likely to attend; educated women are less likely to die in childbirth; women with access to primary health care produce healthy children, who, if educated, will in turn be more productive and healthy in the future. A major constraint was the need to shift from the wartime mode of independent projects, run by separate aid agencies with differing priorities, to a holistic development approach with efficient, coordinated outcomes providing a spread of services across the whole region.\textsuperscript{95} For the education sector, for health, and in so many other areas, the JAM report provided unique benchmarks for use by government officials, donors and researchers alike. The difficulties of obtaining data in Sudan should not be underestimated. For example, in 2006 Southern Sudan's Ministry of Education and UNICEF surveyed the location and condition of thousands of 'learning spaces' across the region – many were bush schools consisting of a bench under a tree. The Rapid Assessment of Learning Spaces (RALS) required an unprecedented data collection effort.

Over the course of nine months, teams of RALS assessors fanned out across a territory of more than 600,000 square kilometres, sometimes walking for up to three days, using bicycles to navigate areas without roads and forging across swamps and impossibly hilly terrain to reach remote communities. Landmines and outbreaks of armed conflict occasionally brought the project to a complete halt. Despite the challenges, the teams managed to reach nearly every school in southern Sudan.\textsuperscript{96}

Basic education

In the north, there is a three-tiered system of education with local areas (mahaliya) providing basic education, state governments secondary education and the federal government responsible for tertiary education. Eight compulsory years of schooling lead to the basic education certificate, followed by three more for the secondary school certificate. Unfortunately, local areas and states lack the money, power and technical capacity to provide the required services. Enrolment levels vary widely between states, but there are indications that the percentage of girls attending school is

increasing. Compared to other sub-Saharan states, more students (80 percent) survive until sixth grade, long enough to become literate and numerate. In 2003, there were about 12,000 schools for nearly 3,590,000 students; schools averaged seven classrooms and about 43 students per classroom. Two-thirds of primary schools did not have adequate water, and half lacked suitable toilets. To meet projections around 2,200 classrooms must be built annually. Teacher numbers are considered adequate, but most lack training, and only 12 percent have degrees. Other issues include insufficient funds for paying and training teachers (a state/local responsibility) and insufficient textbooks; many rural schools only have a copy for the teacher. In 2003, there were 84 girls per 100 boys in primary and 94 in secondary education. The gender ratio in basic education has been static since 1997, has improved in secondary education since 2000, and in tertiary education, females outnumber males. Sixty percent of teachers are women; nevertheless, in some areas tradition still deters families from providing girls with education beyond basic literacy and numeracy. Certain groups, such as nomads, some ethnic groups, the displaced, disabled, soldiers and orphans who head households are less likely to attend school. Nevertheless, the north is working towards universal primary education, aiming to abolish gender disparity and provide universal full basic education by 2015. This would require funding to increase from seven to 20 percent of government and state revenues.

In the Three Areas, Blue Nile and Southern Kordofan are well behind northern averages in basic education; results in the former SPLM areas are similar to those for Bahr Al Ghazal and Upper Nile. Overall, about 40 percent of children attend school and the goal is to achieve 82 percent attendance by 2011, in line with the north. Around US$580 million was required for wages, textbooks, administration and classroom construction, rehabilitation and maintenance.

In the south education has been severely under-resourced, and almost all money has come from donors. The education ladder theoretically comprises two years of kindergarten from three to five years of age, eight years primary from six to thirteen, secondary education (technical, science or academic) and post-secondary/tertiary, but in

practice, southern Sudan has the dubious honour of the world's lowest access (20 percent) to primary education. Girls are especially poorly represented, with 35 for every hundred males. Only two percent of the population has completed primary school, and only 24 percent of adults are literate. There are about 1,800 schools, or one per 1,000 children; 90 percent of these are in temporary buildings, only one-third have latrines, barely half have water access. Eighty percent of students do not have seating and 38 percent of classes are taught outdoors for lack of classrooms. There are 33 secondary schools, with around 8,000 students. The war deprived an entire generation of the south's children of education, and enrolment needs to grow annually by 4.5 percent to meet MDG targets.

The south has chosen English rather than Arabic as the main medium of instruction. Although a southern basic education curriculum has been prepared, pupils have to use textbooks from Uganda or Kenya. Teacher training has been minimal, usually short-term courses with NGOs, only six percent of teachers are qualified, salaries do not exceed US$90 a year, school years are short (barely six months in Bahr Al Ghazal) and teacher absenteeism is high. Immediate goals include increasing teacher numbers, primary school enrolment and the percentage of girls enrolled, and taking over teacher payments from parents and NGOs. Emergency school/class kits were positioned in sub-regions, and consideration given to opportunities for out-of-school youths and adults, including SPLA soldiers. There were to be eight tertiary institutions and three universities by 2011, with scholarships for courses providing targeted skills for students prepared to join the public service on graduation. For primary students, an extra 2,500 classrooms must be built annually, and water and latrines provided for new schools and 2,100 existing ones. Many secondary schools need renovation and/or construction of science laboratories and libraries; buildings were required for 58 technical, science, vocational and business studies institutions. Five institutes would train about 2,500 teachers annually, with refresher courses for a further 8,000 by 2011. To meet student enrolment goals, teachers from neighbouring countries would be employed to cover the shortfall.

100 Including emergency classroom tents provided by UNICEF.
For example, in 2006 around 200 Kenyan teachers were recruited for southern schools.\textsuperscript{102} Displaced Sudanese teachers were assisted to return as part of a drive to attract professionals to rebuild the south.\textsuperscript{103} A new curriculum in local languages at elementary levels would require extra curriculum development and textbook production. Special efforts to increase girls' education include raising the number of village girls' schools to more than 3,000 by 2011, employing more female teachers and principals, and providing boarding houses in targeted areas. Accelerated education for youths and adults would ensure that by 2011 15 percent of out-of-school youths would be in alternative education, 50 percent of SPLA soldiers would have opportunities to enrol in it, and 15 percent of adults would have accessed literacy programs. The task is mammoth, and as if problems with school construction, teacher training and so on were not enough, there is also a need for school gardens to provide nutritious food for teachers and students. School feeding programs would help combat malnutrition, and school radios would assist in-service distance training.

JAM's subsequent review of the north found enrolment in four states had reached 80 percent.\textsuperscript{104} Some effort had been made to increase coverage of disadvantaged groups such as nomads, returnees and displaced people, using mobile and boarding schools; but enrolment of girls for basic education had not improved. Programs to rehabilitate or upgrade existing schools and construct new ones had been launched, but did not include water and sanitation. In general, services were unsatisfactory, there was a continuing shortage of trained teachers, little progress had been made in disadvantaged areas and the sector remained under-funded.

In the south, JAM found significant progress,\textsuperscript{105} particularly in the numbers of girls enrolled for primary education, provision of learning materials and alternative education systems. In fact it would have been surprising if there had not been a great leap forward, as the south was starting from a very low base. For example, in 2006, UNICEF moved more than 4,000 metric tonnes of school supplies into the south, including kits for

\begin{enumerate}
\item Xinhua News Agency, \textit{Kenya sends more teachers to southern Sudan}, Nairobi, 6 Jul 2006.
\item International Organisation for Migration (IOM), \textit{Sudan: teachers return home to south}, Khartoum, 4 May 2007.
\item GNU & GOSS, 2008, pp. 28, 43.
\end{enumerate}
students and teachers, four million textbooks and emergency classroom tents, delivered by barges, helicopters, donkeys and carts and heavy trucks forced to push a path through dense undergrowth.\textsuperscript{106} Their efforts ensured most students had access to basic learning materials. Thousands of teachers were trained as part of the 'Go to School' initiative,\textsuperscript{107} but more were needed. An accurate teacher payroll remained elusive, and school construction was below target, hampered by increased construction costs, design changes and slow implementation by NGOs. By 2008 UNICEF reported that enrolment in south Sudan had quadrupled to around 1.3 million from just 340,000 in 2005, a promising improvement from a very low base. About one-third of primary school students were female, contrasting with the war years, when just one percent of girls finished primary school.\textsuperscript{108} The increases in enrolment have created a 'positive emergency' requiring extra funds to provide and equip more schools. 'Even in Juba, the capital, we have children sitting on stones or on the floor,' said Central Equatoria State's Minister for Education.\textsuperscript{109} GOSS aims by 2011 to raise girls' enrolment to 40 percent, increase the number of permanent primary schools by 50 percent, boost the primary pupil-book ratio from 3:1 to 2:1, and nearly double the number of alternative education learners to one million. To achieve these goals, GOSS needs 15,000 more teachers by 2011, an increase of about 75 percent that poses major budgetary issues. It must also provide school kits for every primary school pupil, feed 200,000 pupils with special needs, provide 100 scholarships for girls in the south and distribute more than two million primary school texts.

**Health system investment and service delivery**

Malnutrition is high throughout Sudan; in conflict areas, 12 to 30 per cent of children under five suffer acute malnutrition.\textsuperscript{110} In the north, overall coverage of health services in 2003 was about 50 percent, but as always, services varied greatly from region to region. About 70 percent of one-year-olds had been immunised for measles, 57 percent


\textsuperscript{107} R Beck, 20 Dec 2006.

\textsuperscript{108} Reuters, *South Sudan school enrolment quadrupled since war*, Juba, 1 Apr 2008.


of births were attended by trained health staff including midwives, two percent of under-fives slept under an insecticide-treated mosquito net, 58 percent of tuberculosis cases were treated according to protocols and seven percent of women between 15-49 years used contraception. HIV/AIDS prevalence among adults in the north is more than one percent, but awareness of the disease is low. There are around 30,000 doctors, nurses and medical assistants, mostly in urban or wealthier areas. Each rural hospital serves about 100,000 people; health centres cater for 35,000 people; but about one-third of them are not fully functional. The goal is to reduce by 2011 malnutrition in under-fives from 35 to 25 percent, the maternal mortality rate from 500 to 260 per 100,000 live births, halt the expansion and decrease the incidence of diseases such as HIV/AIDS, malaria and tuberculosis. For this to happen, there must be sustained investment and progress in non-health areas such as education. Basic health service coverage in the north is to increase from 45 to 60 percent, including two-year training for primary health care workers and 'quick win' interventions such as mosquito nets for under-fives (against malaria), measles vaccination and vitamin A supplements.

In the Three Areas, health services, never good, deteriorated greatly during the war. On the government side, Blue Nile and Southern Kordofan have the lowest basic health indicators, while the situation in former SPLM areas is among the world's worst, with just two hospitals and five health centres, and all services dependent on external NGOs. Overall, about 30 percent of the population had access to health services in 2003, planned to increase to 53 percent by 2011.

In the south, health and nutrition are dismal; 25 percent of under-fives die, and nearly half suffer chronic malnutrition. Malaria and other communicable tropical diseases controlled or eliminated elsewhere, including sleeping sickness, river blindness, guinea worm and visceral leishmaniasis (kala-azar) are endemic. Tuberculosis affects about 325 per 100,000 annually, while the HIV/AIDS rate among adults was estimated at anywhere from 0 to 8 percent, with prevalence expected to rise as people return from abroad. Health services cover only 25 percent of the population. About 25 percent of one-year-olds had been vaccinated against measles, fewer than six percent of mothers receive

trained assistance in childbirth, only one percent used contraceptives, six percent of tuberculosis cases were treated under protocols, and use of mosquito nets was negligible. Conditions are slightly better in Juba than rural areas, and better in Equatoria than in the rest of the south. Rural areas averaged about 75,000 people per health centre (40,000 in Equatoria, 75,000 in Upper Nile, 160,000 in Bahr Al Ghazal). As the south came out of war, there were 19 hospitals, or around 400,000 people per hospital, but the term 'hospital' in this context does not imply adequate care. Further, even though places such as Juba appear to have more services available, the condition of centres, dispensaries and so on was generally woeful as the war ended. There were around 40 doctors and 650 nurses in rural areas and about 126 doctors and 1,100 nurses in the urban centres of Juba, Wau and Malakal. In wartime health services were provided by international NGOs, local and church-based organisations. However, spending on health care during the conflict was extremely inefficient, with international staff and logistics such as transport (often by air) absorbing much of the budget.

GOSS planned to take responsibility for policy, regulation and technical support, with each county responsible for basic service delivery. The goal for 2011 is to reduce chronic child malnutrition from 45 to 30 percent, under-five mortality to 14 per cent, maternal mortality from 1,700 to 850 per 100,000 live births and begin stopping the spread and decreasing the incidence of HIV/AIDS, malaria, tuberculosis and other diseases. To do this, coverage by health centres needs to rise to 50 percent. Major investment was needed in policy development, infrastructure and human resources and capacity-building. All areas needed assistance, including producing essential drug lists and standard treatment guidelines, and creating pharmaceutical stockpiles to cope with the expected floods of returnees. UNICEF and WHO have been active in coordination, communicable disease control, nutrition and immunisation. GOSS was to take over funding much of health care costs by 2011 and county level administrators would coordinate, while NGOs (increasingly local over time) would remain main service providers. The biggest constraint would be lack of human resources. 'Quick wins' would be gained by providing incentives to international and local NGOs to work in the

most difficult areas, using pilot contracts for delivering immunisation, malaria and tuberculosis control, safe motherhood, nutrition interventions and HIV/AIDS prevention. Areas without other services could receive measles immunisation and vitamin A supplements for under-fives, and other inputs.

The review of the north found improvement in primary and maternal health services utilisation, but huge differences remained between locations.\textsuperscript{114} Immunisation programs were on target and health facilities somewhat increased through targeted investment. Programs addressing HIV/AIDS, tuberculosis control and malaria prevention and control had shown good results. Public expenditure on health increased from US$296 million in 2004 to US$475 million in 2006.

For the south, the review found that policy development, planning and monitoring were on track, and delivery of drugs and vaccines to target groups was working well. Basic ill-health indicators remained high everywhere, as might be expected from a region starting from an abysmally low base.\textsuperscript{115} Campaigns targeting HIV/AIDS were meeting goals, and programs for malaria prevention were in evidence. For example, in 2007 in Rumbek large billboards portrayed scenes such as an SPLA soldier watching a child sleeping under a mosquito net, with the slogan: 'You defended your country, now protect your family'. By 2011, GOSS must reach nine million people through vaccination campaigns, find an extra 4,000 qualified health workers, and provide basic health services to six million people. It was making good progress distributing three million mosquito nets – by September 2008, one million nets had reached the states of Warrab, Western Bahr Al Ghazal and Western Equatoria.\textsuperscript{116} These and other inputs, such as constructing or repairing nine hospitals and 40 primary health care units, would bring basic health service coverage to about half the population. Meanwhile, the World Health Organisation warned that renewed violence in parts of the south, including in LRA-affected areas such as Western Equatoria, heightened the possibility of epidemics.\textsuperscript{117} As well as displacing families and destroying the crops, the LRA were damaging health

\textsuperscript{114} GNU & GOSS, 2008, p. 23.
\textsuperscript{115} GNU & GOSS, 2008, pp. 28, 42.
\textsuperscript{116} Miraya FM, \textit{Three million mosquito nets distributed across south Sudan}, Juba, 18 Sep 2008.
\textsuperscript{117} World Health Organisation (WHO), \textit{WHO warns of epidemics in conflict areas of south}, IRIN, Nairobi, 8 Sep 2009
facilities and abducting health workers, and WHO sent in emergency supplies.\textsuperscript{118} In 2009 in Western Bahr Al Ghazal there was an outbreak of the lethal haemorrhagic disease, Ebola, which has no known cure.\textsuperscript{119} Polio reappeared in 2008 after a four-year absence; despite vaccination campaigns a further 50 cases of polio were diagnosed in the 12 months to June 2009.\textsuperscript{120} A cholera epidemic in 2006 killed 700 and affected 25,000, with further outbreaks periodically, particularly when people are displaced by fighting or heavy rains.\textsuperscript{121} WHO provided training and inputs for health personnel including laboratory technicians.\textsuperscript{122} Outcomes for 2011 include reducing child malnutrition to 25 per cent, constructing 600 health units and strengthening primary health care, including health and nutrition packages for 65 per cent of pregnant women.\textsuperscript{123}

Peace has brought the opportunity for huge gains in delivery of both health and education, but progress has varied, depending greatly on location. School enrolments have increased throughout the country, dramatically so in the south, but extra students means extra books, teachers and classrooms are required, and these demands cannot be met. For those already enrolled in schools in Kenya or Uganda, returning to the south may not be an attractive option under these circumstances. In the north, immunisation is on target, but in other areas of health results are mixed, depending on location, with the more remote areas served last. In the south, indicators for ill-health remain high, but programs for delivering drugs and vaccines are in place, and the campaign to encourage use of mosquito nets against malaria is gathering speed. Unfortunately LRA attacks in Equatoria, and violence in areas such as Abyei and Jonglei, have forced people to flee their homes, bringing the dangers of malnutrition and epidemics that often accompany such emergencies. Education and health services are a true peace dividend, only deliverable in an organised and cost-effective manner when security is in place. As in

\textsuperscript{120} Reuters, \textit{South Sudan vaccinated after polio reappears}, Juba, 27 Oct 2008; ReliefWeb, \textit{Polio cases rise in south Sudan}, Aweil, 6 May 2009.
\textsuperscript{121} M Benson, \textit{Cholera in south Sudan kills 20, affects hundreds}, Reuters, Juba, 4 Aug 2008.
\textsuperscript{123} GNU & GOSS, 2008, p. 33.
most sectors, it is the slow pace of development that makes people wonder about the effectiveness of the CPA, particularly in the south where expectations were high.

Infrastructure

Sudan's lack of infrastructure affects every aspect of development. The south, the Three Areas and disadvantaged parts of the north face the greatest constraints. Roads, railways, bridges, river transport and sea ports need substantial repairs, and barely 15 percent of Sudanese have access to electricity. Improving infrastructure not only provides better services, it also creates jobs during construction, builds capacity for maintenance and general running of services, and makes it easier to deliver a whole raft of basic services faster and more efficiently to more people. JAM's action plan took account of the demands of peacekeeping operations, distribution of relief goods, returnees, urgent rehabilitation, and the cohesion of the country as a whole. In the north structures for policy-making, regulation, operators and infrastructure were already working, although some reform was required. In the south such structures were either brand-new or non-existent, as during the war operators had been based outside, working in-country to service relief needs rather than those of a functioning civil society.

Roads

The scenery is great, but with few exceptions travelling on Sudan's roads is an endurance test. The new roads in oil areas are well-maintained dirt roads, passable in all but the wettest conditions, capable of trimming journeys from days to hours, and making it easier to access schools, clinics and markets. Other roads, such as the highways between Khartoum and El Obeid, or Khartoum and Port Sudan, may be in reasonable condition, but they are lined with the wrecks of vehicles that did not survive the journey. Other than that, even urban roads are potholed dirt surfaces that become a series of lakes when it rains; a twisted collection of sandy desert tracks requiring local knowledge to navigate, or in the south, winding red earth roads that become quagmires in the wet season, trapping lorries, passengers and perishable loads for days and weeks.

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In the south, the main challenges include lack of roads and bridges, inadequate capacity for road management, insufficient maintenance funds, inadequate enforcement of weight limits (overloaded lorries wreak havoc with roads) and no national road plan.\textsuperscript{125} Initial work would require US$1 billion for the first three years. The action plan proposed ways to improve institutional capacity, including managing the substantial international road traffic. The south faces higher maintenance costs due to increased traffic and high costs for rehabilitation and construction, due partly to a lack of roads.\textsuperscript{126}

By 2008 in the north 1,193km of national asphalt roads had been constructed and 1,023km rehabilitated, representing 37.5 percent of Sudan's 6,000km of asphalted roads, at a cost of US$845 million.\textsuperscript{127} In the south, a number of emergency roads were opened, but required maintenance to survive the rainy season and eventually be sealed. WFP had made significant progress towards building 3,000 km of roads, including repairing bridges and culverts and destroying more than 200,000 pieces of unexploded ordnance, resulting in reduced air drops and delivery costs.\textsuperscript{128} In late 2008, the all-weather road was reopened between Khartoum and Juba through Bahr Al Ghazal, a significant achievement as the route had been cut for decades due to the war.\textsuperscript{129} Future activities included constructing, upgrading and maintaining 2,373km of priority roads to either double bitumen or gravel, and starting work on a further 3,128km of secondary gravel roads.

**Electricity**

Eighty-five percent of Sudanese have no access to electricity, those who do mostly live in Khartoum, where 70 percent of the national supply is used.\textsuperscript{130} There supply has improved considerably over the years, to the point where wealthy folk can hang fairy lights for celebrations; but it remains erratic, especially when demand is high, and few

\begin{itemize}
\item \textsuperscript{125} JAM, *Volume III: Cluster Report* 6, 2005, p. 199.
\item \textsuperscript{126} GNU & GOSS, 2008, pp. 41-42.
\item \textsuperscript{127} GNU & GOSS, 2008, pp. 20, 28, 42.
\item \textsuperscript{128} M Nduru, *Putting the first tarred roads 'since creation' in place*, Inter Press Service, Johannesburg, 23 Apr 2006; World Food Programme (WFP), *GOSS donates US$30 million to massive WFP road project*, Juba, 6 July 2006.
\item \textsuperscript{129} JG Dak, *Khartoum and Juba connected by road after decades*, Juba, ST, 29 Nov 2008.
\item \textsuperscript{130} JAM, *Volume III: Cluster Report* 6, 2005, pp. 200-201.
\end{itemize}
possess home generators. Vast areas of Khartoum have no electricity, particularly such as Mayo, where displaced populations live. The national grid covers six states and the northern parts of Blue Nile; a further 14 major towns rely on diesel generators, with electricity rationed to a few evening hours or unavailable due to lack of fuel. Tariffs are highly subsidised. JAM proposed preparing an electrification master plan for all Sudan; installing small hydropower units at community level; fast-track electrification for some large towns using diesel plants; solar and hydropower for 1,000 villages, and extension of the national grid. Implementation would cost about US$506 million to 2011.

By 2008 there had been significant progress in the north in electricity development and installation.131 From 2005 to 2007 there was public investment of US$671 million in electricity, with 67.6 MW capacity installed and work underway to generate 2,066 MW in 2009. About 702km of transmission lines were built, and a 3,100km line, the longest in the country and the first to connect western Sudan to the national grid, was under construction. In the south, targets for electrifying urban areas proved over-ambitious, and were not met. However, plans were underway, with upgrading Juba power station a priority.

Decent roads and reliable electricity services have enormous flow-on effects at community and business levels. Such infrastructure dictates ease of access to health care, education and markets, and demonstrates a return to peace for those in the south and the Three Areas who were unable to travel freely during the war. Progress has been uneven in north and south, in urban and rural areas, and southerners in particular may feel these services are taking too long to reach their region and that the peace dividend is reserved for Juba or Khartoum rather than remote areas.

Livelihoods and social protection

Internally displaced people (IDP) and refugee programs

Around one in five Sudanese (more than six million) have been displaced by the war, lack of development, drought and environmental degradation. For many, decades of conflict led to cycles of multiple displacement and resettlement. Access to land on return can be a sensitive issue for those who have spent years away. There is competition for resources, particularly in former war zones of the south and Three Areas, where basic services and food are insufficient for the existing population, let alone hundreds of thousands of returnees. Rates of return are affected by factors such as security, land mines, services and availability of land and natural resources. Language and schooling are also issues, some returnees studied in English, others in Arabic, depending on where they took refuge. Younger people may speak their local language poorly; those who fled to Kenya or Uganda may know English, but not the southern lingua franca, Juba Arabic.

A 2003 study by the International Organisation for Migration (IOM)/CARE suggested two-thirds of Khartoum-based displaced people wanted to return home, of whom 69 percent planned to move within three months of the CPA being signed. However, those living in urban communities rather than camps said they would remain in Khartoum until confident peace had arrived, while people in urban centres such as Port Sudan and Ed Damazin would delay return as they had work and services where they were. JAM projected that 70 percent of displaced people from the south or Three Areas would return or resettle from the north during the interim period, many in the first three years, rising to 78 percent by 2011.

While the promise of going home brought euphoria, returnees also feared what their future might hold. The journeys were hazardous, with reports of money or property being seized and of physical and sexual abuse, with women-headed households,

separated children and adolescents particularly vulnerable. Some groups were harassed by militia or other armed men more than once during the journey; others suffered dehydration, illness and injuries caused by the rough conditions and inadequate transport. The most vulnerable, including women, children, sick, disabled and aged, who could become stranded en route, required special assistance. Potential returnees wanted current information to ensure it was safe and services available. Youth returning to farming communities from urban areas or southern garrison towns may lack rural skills. With so many people on the move, there was both opportunity and necessity to educate about HIV/AIDS. Environmental degradation was an issue, with increased numbers seeking firewood and other natural resources. JAM recommended community-recovery strategies to assist farmers by promoting rural agro-processing micro-enterprises such as oil presses, grain mills, bee-keeping, gardening, and lulu (shea) tree products. This would assist a gradual shift from emergency reintegration support for returnees to addressing the needs of under-developed communities or regions.

Joint projects between GNU and GOSS included developing a plan for return and reintegration by the national Humanitarian Affairs Commission and the Southern Sudan Relief and Rehabilitation Commission, resulting in 600,000 returnees and displaced people relocated to the former war zones by 2008. UNHCR programs had assisted more than 300,000 Sudanese refugees to return to the south from exile in other countries between 2005 and early 2009. However, many displaced people returned unassisted, around 1.9 million between 2005 and June 2009. IOM tracked these spontaneous refugees, finding that most used trucks or buses (75 percent), five percent travelled by barge and five percent by plane, while 15 percent walked to reach their final destination. The Oslo review projected that from 2008 to 2011, a further 2.1 million displaced people and refugees would be assisted to return home or to a place of their

138 GNU & GOSS, 2008, p. 32.
139 UN High Commissioner for Refugees, South Sudan returns top 300,000, Geneva, 10 Feb 2009; UNMIS, Sudan return and reintegration operations, 2008 Annual Report, Khartoum, Apr 2009.
140 IOM, Total returns to South Sudan, Post CPA to June 2009, pp. 3-5.
choice. To cope with this influx, reintegration projects include installing health facilities, primary schools, water points and food security and livelihood interventions.

Mine clearance

Mines and other explosive detritus of war affect about 32 percent of Sudan, mainly in the south and Three Areas. However, as the CPA was signed, information about the whereabouts of the mines was scanty, many areas were hard to access, and others in dangerous parts undocumented, so a countrywide survey was initiated.141 In the south local knowledge of minefields was often good, less so in the north or Three Areas. In 2005, more than 80 percent of the roads in the south were unused because known or believed mined, with major implications for returnee safety. People who lived in the south during the war often understood mines and their effects, but those who fled to Kenya or other countries, and particularly children and youth born in refugee camps outside Sudan, lacked awareness. Displaced people in Khartoum and Kassala and returnees to southern Kordofan had received information about mine risks. The UN Mine Action Service (UNMAS) coordinates all mine action, and supports UNMIS for emergency mine clearance, while UNICEF leads education activities.142 Safe disposal of explosive remnants of war (ERW) is also a priority; these activities required capacity-building, with trainees including former SPLA soldiers and local women.143

The program for 2008-2011 builds on the work done so far and aims to free all war-affected areas from threat from landmines and ERW.144 Activities include clearing 4,500 km of suspected/mined priority roads and land at about 3.5 million square metres a year.145 Also targeted is 200,000 square metres of battlefield in Blue Nile, 685,000 square metres of high-impact minefields in the north, and 250,000 square metres in the south. A land mine impact survey would be conducted in seven southern states, road surveys and verification on 1,329km in the north and on 5,000km in the south. Education would be

144 GNU & GOSS, 2008, p. 32.
provided to 550,000 displaced people, refugees and affected communities; victims would be assisted and awareness programs integrated into the education systems of affected states. Joint projects between GNU and GOSS include the National Mine Action frameworks for strategy and policy, and a joint demining unit. By 2008, deminers had cleared more than 24.3 million square metres, including 20,000km of road, and 952 danger areas; destroyed 4,734 anti-personnel mines, 2,172 anti-tank mines, more than 920,000 pieces of unexploded ordnance and much small-arms ammunition.146

The demining teams have achieved a great deal, and their steady work is much appreciated by the communities in which they are based. In areas where they are active, people are acutely aware of their presence. Their tented camps may be located near wide swathes cut through the bush by a giant MineWolf technical clearance machine; their teams train locals, including women, to carry out specific demining tasks. When the work is over, the community celebrates, such as in Kapoeta, Equatoria, in 2008, when Toposa people danced and sang to mark completion of a three-year demining program.147 GOSS Interior Minister Mayom Akec says the destruction of landmines is 'a clear indication that Sudanese people have made a promise of no return to war'.148 The true extent of the landmine problem in Sudan remains unknown, although it is clear than 21 out of 26 Sudanese states are affected. The sheer volume of the task indicates that it may be sometime before the demining program reaches the halfway point.

Livelihood and social protection is a sector where significant gains have been made; demining activities clearly demonstrate that war is over and the peace dividend is being delivered. However returnees report very different experiences both during their long journeys home, and when they arrive at their destination. Returning to one's country or area after a long absence is a difficult process, even more so when access to services is poor – perhaps even poorer than the refugee camps left behind. Returnees face the same or even more problems as those who stayed behind. However, the mere fact that so many people have returned indicates there is faith – at least by some – in the peace process.

147 IRIN, Sudan: Southern town celebrates end of demining, Kapoeta, 26 Sep 2008.
148 M Akec, cited in Miraya FM, Demining campaign in South Sudan following CPA, Juba, 18 Sep 2008.
Information and monitoring in Sudan

Reliable statistics are vital for Sudan, not only to measure progress, but also to attract support from donors. Sudan has collected national statistics for more than 100 years, but ability to conduct surveys has varied greatly between regions.\textsuperscript{149} The war adversely affected the work of the Khartoum-based Central Bureau of Statistics, though it maintained a core program, publishing periodic reports on national accounts, foreign and internal trade statistics, and a statistical yearbook. The last countrywide census was held in 1983, the year war began in the south. The Bureau conducted a limited population and housing census in 1993, covering most of the north plus the garrison towns of Juba, Wau and Malakal. Demographic and social surveys were also held during the war, but like the 1993 census did not achieve full coverage. Statistics for the south were extremely scarce during the 1990s, and generated on an ad-hoc basis by donors rather than Sudanese. In 2003, the SPLM established the New Sudan Centre for Statistics and Evaluation,\textsuperscript{150} which has generated valuable reports, working with UNICEF to establish baseline social indicators on SPLA-held areas\textsuperscript{151} that were a vital contribution to the JAM reports. The centre has also worked with the National Democratic Institute for International Affairs (NDI) to explore southern views about the CPA and the way forward. Both national and southern statistical bureaus required training, technical assistance and equipment. Statistics are also generated by other institutions, including the central bank, line ministries, the National Population Council, or in the south, technical commissions.

Census

An important requirement of the CPA was to conduct during the interim period a national census, identified as a building block for peace in the Power Sharing Agreement and an indicator that the CPA was progressing well. Census data would provide the base for future more statistically-robust surveys, such as a national household budget survey and agricultural and labour studies, but most importantly would also provide the basis for

\textsuperscript{150} Renamed the Southern Sudan Centre for Census, Statistics and Evaluation post CPA.
determining representation of south and north in the national parliament, confirming or adjusting the ratios agreed in the CPA.\(^\text{152}\) It would not be easy, especially in the south with its poor infrastructure, shifting population, insecurity, minefields, shocking roads and transport, particularly during the rainy season. The mapping necessary for a census was quite advanced in much of the north, except for areas such as Darfur; but the south had not been mapped in 20 years. Sudan has a large nomadic population, and plans had to be developed for including them. The census was expected to cost US$50 million. Preparations included visits by mapping teams to all villages, camps, cities and towns, where they met administrators and tribal leaders and collected settlement sketches and population estimates.

Given its link to the CPA and to sharing of power and wealth, the census was highly charged politically, and its conduct and results likely to be controversial. Holding it on time was a particular issue for the south, where there was much more to prepare and more people needed to return home to accurately reflect the population. The UN Fund for Population Activities provided assistance, including field trips to relevant countries for officials,\(^\text{153}\) but despite best intentions, the census process was burdened from the outset by mistrust between Khartoum and Juba. It was delayed several times,\(^\text{154}\) including for the Haj pilgrimage in January 2008.\(^\text{155}\) Observers warned that the census was being deliberately delayed by Khartoum, while in the south it was feared that rural and remote areas would return a poor result, as some southerners linked any census to taxation.\(^\text{156}\)

The south threatened to boycott the process, and called for questions on ethnicity and religion, data that could assist in providing a true picture of modern Sudan, but had not been discussed in the CPA process. However, by April 2008 Bashir was insisting the census go ahead, despite fears that southern preparations were insufficient. GOSS agreed, but said it would not be bound by the results.\(^\text{157}\)

\(^{154}\) UNOCHA, *Sudan: national census to be postponed*, IRIN, Nairobi, 6 Dec 2007.
\(^{156}\) I Vuni, *Church leader exhorts for south Sudan separation*, ST, Juba, 26 Apr 2007.
\(^{157}\) Reuters, *South Sudan says it will not be bound by census*, Juba, 16 Apr 2008.
Sudan's fifth national population and housing census was finally held over two weeks in April-May 2008, hampered by early rains, an influx of returnees, poor mapping, lack of transport, insufficient or delayed funding, shortages of questionnaires and insecurity. In Lakes state, unrelated clashes between Dinka clans killed 95 and also destroyed census equipment,\(^{158}\) while in other areas, militia threatened returnees.\(^{159}\) In Darfur, a spokesman for former rebel Minni Minnawi accused government-backed militia of killing at least five people who refused to take part in the census for fear of the Khartoum government.\(^{160}\) Some southern villages and cattle camps were omitted because the mapping missed them, other in southern Kordofan were wrongly included in the results for the north, not the south. However, for the 60,000 blue-capped enumerators (including 14,000 in the south) counting proceeded, rain or shine.\(^{161}\) Teams waded kilometres on muddy roads and talked with villagers fearful of becoming bewitched if they spoke of family deaths or the number of their children. As the counting period ended, the chair for the Southern Sudan Census, Statistics and Evaluation Commission, Isaiah Chol Aruai, estimated 90 to 95 percent of south Sudan's population had been counted;\(^{162}\) and the national head of the census monitoring commission, Abdel Bagi Gailani, estimated 90 percent for the whole country, including 85 percent of West Darfur and 90 percent of North and South Darfur.\(^{163}\) However, coverage was patchy in some areas, for example, at least seven districts of Khartoum were not counted and, bizarrely, Gailani disclosed that he himself had been left out of the count.

Preliminary results issued in July 2008\(^{164}\) put Sudan's population at about 38 million people, the ten southern states totalling about 3.8 million, or ten percent. The south warned their figures were unreasonably low, with Salva Kiir telling a rally in Central Equatoria that GOSS would not accept less than 15 million as the population for the south.\(^{165}\) The release of the full results was considerably delayed, with the date

\(^{159}\) Human Rights Watch, Sudan: militia attacks threaten crucial census, New York, 10 Apr 2008.
\(^{160}\) O McDoon, Militias attack Darfuris refusing census, kill 5, Reuters, Khartoum, 1 May 2008.
\(^{161}\) S Wheeler, Census kicks off in Juba — but uncertainty taints the day, Reuters, Juba, 22 Apr 2008.
\(^{162}\) JG Dak, Census ends unsuccessfully in south Sudan, Juba, ST, 7 May 2008.
\(^{163}\) O McDoon, Sudan says 90 per cent covered on last day of census, Reuters, Khartoum, 6 May 2008.
\(^{164}\) ST, Sudan preliminary census results released, Khartoum, 8 July 2008.
\(^{165}\) ST, Sudan's Kiir vows not to accept 'unreasonable census results, Khartoum, 4 Dec 2008.
shifting from September to December 2008, then February 2009. Director-General of the Central Bureau of Statistics, Yasin Haj Abdalla, claimed technical problems, but Kiir warned of a hidden agenda to provoke the people of southern Sudan. There were concerns that the delays would hamper election and referendum preparations. Finally, on 21 May 2009 the full results of Sudan's fifth census were released, showing a total population of 39.15 million, with 30.89 million or 79 per cent living in the north, and 8.26 million or 21 per cent in the south. The census also found that some 520,000 southern Sudanese live in the north. This major disparity with the preliminary results tended to vindicate the south's earlier protestations. Again, there was an outcry from the south, and the SPLM rejected the results, saying that data and results in the north were not logical, especially for Darfur, which reported a 60 per cent increase in population since the last census in 1993, including a 90 per cent increase in South Darfur. Luka Biong Deng, GOSS Minister for Presidential Affairs, said they had 'information that the census did not include the IDPs in their camps, leave alone the refugees in the neighbouring countries. The strangest thing is that the results show a 322 per cent increase in the population of the nomads'.

Conducting the census was a key milestone for the CPA, and a major achievement regardless of disputed results. However, GNU did not distinguish itself during the process, delaying the count and failing to address southern concerns over process. This is worrying, particularly in the light of the forthcoming elections, and demonstrates a lack of commitment to the peace agenda on the part of the Bashir government.

Conclusion

This chapter drew on JAM assessments for Sudan's post-war development and comments of providers and recipients of services. It looked at services within various

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clusters, at the goals of GNU and GOSS and progress towards achieving them. It noted that Rogier warned donors not to adopt JAM's report as a blueprint for the interim period, emphasising that fostering peace in Sudan could not be reduced to reconstruction and development efforts alone, nor to mere implementation of the CPA. However, the wealth of information collated in the JAM reports has ensured they have become the benchmark for Sudan, a detailed and valuable assessment of existing services and infrastructure and complex post-war needs. Sudan's fractured past prevented such a comprehensive document being produced earlier, particularly for the south, the Three Areas, and most recently Darfur. Instead, information on the south was collected and retained haphazardly by a myriad of agencies working in different sectors and areas. This makes the JAM assessment a useful historical document for its snapshot of a region poised between war and peace.

This chapter also draws on reviews developed for the Oslo Donor Consortium meetings. These indicate that while JAM targets were sometimes over-optimistic, nevertheless GOSS has made impressive progress in some areas in a very difficult environment. JAM highlights the difficulties in establishing a civil service and service delivery institutions from scratch, noting that the initial framework underestimated its complexities. Donor support and GOSS revenues have not met forecasts and this, plus delays in establishing the civil service, kept implementation behind schedule. There were also delays with large donor projects. GOSS established a comprehensive planning and budgeting framework that will benefit the government in future; however there is little about taxation measures. Caplan recommends introducing personal and business taxation systems very soon into the recovery period, even though it might seem that those struggling to recover from war 'ought to be spared the burden of paying taxes'. User fees for utilities must be set and collected. Pledges are one thing; the actual commitment of funds is another: donors do not always make good on their pledges or are slow to provide the actual funds. Progress in education has been good; primary enrolment is going well, and the percentage of girls enrolled has increased substantially. Health policy

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172 E Rogier, Apr 2005, p. 44.
174 R Caplan, pp. 145-146.
175 R Caplan, p. 138.
development, planning and monitoring activities are on track. Most emergency roads have been opened, a mammoth task, but with immediate widespread benefits for local communities. In Phase 2, from 2008 to 2011, GOSS plans to accelerate development and identifies six top expenditure areas: security, roads, primary health care, basic education, water and production (rural livelihoods and income).

Sudan has been ruled by guns for more than twenty years, and many southerners literally took the law into their own hands by carrying weapons to support the former rebel movement, the SPLA/SPLM, or another armed faction, militia or bandits. Top military leaders continue to wield power in peacetime, but rank-and-file soldiers may not. It is important that all categories of people throughout the region begin to enjoy some of the dividends of peace, lest the disenchanted turn to banditry, or even promote a return to war. JAM noted the tensions between speed and sustainability over post-war development, with many players – the Sudanese population, especially displaced and war-affected, politicians; and international actors – naturally impatient to see 'quick-wins' in visible areas, such as infrastructure. However, experience from other post-conflict areas indicated there must also be strong support for less visible transition and recovery work, such as capacity-strengthening and rebuilding social capital. Community-based recovery can strengthen local institutions and enhance the traditional coping mechanisms essential to long-term sustainability.

In general, as a collection of data and in its recommendations for priority projects and reviews, JAM's work is impressively thorough. However, in the review of cluster performance, there is an extraordinary statement:

JAM did not anticipate and account for the complexity involved in implementing development projects in war affected areas. So the progress was initially slow, though as time progressed the government and donors both learned from their past mistakes and there has been considerable step up in both financial disbursement as well as outcomes on the ground.177

One wonders how was it possible to underestimate the complexity of implementing projects in southern Sudan, an area well known to some if not all JAM team members.

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Was it the euphoria of the forthcoming peace, the feeling that once the CPA was signed, everything and anything would be possible? While many of the burdens of wartime have lifted, issues such as donor funding delays did not evaporate when the CPA came into force. Western donors are unlikely to resource CPA implementation adequately while there is conflict in Darfur, and will not ‘reward Khartoum for ending the war in the south while it is waging war in Darfur’.178 Sudan is a fragile state, and by definition one of the hardest countries to develop. Fragile states cannot or will not deliver what citizens need to live decent, secure lives. They cannot or will not tackle poverty themselves, and working with them is difficult, costly and sometimes dangerous. Providing aid to fragile states can pose policy dilemmas, with donors deciding it is less harmful to do nothing or rely on humanitarian responses. As the Darfur crises show, humanitarian aid can save lives in the short term, but cannot address chronic problems. Britain’s Department for International Development stressed the need to improve aid effectiveness in fragile states, as they are more likely to become unstable, destabilise their neighbours, create refugee flows, spread disease and be bases for terrorists, citing Afghanistan and Sudan as recent examples.179

The terms ‘peace dividend’ and ‘making unity attractive’ have become common parlance in post-war southern Sudan. Sudanese, particularly in the south, have high expectations of the interim period, but for some, such as those in Abyei, insecurity dealt a bitter blow to their dream of peace – Abyei and other security issues such as LRA activities will be covered in Chapter Seven. People also feel let down by the delays with the census, or road-building roads in places such as Juba, and numerous other instances of the gap between expectation and reality. Varying backgrounds, from cattle-herders and farmers to overseas-trained university graduates, also affect expectations and understanding of what can be delivered and by when. Many southerners are just coming to grips with their new government structures; there is yet to be an election to confirm or replace appointed politicians, and for the southerners even the election is just the build-up to the main event, the referendum. Yet it is clear that peace has made a visible difference

179 UK Department for International Development, Why we need to work more effectively in fragile states, London, Jan 2005, p. 5.
in south Sudan, particularly in Juba, but also in smaller towns and some rural areas. Land mine clearance, mosquito net distribution and school construction clearly demonstrate the peace dividend.

Development in Sudan has been slow and uneven since colonial times. Spreading the benefits of peace is also slow and uneven, but the impetus is there, with the process led by GOSS and southern state governments. For southerners especially, delivery of services is a concrete sign that peace is here to stay, but community expectations are high and can be difficult to meet. At the local level, poor service delivery can make those who suffered in war nervous about the future, as with this Luo woman from Mapel: 'We don't see any confidence in peace because there is no development' and this woman from Wau: 'They said there is peace, but where is development? When are they going to develop the south to look like the north?'\textsuperscript{180} Chapter Six will discuss views on the ground, including opinions about service delivery.

\textsuperscript{180}TD Cook, 12 Apr 2006, p. 34.
CHAPTER SIX

Facing the future: findings from interviews in Sudan

Introduction

This chapter is the result of fieldwork I conducted in Sudan from August to October 2007. The fieldwork comprised semi-structured interviews with 62 people of varying ages and backgrounds, including business people, politicians, aid workers, returnees (from inside and outside Sudan), journalists, church personnel, public servants, war veterans, academics, teachers, lawyers, doctors, nurses and students. The interviews took place in Juba, Yei, Rumbek, Malakal and Khartoum; in offices, clinics, homes, cafes by the Nile and sitting under trees. The majority of interviews were one-on-one, others had two or more participants, or were conducted as round-table discussions. Most interviewees were Sudanese, while some participants worked in Sudan but came from neighbouring or donor countries. Interviewees used English, Arabic or other languages as appropriate, with group members, a friend, relative or colleague assisting with translation as required.

Many participants were sourced through my long-term networks; others were suggested or introduced by the wide variety of people that I met along the way. It was notable that people were keen to ensure I met with different types of people from different backgrounds, tribes and political persuasions, rather than only with those of a particular political background. This was also true when I drew on aid agency contacts to speak with members of UN and NGO focus groups; in these cases, focus group coordinators introduced me to their group at the close of a meeting, inviting me to outline my research and arrange subsequent interviews with anyone who was interested. People from these subsequently arranged for me to contact others who may wish to contribute. This enabled me to reach a broad range of people from different backgrounds, including young NGO workers who had spent their formative years in remote villages or refugee

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1 See appendix 2 for a map of Sudan.
camps, seasoned politicians, lawyers and academics who had spent the war years in Nairobi, Kampala, Juba or Khartoum, and returnees and refugees of limited means who had recently resettled from the north or Kenya. To gain a picture of each individual's experience, I asked about their background and situation during the war years, their thoughts when the CPA was signed and opinions of the peace deal, how they saw progress so far, and how they viewed the future, including the referendum. Discussions were generally relaxed and informal, yet also at times intense, as participants outlined what they saw as the burning issues for the future of their country. While relatively small, the sample nevertheless provides a valuable snapshot of individual perceptions about politics on the ground in Sudan. Most participants chose to take part on condition they would not be identifiable, so in the text individuals have been marked in a way that differentiates one from another, rather than in a way that provides all their background details. For example, someone described as a government official may also be a returnee from a refugee camp in Kenya; an aid worker could also be a former SPLA soldier or have connections with a church. Gender has been included at times to differentiate between participants, at other times, it was deliberately omitted to prevent identification. With the guarantee of anonymity, participants spoke frankly about the situation in Sudan, something that was not possible for many during the years of war. Participants both responded to questions and introduced issues themselves, including topics such as attitudes towards workers from neighbouring countries and the merits of peace versus war that have become topics of interest in the years since fighting ceased.

Participants were drawn from the middle class, with some, such as politicians, part of the elite. Villagers and elders were not formally interviewed in their regions, as parts of the south were flooded and roads impassable due to the rains; however, it was possible to interview people of village and farming backgrounds in town. These groups have been covered by the National Democratic Institute for International Affairs (NDI), which has conducted bi-annual focus groups in Sudan, especially the south, since 2004. The NDI surveys include around 350 people, provide qualitative research and have been used as reference material elsewhere in this thesis. Although smaller in scale, my fieldwork provides valuable qualitative data that helps triangulate hypotheses and observations arrived at through other methods.
Principal findings

Leadership and government

1. The CPA is good in theory, but it needs more attention from the national government and international community for peace to continue.

There was overwhelming support for the CPA and for the improvements brought by peace. However, participants voiced deep concern about the levels of support – political and/or economic – provided for the CPA both nationally and internationally. Southerners in particular were dubious about the intentions of the national government, especially when it came to allocation of resources. Participants felt that the international community had supported the peace process, and therefore had a moral duty to ensure the agreement was kept to the letter.

CPA in theory is good, practically it is not. The reason is that it is unfortunate that wherever there is mineral wealth, people are likely to go back to war. The investors are reluctant because of this. It needs guarantees for the investment process. … The CPA can bring permanent peace if it were to be fully implemented and if the government in Khartoum would work to make this country one. Dr John [Garang] used to say unity in Sudan can be achieved if the government of Sudan works to make it attractive. (State politician, male, 50s, Rumbek)

The CPA gives us the method of federation and also the way to divide resources. (Federal politician, female, Khartoum)

Peace has been reached, this is the main achievement. Another concern is the international community looks like they have done nothing about development after the war. They think we have enough resources – but the money is with the north. (State politician, male, 40s, Rumbek)

Two and a half years since peace, we have set up the organs of government, GNU and GOSS. Ten states with state assemblies. They are functioning, they are working, this is a big thing in itself. (Senior state official, Malakal)

This CPA has to be supported properly. They [NCP] are doing a lot of destabilisation. It needs a lot of pressure from those who support the CPA so they can come to their senses as they [NCP] are very devilish. We are not very optimistic about
This agreement, we think they are very determined to destroy it or delay it. It does need more than lip service from the UN and EU. (State government minister, male, Rumbek)

2. The GNU has failed to convince people that it is serious about supporting the peace agreement.

Many participants felt the National Congress Party (NCP) was enjoying the benefits of the ceasefire, while keeping power, wealth and opportunities for themselves and their cronies. There were constant delays in necessary decision-making and implementation of the CPA, and numerous attempts to revisit issues signed off in the peace process.

This is a mafia, not a government. They are taking the oil money and dividing it among themselves. They are very heavy-handed. Government is attacking civil space in the north, alienating a very small but effective group. (Senior analyst, male, 60s, Khartoum)

The CPA is not implemented transparently or punctually and this has been the tactic of the NCP since they took government. They prolong, postpone and elongate discussions for as long as possible. What counts for them is to have a ceasefire, that is the best for them. ... Why should the NCP monopolise 52 percent of parliament and appointments? This is not fair. What concerns the south is untouchable, we don't oppose it. We criticise what concerns the non southern part of Sudan. (Federal politician, male, 60s, Khartoum)

Many things agreed in the CPA, they [NCP] want to discuss again and again. It is something agreed, they don't need to discuss it. They are still arming the militias to cause problems here and there. (State government minister, male, Rumbek)

Participants felt the CPA did not get everything right and the NCP-dominated national government was quick to exploit this.

The non-oil revenue is not being divided, which is a huge part of the income. If the national government were to respect this and give us at least one third of the revenue from the non-oil revenue, it would have solved most of our problems. But they keep it for themselves in the north. (State politician, male, 50s, Rumbek)
To distribute the wealth, you have to authorise each level of government to collect taxes. People talk about the oil revenue only, which is only 50 percent. Where are the other 11 non-oil resources, they are being collected by the GNU? It is not all appearing in the accounts as Sudan is using a barter system with China, Malaysia, weapons for oil, cattle to Middle East, remittances from workers in Middle East. (Lawyer, 60s, male, Juba)

From the start, the CPA has not been moving the way it should have been because of the impediments put in the way by the NCP. First, they delayed formation of the governments. Second, they tried to water down the conditions set for the formation of the southern governments in the CPA. After the six month interim period, the governments set up late. From that time until this date, they have been controlling the money to prevent the Government of Southern Sudan from taking off. (Another state politician, male, 50s, Rumbek)

3. Southerners were delighted to have their own southern government, but disappointed with the slow pace of change and quick to point out weaknesses.

Participants recognised that getting the new southern and state governments up and running was a huge undertaking. There were shortages of skilled and experienced staff, with SPLA and militia officials facing a difficult transition from military to civil service roles and, at times, reluctance to relinquish power to politicians.

The southerners have been at war for a long time. Now they are given a country that is semi-independent. The little they have is not well-spent. Because they have not worked, many are responsible with very little experience. (Retired southern police official, 70s, Juba)

The process of good governance takes time. (State politician, male, 40s, Rumbek)

A timeframe is necessary for drafting a peace agreement, but when you are back in Sudan, it becomes Sudanese time. (International aid official, donor country, 40s, male)

In the early days, people didn't really know their ministerial titles and positions. It felt like a baby giraffe, just trying to get its footing. The capacity is not there in a lot of ministries. They had to fill the positions just to get things going. Administrative capacity is super-low. (International NGO official, donor country, female, 30s, Juba)
They have been out of the country for more than a quarter of a century, there have been a lot of changes in the country. (Federal politician, male, 60s, Khartoum)

Things are ad hoc, there is short timing. When marking an annual event, people had one day's notice to prepare their papers. That is a war thinking. The event was superb, but nothing of what was planned happened. (International NGO official, donor country, female, 50s, Juba)

They [southern coordinating body] did not know how to conduct a meeting. It's natural, they fought for many years, they have just landed in civil life, they don't know how to coordinate, they still use the language of guns, they don't know the difference between facilitation and control. (UN official, male, 30s, Malakal)

The money is coming in and staying at the top. (Academic, male, 50s, Khartoum)

Some senior officials wielded power as if still running a battalion for the SPLA.

The governor needs to understand the limits, where his power ends and the state assembly begins. (Southern state official)

Some were concerned defence received priority in the southern budget, rather than education and health.

Everybody knows we need education here. You don't even discuss the amount being taken by defence. (Teacher, donor country, 50s, female)

There is a 60 percent war budget now. GOSS must demilitarise the economy. The resources are there, you widen the tax basis. (Lawyer, 60s, male, Juba)

There were concerns about delays in paying salaries, particularly for military and police.

For salaries, sometimes it is not there. Now people have not been paid for two months. (State politician, male, 50s, Rumbek)

We are still waiting for salaries. The salary is so little, if they delay it, it causes some problems. (Senior state official, Malakal)

GOSS should ensure police salaries are there – for the whole south. Sometimes they can spend two months without it. The soldiers cannot wait, they can cause a
problem. We should train people, select good people to do the job properly, especially in finance. (Local NGO official, Malakal)

4. There are mixed views about the leaders, whether national, southern or state.

There are few kind words about President Bashir, even in 2007, but John Garang's new image as peacemaker was burnished in the wake of his untimely death. Would he have been the one to unite the country? No-one knows, but clearly he is a hard act to follow. 

Bashir is now irrelevant. He has to be there, he is just like a decoration, if we say okay we don't want him, are we going to replace him? Nobody is envying that position. (Lawyer, 60s, male, Juba)

Most of these people in power [in the south] are people who have been fighting for 22 years. Things will be done better tomorrow. Salva [Kiir] is doing his job, but of course nobody is like John Garang. (Southern government official, 50s, male, Juba)

Now we have petrol, yet in spite of this, thousands of children staying in the street. The leaders take it for themselves. If they are real Muslims, why are they in the street? This is not Islam. (Federal politician, 60s, female, Khartoum)

The [southern] president visits villages, sits under the tree and talks to people, including young girls and widows. Some of his advisers think he should only talk to dignitaries. The effect that has on people when they can say the president came and sat in front of our tukul!2 (International NGO official, donor country, female, 50s, Juba)

Leaders are grabbing things because they began with nothing. Most of our leaders currently are the then brigadiers and generals [from SPLA and other armed groups], given positions although they are illiterate. (Business manager, 30s, male, Juba)

There is a lack of trust between civil society and government. People in the south also have a role to play. There is a gap between the southern leaders and their people. (Lawyer, 20s, female, Khartoum)

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2 Sudanese house with thatched roof and mud or straw walls.
5. The choice of president – and for parties, presidential candidate – is crucial to Sudan’s future, but participants were dubious that the south would trust a leader from the north, or the north accept a leader from the south.

*SPLM could win the presidency. People in the east and Darfur have a grudge against the government; in the centre, they want to take the religion out of politics. If the SPLM is clever, they should put someone other than Salva Kiir, such as [veteran southern politician] Abel Alier.* (Senior analyst, 60s, male, Khartoum)

*NCP will push Bashir. [Hassan Al] Turabi is too small and cannot win. Salva Kiir is a Christian, people cannot support him. Sadig [Al Mahdi] is the only one. Muslims won’t accept a Christian leader. A president should be a national figure, there are no others, all others are tribal, or local, or regional or suburban. Then there is the religious side of it. Garang would not have got in. They will never vote for a Christian to get in, even if he was an angel or a prophet from heaven.* (Federal politician, 50s, male, Khartoum)

*There is also doubt in people’s minds about southern leadership. If they look at choosing a non-Muslim leader, if they see it as a threat to Islam, they will go for Islam.* (Federal government minister, 60s, male, Khartoum)

*We can accept a president from SPLM, we have to change, we have to try them, we tried everything else, we tried them all from this and this, from when I was a child.* (Lawyer, 30s, female, Khartoum)

*The ruler should be a mixture from the south and north, especially if we succeed in making democratic elections for the whole Sudan. People could accept a leader from the SPLM.* (Federal politician, 60s, female, Khartoum)

*The candidate from the north for president will not be accepted in the south or Nuba Mountains. In the north, it’s not easy to accept a leader from the SPLM. A lot of people died from north and south, they have different thinking, culture, religion. We have to think about the country, not just religion. Some people are thinking about religion and that it is not possible to govern Muslim people by a Christian – for me it doesn’t matter.* (Nuba Mountains NGO worker, 30s, female, Khartoum)
6. **Corruption is a problem, but how to tackle it in a poor country?**

Some well-publicised removals of government ministers and officials for corruption helped create a picture of a government in control. However, rumours abound and participants noted stories of misappropriated funds.

*Sudan is a rich country, with a rich [federal] government but poor people. Why? Because the money doesn't go to the budget, it goes to private pockets and private bank accounts.* (Federal politician, 50s, male, Khartoum)

*Some officers and members of parliament are well off, misusing resources.* (Priest, Equatoria)

*Government people getting their own properties were sacked. The government is trying. Like any African country, there will always be corruption. Things change slowly.* (Business manager, 30s, male, Juba)

*Peace has brought up a certain number of gangsters. There is huge corruption. Some people who haven't been paid for four or five months continue to work, but you also find teachers taking [illegal] fees from students who enrolled late.* (Teacher, donor country, 50s, Rumbek)

*We who suffered here did not think things would be like this after the CPA. Our feeling is this is our home, what can we do? Even if GOSS is corrupt, at least we are able to walk with our heads up with pride that this is our country.* (Local NGO official, male, 50s, Juba)

Many who were government ministers and officials before the CPA still hold their positions post-agreement.

*The same ministers of the past, they are recycling them so you cannot expect something from them. Sometimes, like all developing countries, if they smell something bad, they used to change them from one ministry to another. This is happening, even in Khartoum.* (Local NGO official, 50s, male, Malakal)

*They gave people like [Southern Vice-President] Riek Machar positions despite their betrayal. If we can accommodate all our enemies, then we must be the peacemakers. If they have been friendly [with] the government in Khartoum, let them use their position*
to benefit the whole of southern Sudan. … Civil servants will have to learn not to express a political opinion. (Lawyer, 60s, male, Juba)

Living conditions and services

7. Living conditions had improved in the south, but expectations had been overly optimistic. Security remained paramount to all aspects of life.

Opinions on progress varied, with those who knew the south well most likely to say living conditions had improved. Participants found food and other goods in local markets expensive, with availability hampered by poor roads. There were concerns about the lack of municipal services such as rubbish collection, particularly in Juba with its increasing population. For some, access to water, health and schools had been better in refugee camps in neighbouring countries.

People are expecting a lot, they imagine that as soon as the war is over they will be living in a land of milk and honey. (State government minister, Rumbek)

We can feel peace has come but a development program is needed for the grassroots. We are asking civil society to be patient, it takes time. (Priest, Equatoria)

In 2005 when we came to Juba there were just 30 tents at AFEX for politicians, aid workers, the South African de-miners. There was such a sense of unity among the SPLA/SPLM, there was a pride about it, a sense of achievement and accomplishment and brotherhood. (International NGO official, donor country, female, 30s, Juba)

When the Nile Commercial Bank came to Rumbek, that was a big thing. When I first came in 2004, the souk had four onions and a tomato and some cigarettes and candles. (International NGO official, donor country, female, 50s, Juba)

Juba is infested with rats. There are two things that need to be taken care of urgently: the roads and the garbage. The process of doing whatever in Juba is slow, especially construction and civil work. You have to wait for trucks to bring your stuff from Kenya and Uganda. (Businesswoman, 40s, Juba)

If I was in public health, I would not allow the dumping of rubbish. Put in a bag in front of the shop – there are lorries for hire, you could burn or bury. (Local NGO official, 50s, female, Juba)
The high price of goods that had to be trucked in from Uganda, Kenya and the north was an issue, as well as availability of goods when roads closed due to land mines and floods. Pressures on accommodation had eased slightly in late 2007.

There is inflation – the government is not controlling the prices. Anyone can put the price they want, the government is completely weak in that regard. However, accommodation is more available and prices are dropping. People are shifting into concrete homes from tents. (Sudanese, international aid worker, 30s, male, Juba)

Juba is very, very expensive, four times Khartoum – but clothes and shoes are reasonable. (Businesswoman, 40s, Juba)

Rumbek is extremely expensive. (State politician, male, 50s, Rumbek)

The roads are not good, sometimes there is a lot of heavy rain, vehicles are stuck on the road and prices of goods rise up. Bridges broke and it took a month for vehicles to come through. There was no fresh fruit. (Local NGO worker, 20s, female)

Up to now we are still buying water – a jerrycan is Ls2. (Local NGO worker, 30s, male, Rumbek)

So many areas here are without latrines. (Technician, 20s, male, Malakal)

The population in Malakal is increasing day and night, because people are being forced to leave their payams [local areas] because they don’t find basic services or jobs. You want your children to be in school, you need them to have hospitals. (Senior southern official, 30s, male, Malakal)

Others described peace dividends in terms of government services and infrastructure but warned that people’s hopes might be unrealistic.

Rehabilitating physical infrastructure destroyed by war, especially roads, hospitals, schools, tells people peace has come – not just providing the medicine etc, providing the actual places. (Lawyer, 60s, Juba)

The Government of Southern Sudan has been set up and state parliaments have been set up, but they have not been given the tools to do the job. (State politician, 60s, male, Rumbek)
The crisis of peace is more than the crisis of war. Why? Because of aspirations. People fought for more than 20 years and they assumed that after the signing of the peace agreement, everyone would be very comfortable. (NGO official, 40s, male, Malakal)

8. Guns have been largely silenced: there is freedom of movement and freedom of speech.

The contrast in the way participants spoke of wartime and post-CPA was overwhelming. The importance of these and other dividends of peace should not be underestimated, but people also noted peace is a continuing process rather than something that happens overnight.

We are now at the stage of transformation from war time to peace. This year is different to last year. (State politician, 50s, male, Rumbek)

The positive part of this peace is the silence of guns. On the economic side, we are getting food daily from Uganda and Kenya. No-one is starving anymore. Humanitarian organisations are operating freely. (Sudanese, international aid worker, 30s, male, Juba)

The first change is freedom of speech. We talk whether in the street or at home. We criticise or praise, there is no problem. During the war you would be arrested. Now we blame GOSS [if we wish]. Before, even going to cultivate needed permits. (Local NGO official, 50s, female, Juba)

Before you would have had security at this meeting.\(^3\) (Local NGO official, 40s, male, Juba)

Freedom of movement, people can now move across the border to Yei. The roads are all open. (Local NGO official, 50s, male, Juba)

Freedom, people move freely without any disturbance. (Local NGO worker, 40s, female, Rumbek)

Personal security has changed. Freedom of movement is greater than before. Before, there was only one army [SPLA]. You could be accused any time that you were

\(^3\) That is, a government security official would have been present to monitor the interview.
not supporting them. Now other parties are coming up. (Sudanese, international aid worker, 30s, male, Juba)

People are not afraid – in those days, you could hear of a commander harassing people in the village. (NGO official, Kenyan, 30s, male, Rumbek)

Before the CPA, there were a lot of men moving with guns, now there are only those on duty or guarding someone very important. … The torture centre is no longer in use. (Local NGO official, 50s, female, Juba)

No more bombs. [Points to part of the compound] – Over there used to be an air raid shelter. (Teacher, donor country, 50s, Rumbek)

Many northerners were not personally affected by the war in the south, but the CPA marked a time of great change for the whole country.

The war – we didn’t feel it, it happened between the government and others. Maybe the generals in the south felt it. (Lawyer, 20s, female, Khartoum)

9. Women’s rights, safety and access to services were improving, but power-sharing was often just on paper.

While more women were aware of their rights than several decades ago, it would take a long time for society to allow them equal opportunities. Some old hands saw progress in access to and interest in education for girls, while others bemoaned the lack of interest from families. Women’s votes would be crucial in elections and many would be first-time voters, ripe for the picking by savvy political parties. Some felt women would vote for the party supported by their husband, or that poor women would be bribed by unscrupulous politicians.

Power-sharing for women in GOSS is only on paper. When it comes to domestic life in the south, in north Sudan, in offices, it’s a different story. It puts women off returning. Violence against women has reduced, most of those returning from refugee camps have an understanding of their rights thanks to UN programs. But men won’t accept to be under a woman, except in UN organisations and parliament. (Sudanese, international aid worker, 30s, male, Juba)
Treatment of children and women is changing very slowly. Women bring in the money, from restaurants, as tea ladies, while men are wandering, doing nothing. It is not easy to change, unless it happens by force. Men are stakeholders in this and they don't need this change. Child rights, women's rights, human rights are available but they are not applied generally in south Sudan, even in the north, they are not applied, but you can see a little bit of respect for children. (Local NGO official, 50s, male, Malakal)

During the war, women were raped a lot in the fields by soldiers, including children [young girls]. These days the women are not coming here telling us about rape like that. During the war, women planned shops in town and opened eight in town, but they had to close down as merchants made the wholesale prices very high [to keep them out]. (Local NGO official, 50s, female, Juba)

There is a huge reluctance to have girls in school for more than a year or so. Here there is no openness to girls' education. It is my personal opinion there is no political will to do this. There was a changing role of women in the war, a new independence among women, but men expect things to return to the way they were. (Teacher, donor country, 50s)

They are eager to go to schools, even the girls, where in the past they had to be pushed. (Senior church official, Malakal)

In the last federal election, in 1986, more than 68 percent of voters were women. Any party that wants the president from [their group], they must target the youth and the women. (Federal politician, female, Khartoum)

The issue of women in Sudanese government is not clear - it's cloudy. In addition to that, the women are vulnerable to being bribed. The war left many women in Sudan with no husbands, and they are having trouble meeting their daily needs. The government can pay those women to vote for them, they will not refuse. Twenty-five percent of Sudanese women vote for the party their husband votes for. (University student, 20s, male, Khartoum)

10. Children and youth had the potential to change life in the south, but only if they get the opportunities they need. Child soldiers were particularly at risk.
Students are very serious, very slow to trust. They have been traumatised by the war. (Teacher, donor country, 50s)

There is not a proper program to help child soldiers, it is just on paper. There are thousands on the street, some are glue-sniffing and no-one is doing anything for them. This is a big problem in Juba, but every state has that problem. (Sudanese, international aid worker, male, 30s, Juba)

It’s a big issue, almost 10,000 child soldiers are in the community now [September 2007]. Another 35 came this month to Malakal. Their experience is of killing, if they mix with the street children, if they mix their experiences, it will become a big problem. (Local NGO official, 50s, male, Malakal)

In southern Sudan, the term 'youth' can refer to people up to 45 years of age. Some feel ignored despite their qualifications, with jobs going to the well-connected.

Elders are distributing jobs to themselves, leaving [out] the youth. Youth should be given the opportunity – smaller opportunities. Instead people think if I have other relatives, I can fit them in, leaving out those youth that are qualified. Most of the youth work for the private sector or NGOs. The future belongs to us, they should also make us part of it. [Manager, private sector, 30s, male, Juba]

Political parties needed to recognise the potential among the huge numbers of young first time voters.

This is the first election for the youth and they are more than a third of the population – who will they vote for? Anyone who wants to be the president must work with the youth and the women are also the good card for any party. (Federal politician, female, 50s, Khartoum)

11. It's a long road home for refugees and internally displaced people. While it's great to be back, life is far from easy. Services may not be as good as where they were, and there may be resentment from those who did not flee Sudan.
One of the most beautiful things at the airport, in the street, is seeing people who have just seen each other for the first time in years – it makes me want to cry. (International NGO official, donor country, 30s, female)

There are sizeable communities, most important are those from Kenya, Uganda and Democratic Republic of Congo. They are coming with practical differences, including economic relations, the type of beer they drink, the food they eat, the clothes they wear. The SPLM learnt this diversity to their amazement, people just won’t be ordered around. (Academic, 50s, male, Khartoum)

IDPs are struggling more than returnees. Refugees were exposed to education, technology, other cultures, more opportunities. The IDPs had to hunker down. The schools were out, the towns had to shut down. Many IDP women’s husbands were killed, so they are very vulnerable households. No skills, no literacy, no numeracy. (International NGO official, donor country, 30s, female)

People in camps for 10 or 20 years, especially the young ones, have very high expectations that they will receive the same treatment here. A high degree of dependency was created in camps, people coming back expect food assistance every month, schools etc. (UN official, donor country, 40s, male, Malakal)

There are perceived threats to culture, such as girls wearing trousers. They introduced morality laws targeting women in trousers or riding bicycles, although NGO women could wear loose trousers. (Teacher, donor country, 50s, Rumbek)

The people who have been outside and came back, they behave like Westerners and here we are very traditional, so there is a lot of confusion now, even in the families. You could not just bring your boyfriend and introduce him to your family and say you are going to a nightclub. The way people dress, open shirts and clinging clothes. This is why I am saying the crisis of peace is more than the crisis of war, because we are getting lost now. (NGO official, 40s, male, Malakal)

Returnees from the north and from outside Sudan have had different experiences in other ways. Many know nothing of Arabic language or northern Arab culture, except that 'the Arabs' were the enemy, while others understand Arabic and are familiar with northern culture, but have no experience of the landmines planted throughout the south.
Some people who came back are not used to Arabs. It looks like the hatred has gone so deep that … anyway, we hope for the best. (Senior church official, Malakal)

IDPs face this problem: those from Khartoum don’t know land mines, but those from Kakuma [major refugee camp in Kenya] and Ethiopia know already. (Sudanese UN worker, 20s, female, Malakal)

Even professionals returning after years in Europe, North America and Australia have to take time to adjust.

Khartoum has changed and everything has changed. I’m learning, really I’m learning, because there has been so much change. The newspaper or internet, it’s not like being with the people. (Federal government minister, 60s, male, Khartoum, spent war years abroad)

12. Putting a war-torn region back on its feet is a slow process, and the United Nations, donors and international aid agencies have not met the expectations of southern officials and the community at large.

Many participants have spent years living in refugee camps, or were otherwise highly dependent on aid, and know all about the delays and the shortfalls in food and resources in emergency situations. Now the south is in rehabilitation and development mode, they expect faster service delivery and more say in how resources are spread around. In 2007, many participants, including UN and NGO staff, were worried by slow provision of pledged funds by donors and delays by the World Bank in releasing money from the Multi Donor Trust Fund (MDTF).

The UN spending most of their time administering their own things, going from meeting to meeting. I don’t see them doing anything, why are they taking so long to help people? (Businesswoman, 40s, Juba)

One of the things threatening the CPA is the donors – until now, they didn’t pay what they promised. (University student, 20s, male, Khartoum)

I am not happy because the funds are not enough, in every meeting we face this problem. (UN official, donor country, 30s, male, Malakal)
The Multi Donor Trust Fund have not given the south anything to do the development, they have not paid anything until now. (Local NGO trainer, 20s, male, Rumbek)

The Multi Donor Trust Fund consists of $2 from government for every $1 from donors. It belongs to government, not the World Bank, even though the projects are approved according to World Bank regulations. It's not up to anybody's expectations. Service delivery is far from expectations, and far from matching the expected peace dividend. The MDTF was a big mistake because you never see the World Bank doing quick implementation. A double mistake was to put in the World Bank and to expect a 'baby state' to implement quickly. (International aid official, donor country, 40s, male, Juba)

It's not just the UN that attracts criticism, NGOs also have their critics. Participants want to see more NGOs living and working in remote areas where the need is great, rather than driving land cruisers with aid agency logos up and down the streets of southern towns. The high turnover of expatriate staff is detrimental to efficient delivery, while Sudanese are still not in decision-making positions.

The NGOs are destroying this place, they are coming in with money, creating a culture of dependency. There is a massive turnover of NGO staff – a new person every few weeks, then programs get scrapped. (Teacher, donor country, 50s, Rumbek)

NGOs change [expatriate] staff every day and they come in and ask the same questions and ask for the plans [over and over again]. (International aid official, donor country, 50s, female, Juba)

There are more than 40 NGOs here and I am not happy with the way they are working. Some come in and out [of remote areas], distribute non-food items, then come back to the town. You cannot really feel the same feeling they have in that area. You need to stay for some time so you have access to their feelings. Some are doing well and they respond. If the whole area is secure, what stops them from making some tukuls and getting some local staff. They are moving up and down in these beautiful cars. ... Emergency situations differ from normal situations, assessment is not necessary. Donors bring that rule of assessment when people cannot wait, when they are in water [flooded],
when they are in desperate need. Make it urgent. If you hear that people are in water, we have the helicopters, boats, everything, don’t wait for two to three months. We lost seven people in the floods because of these delays. Why should we let people die if we have some things to give? (Senior southern relief official, 40s, male, Malakal)

NGOs seeking community participation in their projects may find it hard to get local people involved

*It is tough to get the community involved in Melut. It was easier in the bush.* (International aid official, donor country, 30s, male, Malakal)

Locals working for international NGOs mostly get Sudanese, not expatriate, wages and working conditions. It's not that easy to find a job, and when you do, relatives look for a helping hand financially.

*Sudanese nationals are not exactly – they don’t get the same remuneration as [overseas] experts, even if Juba is not your home town, even if you are delivering the same quality of job.* (Businesswoman, 40s, Juba)

Once you have a salary, any man working for a foreign NGO has 20 to 30 people on his back. This is typical in African society changing from traditional. (International aid official, donor country, 40s, male, Juba)

13. **Attitudes varied to workers from neighbouring countries. Some thought they were taking jobs, others recognised the skills and services provided and noted the high cost of purchasing goods locally.**

*Everything is this office is from Nairobi and even that's expensive. The markets are full of Ugandan produce, the [expensive] JIT supermarket stocks groceries from India. The first wave of foreigners was Kenyans, then Ugandans, Eritreans, Ethiopians. The Ugandans are casual labour, the Ethiopians run camps and restaurants.* (International aid worker, donor country, 30s, female, Juba)

*There is a lack of tradespeople, most are Ugandan, Kenyan.* (Sudanese, international aid worker, 30s, male, Juba)
We need more foreign companies. Let them start and after a while we can tax them. (Lawyer, 60s, male, Juba)

Security

14. Security is a major concern, particularly outbreaks of fighting or the enduring threat of land mines. Participants warned the government must pay the army on time, and ensure 'non-official' guns⁴ are rounded up to prevent violence.⁵

Security is better, we're not worried about bombings, but there are a lot more troop movements. We work in an oil area, we are watching the political situation. You've still got to be very careful about what you do, you can't just go cartwheeling around. (International NGO official, 30s, male, Malakal)

For the coming years, there will be low-level insurgency with very isolated incidents. The transitional areas and the oilfields will display the majority of these incidents. Jonglei and Eastern Equatoria will remain the same.⁶ (International aid official, donor country, 40s, male, Juba)

Malakal security is okay now, but before it was not okay. You could not move from 8pm on foot because these militia have guns, by that time they are drunk. Boats could not come freely from Kosti [northern river port] without being stopped, but they can arrive now at 2am or 3am and no-one will stop them. SPLA put people along the river. (Sudanese UN worker, 20s, female, Malakal)

There are still people fighting, killing each other because of cattle. (Local NGO official, 50s, female, Juba)

Take the payment of salaries. Soldiers – their work is just to say yes, but there were riots last December [2006]. It's a failure in leadership to let people cause mischief between each other. If the soldiers are well-treated, most of the problems will disappear. (Business manager, 30s, male, Juba)

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⁴ Weapons in the hands of private citizens, whether cattle herders, or former soldiers or militia.
⁵ Security has deteriorated significantly in some areas since these comments were made in 2007.
⁶ By 2009, both Jonglei and Equatoria were experiencing serious conflict.
Any civil servant was once a soldier and has got his gun – these have not been collected. This issue of security makes even the judges fear. (State politician, 50s, male, Rumbek)

In Upper Nile, generally we have land mines. Some teams are working on this. Some just mark the area. Even if you are two to three kilometres out of Malakal, there are mines. (Sudanese UN worker, 20s, female, Malakal)

The Ugandan rebels [Lord’s Resistance Army (LRA)], they still disturb people. Up to now, Sudanese are still in Uganda because of those people. (Local NGO worker, 40s, female, Rumbek)

Some participants questioned the role of the Joint Integrated Units (JIU) introduced through the CPA. Others spoke up for the former fighters for the SPLA and other forces who returned from years in the bush to an uncertain future.

Should people vote for a united Sudan, the JIU would be the basis for a united army. We need to assess whether the force has a role in the future. Even those in it are not convinced, each is trying to keep his own arsenal closer to his chest. (Lawyer, 60s, Juba)

We don’t want to throw them [war veterans] away, we want to see where are they now and their condition. They are being demobilised. We want to put them into civilian jobs with a salary. (Senior southern official, 60s, Juba)

15. Tension and mistrust between different groups is considerable and can easily be inflamed into violence.

The war fostered tensions between northerners and southerners, providing fertile ground for distrust and rumours.

There were always northerners here living with us in harmony, it was only the war, some of them became informers for the north. I don’t think that southerners are trusting northerners or northerners are trusting southerners. Many people lost their relatives, properties. It will take a longer time. (Senior church official, Malakal)
At one point, people were afraid to drink Stim because it came from Khartoum. These people here haven't yet started to engage with the Arabs. I don't know what will happen if an Arab girl comes to our school asking for admission. The environment here is so hostile to Arabs. (Teacher, donor country, 50s, Rumbek)

The GNU is encouraging militia and continuing to train and send them to the south to cause trouble. This is why we say it is difficult to live with the Arabs and Muslims. (State politician, 50s, male, Rumbek)

They [GNU] are bringing people here under the guise of traders, probably they are soldiers, they could do terrorist activities. (State government minister, Rumbek)

The people from south feel they are strong now and people from the north are afraid to interfere. Until now, there is no trust between north and south. The people from the north think the people from the south cannot manage their share properly. Even me, I felt it when I went to Juba. (Nuba Mountains NGO worker, 30s, female, Khartoum)

Tribal loyalties are strong. The south consists of more than the Dinka, Nuer and Shilluk; as the largest tribe, the Dinka attract a lot of criticism.

Southern tribes have a traditional structure, also a characteristic of the Sicilian mafia. They don't like the other tribes. Dinka are particularly stigmatised, conversely, the Equatorians say the Nuer behave properly. In late 2005, Dinka started being beaten around Nimule/Yei and started moving back. (International aid official, donor country, 40s, male, Juba)

The [Southern] President is a Dinka. Corruption starts from the top. Most of the ministers are Dinka and employ their own people. It is a problem. They must be able to perform their duties and eventually will be replaced. (Business manager, 30s, male, Juba)

People are saying Dinka have all the jobs, but if you are a Dinka now, you cannot get a job. Most of Dinka went to bush [fought with the SPLA], they are taking the senior positions because they went there first. The Dinka finished a lot of degrees. (Sudanese international aid worker, male, 30s, Juba)

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7 Carbonated apple juice made in Khartoum.
People for a long time, even in Sudan, made the mistake of not seeing the diversity in the south. It is not just 'the south' – there are so many ethnic groups, some may be closer to northern Sudan than to the south. If you don't recognise this, you will miss many points. (Academic, 50s, Khartoum)

Civil society in Sudan really needs a lot of work. We are still clan and tribe, we cannot help someone we don't know. Street children are seen as a different world, yet they are Sudanese citizens. (Sudanese UN official, female, 40s, Khartoum)

The war created a new division, between those who left Sudan and those who stayed behind.

Those who went out made the peace agreement. Those who were inside were working with the government and had more experience and they are not being given much chance. The south belongs to them all. They fought war in other ways, gave information about soldiers' movements, fed the southern [rebel] army with grain, cows and fruit. Those who were inside were bullied so much, we feel they were also fighting. They were looking after the old, weak and young who were left behind. (Retired southern police official, 70s, Juba)

There are two Rumbeks, those who stayed and those who fled and returned. People resent losing their jobs. They say 'you didn't run from the Antonovs'. Jobs have to be divided or there are serious fights. (Teacher, donor country, 50s, Rumbek)

People shouted for SPLA when they first came, but that momentum is now down. Some people who came from outside say those who stayed inside betrayed – call them mundukurus. 'We fought in the bush while you were here in the Sudan'. People cannot get positions because they are considered not part of the struggle. (NGO official, 40s, male, Malakal)

Whether you studied in English or Arabic is also politically charged.

Most of these people who came from abroad, they speak English and English seems to be one of the ways of categorising people. Even in some meetings, people say

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8 The Sudanese Air Force flew Antonovs on frequent bombing raids of the south during the war.
9 Foreigners, white people.
'don't speak in Arabic, speak in English' but English is not our language, Arabic is not our language, we have our own languages. So this is one of the ways people are discriminating. (NGO official, male, 40s, Malakal)

16. The lack of resolution on Abyei, the Three Areas and related border issues could only lead to trouble.

Abyei will be the Kashmir of Africa. There is oil, so the northern government won't leave that place. (Sudanese, international aid worker, 30s, male, Juba)

It is imminent that there will be a war over the question of Abyei. Up till now they are still keeping their troops in Upper Nile, after the deadline. This is where the fighting is going to start. (Local NGO trainer, 20s, male, Rumbek)

People should know where the borders are, but now nothing is coming out. We do not understand really why they can't solve it. There was demarcation during the British time. They only just want to paralyse everything, implicitly they are trying to deceive us, show force at the end of it. (Senior church official, Malakal)

The Abyei problem is a bomb that is going to explode in the future. If they don't [solve] this problem immediately, urgently, it will explode and inflame the war again. Abyei doesn't belong to north or south. The SPLM says it belongs to the south and they want USA to solve this problem, and the government of Khartoum doesn't want this. (University student, 20s, male, Khartoum)

Census, elections and referendum

17. The census was delayed until 2008, but even in 2007 people felt the process may be flawed as part of NCP tactics to hinder free and fair elections.

The importance of the census is to secure proper political representation based on scientific facts. That the south is a minority has been used against us. We want to know how many of us, how many of them. (Lawyer, 60s, male, Juba)

They are sabotaging the census – the office was blown up in Juba [March 2007]. (State government minister, Malakal)
18. Participants were positive about the future and the possibility of better services; however, they recognised that it is one thing to talk about development, and another to ensure the funds and skilled people are there to make it happen.

*The national government only brings the salaries, not development money.* (Local NGO trainer, 20s, male, Rumbek)

At first, 90 percent went to salaries, ten percent to services. Now 70 percent goes to salaries, ten percent development, 20 percent to services – but this caused a row. The Multi Donor Trust Fund money has not come. It is controlled by the World Bank, and to release it is not easy. (State government minister, male, Rumbek)

*It takes time to bring changes in this country because of the geography, the logistical challenges and the rate of funding.* (UN official, 30s, male, Malakal)

*The basic needs are health, education, communication, roads. These are all the things that need to be done better. Education is not consistent, it had been politicised, and this will have implications for the future generation.* (Priest, Equatoria)

One education coordinator, on being told to find places for a further 60,000 children in primary schools, said 'We have filled all the classrooms and we have no more trees'. (Teacher, donor country, 50s, Rumbek)

UNICEF set up an internet cafe. People came more or less straight from the cattle camp, don't even know English but start to use the machines. Also text messages – if you show somebody something once, they can do it. (International NGO official, donor country, female, 50s, Juba)

Training and trained people are in short supply. Expectations of what constitutes regular attendance at work or timeliness vary greatly. Infrastructure is needed just as urgently as personnel.

*We lack manpower, the doctors in particular. Drugs are not enough, the hospitals are not fully equipped, we lack an x-ray.* (State government minister, Rumbek)

*There is so much reconstruction going on, but no trained people. A plumber puts up a water tank but it doesn't work. The lack of knowledge on these things means that progress is slower than it needs to be and this goes for all sectors.* (International NGO official, donor country, female, 50s, Juba)
There are no good hospitals, those few that are set up have no facilities. (Local NGO worker, 20s, female, Rumbek)

It’s about work being a place you go to, do something and leave. People think they are the office. All the others just come and hang, chairs disappear from the office for people hanging around. (International NGO official, donor country, female, 50s, Juba)

The roles of the field partners are not clearly defined, there are no guidelines and this is one of the challenges. Sometimes the interests of the donors may conflict with those of the government, for example, building permanent buildings. Donors may only support the services, but government wants them to build some permanent buildings for future use. If it is not in the budget, it is difficult to create the budget. Your budget may only be for NFIs [non food items]. We want infrastructure, not just services. (Southern senior official, 40s, male, Malakal)

Some regions are more advanced than others.

In Equatoria in all counties development is going on well. In Upper Nile, some areas can’t be assessed. For example, we know there are floods but we can’t reach where the IDPs are. In the rainy season, it’s just cut off. People stay here in Malakal. To develop these payams, the most important thing is the road, to connect people to the country. Some areas are totally mud that would be a one hour drive in dry season. (Local UN worker, 20s, female, Malakal)

19. The political parties, especially the SPLM, had much to do before any elections. There was a real possibility of fighting around election time.

The government and the SPLM must make people aware of peace culture. They must take off the ideas of religion from Sudanese minds – Muslim or Christian, it is up to the individual. The international community must press the government to stop the militias, because these militias are threatening the CPA. (University student, 20s, male, Khartoum)

GNU wants to keep other army groups in the middle so they can cause trouble. If southerners fight each other, elections and referendum will not take place. Then extra
years can be added to the process. They are just buying time. (Sudanese, international aid worker, 30s, male, Juba)

Donors just think of elections, but an election is not an event by itself. People have to understand what democracy is before they go to an election. (Sudanese UN official, 40s, female, Khartoum)

The majority will not come to vote. It's not compulsory to vote. (Another university student, 20s, male, Khartoum)

An election is a game, if you play it well, you can get what you want. (Federal politician, 60s, female, Khartoum)

Some people still think they might try to buy the weak ones’ votes, because there are so many poor people here. (Senior church official, Malakal)

The government have money, so they may attract some people to vote. This election in 2009 will not be fair. (Nuba Mountains NGO worker, 30s, female, Khartoum)

People in the countryside say 'We don't care what happens in Juba [who is in government] as long as there is no shooting. (Lawyer, 60s, male, Juba)

Some were ready to predict election results, suggesting that the SPLM would do well outside its traditional areas, or that the smaller, new parties could pick up votes among those disenchanted with the NCP, Umma and Khatmiyya. If fighting prevented Darfur taking part, the whole process would be flawed.

Hassan Al Turabi will be redundant in the next phase. People are fed up with religion in politics, much cry, little wolf. They can't eat Islam, they want bread and medicine. The mood will change ahead of the elections. The SPLM will win a lot in the north and lose a lot in the south. Mirghani and Sadig Al Mahdi supporters are in marginalised regions, and the SPLA platform is more appealing. The grassroots that supported the National Islamic Front (NIF) in the 80s, hoping for free health care and education, got nothing and are disenchanted. The NIF's Islam is quite alien to the average Sudanese person. There is a romanticisation of the SPLM in the north, but in the south the SPLM has committed a major error by alienating those who remained in the south during the war years. SPLM will lose in the south, even within the Dinka. Bor,
Rumbek will be strong, but the rest will go back to their ethnic majority. (Senior analyst, 60s, male, Khartoum)

The SPLM has gone around a bit, but we still have to do a lot of political work. Damazin, Gedaref, Kassala, even Halfa and extreme northern Sudan, there is an overwhelming number of marginalised people that are not happy with this government or any government that has been in Sudan. ... It is supposed to be a national election, but if you cut away Darfur, there is no point, it is meaningless. (Federal government minister, 60s, male, Khartoum)

These small parties can make the change in Sudan, because the old parties are very old and dead. The change will come from these small democratic parties. ... There are the young people who are very angry with everybody. There are some people who support Umma but are not members. Sadig expects everyone to vote for him, despite all the changes in the country. Garang is a great historical leader, but great man or not, even if he was alive now, he would have to confront the dynamics of change in SPLA itself which we are seeing now. (Academic, 50s, Khartoum)

20. There was little support for a return to war. Many southerners thought the NCP would try to trick them into fighting before the referendum – they would fight again if they had to, but there was no enthusiasm for another protracted bush war.

People should not go to war again, in my opinion, when there is the option of talking. (Southern government official, 50s, male, Juba)

People are tired of war. The army won't have the morale. The world has changed from 80s to 90s, you can't have the willpower again. (Sudanese, international aid worker, 30s, male, Juba)

People are tired of war, the fighters are tired. Now oil production has started they are thinking about development, especially people from the south, if they get their share of resources. (Nuba Mountains NGO worker, 30s, female, Khartoum)

It's possible it's going to happen. (Business manager, 30s, male, Juba)

I don't hope for war. If you are a military man, you might see the way to resolve these things as by taking arms and going back to war. (Priest, Equatoria)
War wouldn't last long. The northern troops are not out of the south yet. Southerners in the Sudan Armed Forces refused to go back to the north, they were given leave without pay. They don't want to go to Darfur or another war. In the end, the CPA south-north dialogue will be like the Western Sahara development. (State politician, 50s, male, Rumbek)

I've seen a lot and I'm ready to fight again, because I don't want to leave my children under Arab domination. The only way out of it is for the international community to bear pressure on the Sudan Government so as to respect the conditions of the CPA. The northerners want Sudan to be an Arab country, which we will never allow. (State politician, 60s, male, Rumbek)

The freedom cannot be bought in the market. That's why I've been fighting for 40 years now, because I want to liberate my motherland so my children will be free in my motherland. (Senior southern official, 60s, male, Juba)

War is a mentality, it's a siege mentality. You dismiss reason if you are prosecuting a war. People who have been fighting a war for a long time are always suspicious. The capability of the Sudan Government has been destroyed, and they cannot restart a war. If you go back now to north Sudan and want people to start a war with south Sudan, you will not find anyone who is willing to fight – it's the same with the SPLA. (Lawyer, 60s, male, Juba)

The intention of the north is to let the country go back to war. It won't be 20 years, just a matter of a few months and everything will be finalised. For us, we know the whole south is in our hands, and our people are fully mobilised to defend our borders – and it is we who will decide what the borders are. (State government minister, Malakal)

The thinking of the people is becoming a little bit of the line of peace. For example, the Salva Kiir death rumour, in the past, could have caused big problems. That's a sign for good thinking for the future. (Local NGO official, 50s, Malakal)

There are some people now who still want to make fighting. Northerners are giving people money to create problems and stop the peace, for example, the rumours of Salva's death. Really there is no need to start the war again, we are in peace now. The war cannot give us anything, it is better to make peace and build our things. (Local NGO official, Malakal)
The war is going to be in Sudan again. The coming one will be more dangerous than the previous one. The SPLA is now in Khartoum. The war is not going to be in the south, it is going to be in the centre and that is very dangerous. The war will not flame again if the international community intervenes to solve the problems between government and SPLM and between government/SPLM and opposition parties. (Another university student, 20s, male, Khartoum)

21. Participants look forward to the referendum, but some seem unsure what they are voting for. Many seem reluctant to indicate how they would vote until nearer the time. Many southerners said it was up to the national government to 'make unity attractive'.

The referendum is the political landmark we are all swimming to. We need to mobilise people to recognise their right of self determination. It all depends on who we elect to prepare for this role [ie, the next president]. (Lawyer, 60s, male, Juba)

People think it means 'do we want independence?' John Garang's vision was not about independence. People don't understand what they would be asked to vote for. (International NGO official, donor country, female, 30s, Juba)

Southern Sudanese have been with the north for quite a while, and the common man has seen a lot of what northerners have done. The experience they have had here, the common man will not accept it. (Retired southern police official, 70s, Juba)

The majority of people in the SPLM felt if they had been given a choice they would have broken away and gone for total separation. An observer [at the CPA negotiations] said: 'Look our delegation was arguing that the referendum could have been held two years after the signing. This six years is not intended for southern Sudanese, it is intended for your adversaries to convince southern Sudanese that unity is possible, to work miracles'. (Lawyer, 60s, Juba)

The northern government is not doing enough to show us they have become good people. (Sudanese, international aid worker, 30s, male, Juba)

The tendency is to separate. Some people think enough is enough. People are divided in their opinion. They should make unity attractive. We should be equal. (Senior church official, Malakal)
We will go for the referendum; the majority of southern Sudanese are for separation. (Business manager, 30s, male, Juba)

We cannot accept to be one country again. (IDP, female, Rumbek)

It is not fixed in my mind that it will come to a referendum – I hope. It is not fixed what will happen, this will be decided at the referendum. (Priest, Equatoria)

I very much doubt that referendum will take place. (State politician, 50s, male, Rumbek)

I doubt whether we will reach that time, but if we reach, people will confirm the system. We have our own army, we have our own bank. One country, two systems. People will go for a separate Sudan. If they resist, people will go for war again but it will be different because we are now controlling the south. (State politician, 40s, male, Rumbek)

If we [GOSS] don't make it attractive [separation] it will not happen. In the streets, people say 'if these people continue with corruption, we will remain with the Arabs'. (Local NGO official, 50s, male, Juba)

We cannot tell you at the moment, we will decide at the time. (Local NGO trainer, 20s, male, Rumbek)

More southerners will vote for [separation] in the referendum because they are uneducated. Many were taken to Khartoum by soldiers to serve in peoples' homes. The CPA stopped fighting, but there is another war that didn't stop – I mean the war that is inside the southerners. Their feelings, they feel that the northerners are colonising them. And many of the Arabs, they don't like southerners because they feel that they are blacks – slaves. They feel that these southerners must serve in houses and work only in bad jobs, and not be in respectable jobs. (Another university student, 20s, male, Khartoum)

I have no doubt the referendum will be passed by over 80 percent. It will succeed not because people really like the idea of a government of their own, but because it will put a full stop for the government of north Sudan have anything to do with us. (Lawyer, 60s, Juba)

22. The future for the south is bright, once the hurdle of the referendum has been reached and cleared.
Participants felt southern Sudan had a bright future ahead, but they were also concerned that the national government would not make separation easy. International bodies such as the UN should ensure that the CPA and referendum were implemented without bloodshed.

*Despite the difficulties, I expect southern Sudan will develop very, very quickly once things get started because they accept change, they don't have the same complexes as the north.* (Businesswoman, 40s, Juba)

*Garang said Sudan will never be the same again. South Sudan has never had any freedom, and now we have the chance to do things by ourselves.* (Business manager, 30s, male, Juba)

*The blacks, the Africans, are the majority if they really open their eyes. They [GNU] will try to cause problems, but if it is properly monitored by the UN ... the UN should be more serious than this.* (State government minister, Rumbek)

*One thing we are sure of, we will not start a war, we want the north to start. We want to do it [separation] peacefully through referendum. There is no chance to stay together.* (State politician, 60s, male, Rumbek)

*The future will be determined in 2011, I cannot say now. We don't want the CPA to be interrupted. If the world is happy for war to start again, they will keep quiet.* (Senior southern official, 60s, male, Juba)

*This is what is at the back of our thinking, it is better to work alone. This question of a united Sudan is going away from the thinking of the people. We just say goodbye to them.* (State government minister, Malakal)

However, separation will bring new problems. Northerners find it difficult to believe that separation could actually happen, suggesting it will be sorted out at the last minute 'in the Sudanese way'. And what happens to southerners living in the north for decades, who have children studying at universities, who own businesses and homes?

*How to remove southerners from the north? You can't do it. It's a shame that John Garang passed away. I just want to belong to the whole Sudan. Now we are silenced, we don't have room for the debate now. The separatists are now talking, but the unionists are not there.* (Sudanese UN official, 40s, female, Khartoum)
People from south and north Sudan don't want to be separate. We are one nation. I would be sorry if we go separate ways, as we are completing each other. (Lawyer, 30s, female, Khartoum)

If they try to separate they will be in a very bad situation, the north is bigger and most of the [resources] are in the north. (Federal politician, 60s, female)

For the future, Sudan will remain as one. It's better to remain as one country, because we don't have enough resources. If you want to be independent, you should have resources. (Local NGO official, 60s, male, Malakal)

23. The future for Sudan as a whole is difficult. Some see a united country, some believed the south and north will split, but no-one expects the process to be easy, especially for the Three Areas. And what about Darfur?

I see no prospect of this country staying as one. There could have been a possibility if John Garang had stayed alive, he could have ruled the country. Even Salva is not popular enough to win a landslide vote across the whole country. (State government politician, 60s, male, Rumbek)

Why did Sudan Government reach an agreement? On two wrong assumptions, that they would be in a position to escape the referendum by putting obstacles such as civil war, fighting. Their second assumption is that they still have power to move events. They do not know how deep we [SPLM] have gone into Darfur, Funj, Nuba, East. (Lawyer, 60s, Juba)

The fundamentalist Islamists and the extremist Arabists are pushing the south to separate, because they think with the separation of the south, this fundamentalism will strengthen its grip on the country. They are in the NCP, and they are working against strengthening the unity of the country. (Federal politician, 50s, male, Khartoum)

The northern government will lose Darfur before south Sudan. We want to wait for our referendum. Darfur will go before south Sudan, and then no-one will ask questions about Abyei. What is happening in Sudan is just what happened in Yugoslavia, even a replica of it. (Lawyer, 60s, Juba)

The international community is influencing things inside Sudan. The result of the coming elections, if it is observed by the international community, the government of
Khartoum will be defeated. If not, they will separate the south and make the north of Sudan a state.

*Separation with peace is better than unity with war.* (University student, 20s, male, Khartoum)

Unity would require real changes in attitudes to the democratic process and genuine trust and goodwill between the different groups. Some thought it more likely that the country would break into several states, reconciling later and reforming as one nation.

*They need to trust each other. Two weeks ago the [national] government searched SPLM offices for weapons. This is actually a breach of this agreement with them. We need them to trust each other, to work for Sudan as a whole.* (Lawyer, 30s, female, Khartoum)

*Unless there is strong decentralisation and real democracy, there is no way to keep the country together, no way.* (Federal politician, 50s, male, Khartoum)

*I've got the feeling that hatred has permeated the society. Even inside the same family, people speak badly about their uncles or nephews.* (International aid official, donor country, 40s, male, Juba)

*We are just trying now to have free and fair elections, if we can guarantee this, we can have a big change in this country.* (Senior analyst, 60s, male, Khartoum)

*The united Sudan, if it is going to be a proposition at all, it will be after Sudan has been destroyed. Each will come from his own house to that place bringing his own tray to share, full of water, full of things to be eaten, to that Ramadan breakfast.* (Lawyer, 60s, Juba)

**Conclusion**

The CPA has injected new life into political and community discourse about Sudan, in particular the south. After years of war, people had begun to discuss future plans and aspirations rather than focusing solely on day-to-day survival, and therefore it is not surprising that in 2007 the peace agreement was spoken of in positive terms by participants.
To those who had spent the war in the bush, in refugee camps or in government-held garrison towns, the peace dividends were clear. Participants were enjoying the freedom to move around town or countryside without facing problems from soldiers or other armed groups. They were making the most of the chance to express opinions and mix with people as they wished. In former SPLA areas SAF bombing campaigns had ceased, and air raid shelters were no longer required. However, security remained a major issue, and by late 2007 areas such as Malakal had experienced fighting between rival groups, with major conflict in Abyei in May 2008. Participants had expressed concerns about fighting in such areas, and, unfortunately, their fears were justified. In Equatoria, people faced harassment from the LRA. The past widespread use of land mines continued to pose problems throughout the south; while people noted the presence of deminers, they also recognised it would take a long time to make the roads and countryside safe.

The performance by GOSS was generally seen as positive, with participants from the south delighted to have their own semi-autonomous government. The concrete benefits of peace, such as improved infrastructure, were taking longer to materialise, especially outside Juba. In a country devoid of infrastructure, development was always going to be a slow process, and this was frustrating for participants, who were unhappy about this, with some more willing than others to accept delays. Those returning from outside Sudan believed they had better access to schools and clinics in the long-established refugee camps in Kenya and Uganda. Internally-displaced people returning from northern Sudan may have lived a marginal existence on the fringes of cities such as Khartoum, but the journey back to the south was also very tough, and there was little available in their home areas. However, all valued the sense of freedom. Funding shortfalls and delays were attributed to the national government and, to some extent, the international community, with many certain the NCP was doing everything it could to frustrate the CPA process. Participants from both north and south saw the NCP as blocking full and proper implementation of the CPA; however this was not raised as an issue by NCP supporters.

Delays in service provision fuelled gossip and rumours – whether based on fact or fiction – of corruption and tribalism. Some participants were concerned that the Dinka were dominating politics and employment, while others claimed the group was unfairly
targeted, as people did not take into account the fact that the Dinka are the largest tribe. Participants noted that those who had fought with (or led) other armed groups, such as Riek Machar and Paulino Matip, had received senior positions in GOSS, notwithstanding that at times they had fought against the SPLA. This was hard to accept but a necessary part of the peace process, they said.

Strong leadership was seen as vital; however participants did not comment strongly either way on Salva Kiir and other southern leaders, noting simply that they were performing their job under tough circumstances. In the national government President Bashir and the NCP were not seen as a positive influence – and this was before Bashir's image was further damaged by the International Criminal Court charges. While most southerners would like a national southern leader, few participants thought it likely the north would accept a southerner as president, whether or not a Muslim. Salva Kiir did not have the same following as John Garang.

There was great uncertainty about Sudan's future post-2011. Many felt the CPA had not gone far enough, leaving vital issues such as the future of Abyei and the Three Areas up in the air. At the time of the survey the census was facing delays, and participants were uncertain that it would be accurate even if it went ahead. Participants were equally unable to visualise elections and the referendum, with many reluctant to indicate whether they would vote for separation or unity until the vote was near. Having agreed to the six-year waiting period in the CPA, some participants felt they must consider unity as a real option. Many saw it as the role of the national government to make unity attractive and while they may not have revealed their voting intentions, separation was a real option for many.

Those pushing for unity were more likely to be living in Khartoum, though not necessarily northerners. They felt the consequences of splitting the country would not be positive for many, and while it was feasible to dismiss the north from the south, it would be almost impossible to remove the south from the north. Some northerners who had not been personally affected by the war spoke about Sudan's future unity in a way that was the complete opposite of most southerners, suggesting the north and south belonged together, and it would all be sorted out at the last minute 'in the Sudanese way'.
All participants anticipated further outbreaks of fighting, with most holding the UN and donor countries responsible for keeping the national government to the letter of the CPA, as these groups had pushed the peace process and witnessed the signing ceremony. However, most said there was no desire to return to war, the fighters had had enough of it and the SAF, SPLA and other groups would have trouble recruiting sufficient troops for another protracted bush war. Some of those who said they were ready to fight again were either beyond fighting age or had not taken an active role as soldiers in previous wars.

In conclusion, participants were generally positive about the situation at the time, while extremely wary of what the future will bring. They expected further outbreaks of fighting around elections and referendum, and believed they would need international support to ensure a fair outcome. If separation was indicated, they forecast particular problems in the Three Areas, but did not anticipate outbreaks of fighting in Jonglei, or to some extent, the resurgence of the LRA. Respondents demanded a relatively high standard of both service delivery and transparency from GOSS, and will continue to foster an increasingly vibrant civil society. The NCP were seen as spoilers and there was little enthusiasm in the south for continued association with President Bashir and his supporters.
CHAPTER SEVEN

Prospects for post-CPA Sudan: some conclusions

Introduction

The January 2005 CPA drew a line in the sand for Sudan. It marked a fresh start – however shaky – for a nation that for a long time had struggled with its identity and with equality of opportunities for all its citizens. Four years later, in March 2009, a second line in the sand appeared, when the International Criminal Court (ICC) issued an arrest warrant for President Bashir for war crimes and crimes against humanity committed in Darfur. It was the first warrant of this type issued for a sitting head of state. The immediate reaction was predictable – a defiant Bashir dismissed the charges and addressed large and vocal pro-government rallies in the streets of Khartoum. At the same time, 13 international NGOs and three local NGOs working in Darfur and Abyei were given 24 hours by GNU to cease operating and/or pack their bags and leave the country. The UN protested, to no avail. A week earlier, in Malakal, more than 50 people had died in SAF-SPLA clashes sparked by a visit to the town by former militia leader and current SAF commander General Gabriel Tang. Artillery and tanks were used, and it took personal intervention by Kiir's envoy Riek Machar to persuade Tang to return to Khartoum. The bloodshed sent a chill down the spines of CPA supporters, who maintained Tang would not leave Khartoum without the support of the Bashir government, suggesting his Malakal visit and the subsequent clashes had been sanctioned at the highest level. Many believed that ahead of the ICC charges, Bashir had thrown down a gauntlet of his own to southern leaders, signalling they should support him or expect trouble.

This thesis has focused on the period between the signing of the CPA and the ICC warrant, and subsequent events to the end of 2009. It has explored Sudan's prospects of survival as a sovereign and unified state in the wake of the 2005 Comprehensive Peace Agreement. It has looked at aspects of the performance of the national, southern and state governments and at community responses, using a variety of material including
government, agency and media reports, interviews and personal observations. While the CPA brought a long-overdue respite from war for the people of southern Sudan, it also coincided with a redirection of national military resources and, as the south rebuilds, the fighting in Darfur has flamed. The peace in Sudan is far from comprehensive. Tasked with ending the drawn-out war in the south, the CPA did not attempt to address the issues of Darfur or the east. It did not provide a trouble-free path forward for Abyei, Southern Kordofan and Blue Nile, nor did it offer solutions to the problems of discrimination and inequality faced by southerners living in the north – or northerners living in the south – whether Sudan is separated or united. Nevertheless, the uneasy truce has been maintained, and the rehabilitation and development of southern Sudan is underway. A national census has been held – although results have been disputed by GOSS, Southern Kordofan and Darfur's Justice and Equality Movement\(^1\) – setting the stage for Sudan's major challenge: holding elections and referendum without the country returning to war in the south and/or disintegrating into a failed and ungovernable state.

How the coming years unfold depends on factors both within and outside the control of the Sudanese people. 'Constructing a common future requires overcoming sharp political polarisation as well as the ideological, ethnic, or religious divides that remain as the legacy of conflict'.\(^2\) Building a viable nation is the responsibility of all Sudanese, but most especially of the elite power groups in north and south. Whether the south supports unity or self-determination rests largely with the elites in charge of organising government, delivering services and swaying public opinion towards one outcome or the other. The ability of north and south to work together will determine the viability of the nation as a united entity, so the commitment of leaders to a truly united Sudan is crucial. President Bashir and the NCP have yet to convince GOSS and southerners in general that they support the CPA in spirit, let alone in practice. Sudan's relationships with its neighbours, the West, China and bodies such as the United Nations will also play a major role in the way it responds to the challenges ahead. To date, violations of the CPA have not brought either immediate or firm action from the West or

\(^1\) International Crisis Group (ICG), Sudan: Preventing Implosion, Africa Briefing No.68, Nairobi/Brussels, 17 Dec 2009, p.3.

the United Nations. Nevertheless, the ascension of US President Obama and the new government in the United States has led many Sudanese to look to the US for a way forward for Sudan, whether in unity or separation.

This chapter looks at the state of play for this wide spread of issues around December 2009. It discusses how far Sudan has come and the direction and vigour with which it is travelling. Finally, the chapter will explore the ramifications of the ICC action for the CPA and Sudan.

**Governing the south**

The transition from military to civilian rule is never easy, and the path for southern Sudan has been full of obstacles, predictable or otherwise. The SPLA/SPLM faced the task of shifting from bush fighters with an emergency response mentality to builders of a semi-autonomous southern government with permanent office buildings, goals and timelines, and an inclusive, transparent approach that is the antithesis of a battle-hardened guerrilla organisation. As well as getting GOSS off the ground, it was necessary to set up ten state governments and a myriad of other bodies and agencies in a region devoid of infrastructure and devastated by more than two decades of war. Southerners were both optimistic and cautious as they set about these tasks; after all, no-one knows the southern leaders and the vagaries of the southern political climate better than southerners themselves. Less predictable was the reaction to the loss of long-time leader John Garang, the strong man of the south, whose vision of a New Sudan had sustained many throughout the long years of fighting. The ability of the south – and Sudan as a whole – to stay together and continue along the CPA path despite this untimely setback shows a strong commitment to the peace process, and highlights the capacity of Salva Kiir to assume the mantle of leadership despite the odds.

For those who dreamed of a land of milk and honey, the new southern Sudan has been a disappointment. There has been no instant transformation to a region fully equipped with schools, hospitals and clinics, no overnight clearance of land mines, nor roads built in a day. Delivery of services is key to cementing peace and stability in Sudan, to ensuring southerners feel the years of war are over and they are starting to reap the oft-discussed dividends of peace. Security and stability are paramount for delivering and
maintaining services and infrastructure. The SPLM has a long way to go in terms of ensuring security in the south, and just as arduous a journey to make in ensuring a robust and transparent local administration. There has been much hard work, including setting up the southern and state governments and the infrastructure required to keep them running – in the south, even finding suitable buildings for offices has been a struggle, let alone the desks, chairs, communications and computer equipment required for modern administration. Hospitals and clinics face similar issues; schools are conducted in marquees and under trees without chairs, desks and books. However, there have been huge inroads made along the road to development, with demining and road construction providing immediate and tangible benefits for the communities concerned. For example, clearing mines at Lafon airstrip in Central Equatoria would enable construction of an operations base for a wildlife national park, clearing rice fields in Northern Bahr Al Ghazal and near Kurmuk in Blue Nile would assist farmers to grow their crops safely.3 The peace dividend is tenuous and is slow to materialise, but compared to the terrible days of war, the improvements are clearly there.

**Southern leaders**

A number of southern leadership figures have emerged from the war years, but there has been no clear choice other than the incumbent Salva Kiir for leader of the south. He has chosen not to stand for the national leadership position, instead Yasir Arman will carry the SPLM flag. Kiir has had to compete with that most difficult of rivals, the legend of the absent leader, John Garang, the bush commander turned peacemaker who was taken too soon. While the early days of Garang's vice-presidency gave clear indications that the SPLM leader could attract massive crowds in the north as well as in the south, whether that initial euphoria would have translated into votes for national power will never be known. The SPLA's quick action in moving Kiir to the top position assisted in maintaining stability at a time of great tension. In turn, Kiir has shifted his image from rugged bush fighter to that of a serious political leader, easily identifiable by his trademark non-military broad-brimmed hat. Kiir attracted considerable respect for his

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role as a senior SPLA leader during the years in the bush – including his ability to stand up to Garang – as well as the way in which he took on his new role in trying circumstances. Following Garang's death, it was Kiir's diplomacy that led to the Khartoum-aligned Southern Sudan Defence Force (SSDF) signing the January 2006 Juba Declaration between the SPLA and the SSDF. Kiir's approach to the SSDF was diametrically opposed to that of Garang, who had rebuffed earlier moves for conciliation. However, few believed Kiir has sufficient personal following across Sudan to win a vote for national president, leaving people to reflect on what might have been if Garang were still alive. Rather than viewing Kiir as a national leader, people recall his support for a separate south and doubt his commitment to unity, suspecting he is biding his time until the vote for self-determination. Kiir's candidacy for southern rather than national president leads many to the view that he prefers the position of southern president ahead of the referendum.

Riek Machar has established his position as southern vice-president on both the local and regional stage. His efforts to find a solution to the LRA insurgency included hosting extended peace talks in Juba, that eventually led to combined military action with neighbouring countries against the LRA. However, some groups in the south view Machar with suspicion, particularly Dinka affected by the 1991 Bor massacre attributed to the factional forces of Machar and Lam Akol. Former SSDF leader Paulino Matip has survived the transition to second-in-charge of the southern army; however Matip's past role as a militia leader would make him an unlikely choice for the southern presidency. SPLA Secretary-General Pagan Amum has a high public profile and support from some who prefer an independent southern Sudan. When Kiir refused to stand for national president, Machar also declined to run unless he were also head of the party, a demand Kiir would not meet.

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Looking forward

Kiir has a battle on his hands to convince southerners that he can deliver a peaceful south – separate or united – for the foreseeable future. Equatorians in particular are uncertain about separation, amid fears that southern politics would be dominated by the Dinka and Nuer. There is an added dilemma for southerners living in the north or owning assets there, such as houses; in the event of separation, what would be the fate of southerners who have spent years living and working in Khartoum, whose children are being educated there, who have marriage links with northern families? These people are not convinced separation is the best option for the future, as they would have much to lose if Sudan separated and they had to relocate south. While financial flexibility would ease their transition, there are hundreds of thousands of southerners in Khartoum and other northern towns who do not have the funds for such a move. Further, the south does not have the infrastructure to support yet another large influx of people so soon, especially if it happened suddenly and under duress.

There is another divide in Sudan, especially southern Sudan, that echoes a cleavage found in countries around the world that have sent people to war. Members of the SPLA and of other armed groups spent years fighting in the bush, and feel they were the ones who took the most risks and endured tough conditions to change the political face of southern Sudan. Their war veterans’ association is not yet as vocal as, say, Australia’s Returned Services League; however, there is a definite and expressed attitude among many southerners that the SPLA deserve to be rewarded for putting their lives on the line. ‘We were the fighters,’ they say to southerners who remained in the garrison towns, and the corollary to that statement is the sentiment that they are ‘more equal’ than others, more entitled to make decisions, more entitled to get jobs, more entitled to hold power. This is an issue for the SPLM, ensuring fighters get the services and recognition they deserve, while also encouraging them to take a seat at the democratic table along with everyone else. The southern governments – both GOSS and the southern states – are far from perfect, but it is early days and better than war. There is trepidation as the clock ticks forward to the 2011 referendum, an uncertainty about the future that it is not possible to placate.
Governing the nation

Given Sudan's track record, few would have expected the Government of National Unity to live up to its ambitious title. Rather, the GNU was seen as a means to an end, a mechanism for getting the CPA signed, for bringing peace to the south and the chance to begin the long march to development. The vision of a New Sudan – so often discussed during the war years, especially among southerners – seems to have died along with its promoter, John Garang. To be effective, the CPA required a national government that would cooperate fully with its counterparts in the south, providing the agreed budgetary support in a timely fashion, and working tirelessly to ensure the south got onto its feet as soon as possible. Every effort was needed to resolve hot issues such as border demarcation around Abyei. A new national rhetoric would show the way forward for a united, equitable Sudan, that could also offer a peaceful solution to the conflict in Darfur. Sadly, this utopia was not to be; the GNU is more a symbol of national disunity, yet another chapter in the history of the difficult marriage between north and south that forms the 'united' Sudan.

The CPA transition cannot be easy for national government members from the north, used to waging war against the south rather than sharing power and political positions. There is mistrust, uncertainty and fear between the different groups. For example, Ali Osman Taha was one of the architects of the policies of the Bashir government, even though he also stepped back from his position of first vice-president to make way for Garang. The constant refrain from the south is that money is delivered late and incompletely, ensuring vital government salaries, such as those for the military and police, are not paid on time. Getting their fair share of the national cake has been contentious down through the years for the south and other regions of Sudan. Yet the national government has not made it a priority to pay up on time, despite much talk about its commitment to the CPA. Meanwhile, concerns are raised about the lack of planning for the future, particularly in the case of separation. The wealth-sharing protocol 'left vague the question of assets, even for citizens, let alone state entities'.

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owned entities could include such as Kenana Sugar Corporation and the Bank of Sudan, as well as the liabilities from unprofitable state enterprises.

**National leaders**

By March 2009 President Bashir was in very hot water. A pariah in the West, his stance against the ICC attracted only token support from the African Union and Arab countries such as Egypt and Qatar. Bashir has governed Sudan in times of war and also in a time of development and economic upsurge for the country. He has also been at the helm when hundreds of thousands of Sudanese have died, fled their homes or had their lives irrevocably damaged as a result of government policies. A military man, Bashir has never been the pin-up boy of Sudanese politics, whether in south or north. He appeared reluctant to sign the CPA, and was not accorded hero-like status among southerners for bringing peace, unlike President Gaafar Nimeiri when he signed the 1972 Addis Ababa Accord, and unlike Garang, who was lauded as a peacemaker by international leaders and media. Since the ICC charges were laid, Bashir has appeared at rallies around the country, sporting a southern feathered headdress to talk to southerners in Khartoum and travelling to Darfur to address gatherings in El Fasher. However, Bashir did not visit South Africa for the May 2009 inauguration of President Zuma, after Pretoria warned that as signatories to the Rome Statute they would have to arrest him. In Khartoum there are growing complaints within the NCP, that decisions are controlled by a group of five – Bashir; Taha; Finance Minister Awad Al Jaz, who is also head of the NCP's militias; presidential assistant Nafi Ali Nafi; and Shura Council head Ibrahim Omar. Bashir has nominated for the national presidency – in any case, it was unclear who would succeed him in the event he stepped down, except that it is a fair assumption that the NCP would select a Muslim from the north as their candidate. Most recently he has made conciliatory remarks to a gathering in the southern town of Yambio celebrating the fifth anniversary of the CPA, where he said he would support the south if it chose independence in the 2011 referendum. He said that the NCP wanted Sudan to remain united, "but if the result

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7 Sudan Tribune (ST), *Sudan’s Kiir witnesses South Africa’s Zuma inauguration*, Pretoria, 9 May 2009.
8 ICG, 17 Dec 2009, p. 11.
of the referendum is separation ... the Khartoum government will be the first to recognise this decision. We will support the newborn government in the south.9

The SPLM's Yasir Arman would be the wild card to win the position of national president, however his candidacy may give his party its best chance of making a good showing in the national poll. Arman is head of the SPLM in the National Assembly and the SPLM Deputy Secretary General for Northern Sudan. A northerner and an activist in his student days, Arman fled Khartoum in 1986 after being unjustly accused of killing a member of the National Islamic Front.10 He is a long-term SPLA member and his voice is familiar to anyone who tuned in to Radio SPLA news bulletins during the early years of the war. Arman says he is promoting a message of change similar to that of President Obama.11

The Darfur factor

In the negotiations leading up to the CPA, the NCP and the SPLM pushed ahead despite the situation in Darfur. The view was that the CPA could point the way for resolution of the conflict in the west; the fear was that any attempts to revisit aspects of the CPA before it was signed would delay the process to the point where the deal was off.12 At subsequent Darfur peace talks, such as those in Abuja, various rebel demands could not be met without amending aspects of the CPA. The SPLM, the NCP and indeed, the African Union, took the line that the CPA was non-negotiable. The 'comprehensive' agreement designed to procure peace for the long-suffering south is now seen by some as an obstacle to peace in Darfur. Widespread international condemnation against the atrocities in Darfur has been welcomed by southerners, who faced similar abuses during more than 20 years of war, but struggled to attract the world's attention. The assault on Khartoum in May 2008 by the Justice and Equality Movement (JEM) also drew attention to Darfur. However, it is not clear whether the SPLM and other southern groups plan to cooperate with key players in Darfur to the detriment of the NCP.

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9 S Wheeler, Sudan's Bashir says would help an independent south, Yambio, Reuters, 19 Jan 2010.
10 ST, SPLM nominates Yasir Arman to contest against Bashir, Khartoum, 14 Jan 2010.
11 ST, SPLM runner for Sudan president says walking Obama's 'change' path, Khartoum, 16 Jan 2010.
12 C Rakisits, Sudan's Darfur: Peace or more war on the horizon? Strategic Insights 27, Australian Strategic Policy Institute, Canberra, Aug 2006, pp. 2-3.
International viewpoints

Sudan's treatment of its people over the past decades has tested the patience of its neighbours both near and far, including interlocutors in the AU and Arab League and members of the UN. The latest debacle, with Sudan's president attracting charges from the ICC, is yet another example of why the country has failed to take its place as a player on the international stage. It is difficult to stay on good terms with a country – and a president – that can't seem to stay out of trouble, that has porous borders traversed at will by needy refugees and by rebel groups that threaten the stability of neighbouring countries. Kenya, among others, worked hard to shut down the southern war, only to see its neighbour locked into another conflict in Darfur. Embroiled in its internal problems, Sudan has been unable to capitalise on its unique geographical position and oil wealth to create a strategic bloc of its own. In the wake of the ICC charges, Bashir has received lukewarm support from the Arab League\textsuperscript{13} and the African Union, but little sympathy. However, donor countries have also been slow to honour 'their part' of the CPA deal – the pledges for funding made at the Oslo Donor Consortium meeting in April 2005. Only a fraction of the US$4.8 billion pledged 'has reached infrastructure projects on the ground, as humanitarian assistance for operations in Darfur absorbed most of the money.'\textsuperscript{14} Funds had been earmarked for activities such as demobilisation, elections and the SAF/SPLA Joint Integrated Units.

The West

When George W Bush came to office in 2001, many southerners hoped the US would strengthen its support for the ongoing peace process. In 2009 the inauguration of Barack Obama has had a similar effect, with President Obama under strong pressure at home and abroad to take action over Darfur. In October 2009 Obama released a Sudan strategy for the US, noting that two goals – an end to abuses in Darfur and implementation of the CPA – must be addressed simultaneously with urgency. He extended US sanctions on Sudan for another 12 months, saying 'if the Government of

\textsuperscript{13} BBC, \textit{Arab leaders back 'wanted' Bashir}, Qatar, 30 Mar 2009.

\textsuperscript{14} ICG, 17 Dec 2009, p. 3.
Sudan acts to improve the situation on the ground and to advance peace, there will be incentives; if it does not, then there will be increased pressure imposed by the United States and the international community.\textsuperscript{15} Britain and other European Union countries continue to provide aid to support the south and Darfur; however, it is unclear what actions they and the US would take if the CPA disintegrated.

**Arab League countries**

Arab League countries have offered support to Bashir in the wake of the ICC charges, with Libya, Eritrea and Qatar among those prepared to accept visits from him.\textsuperscript{16} However, there has been no red carpet rolled out by Jordan, a signatory to the Rome Statute.\textsuperscript{17} Egypt continues to back Sudan internationally and in the Arab League, keen to ensure its access to the Nile waters remains unchanged. It has also hosted many Sudanese refugees, including leaders of opposition groups such as the Democratic Unionist Party, politically-active southerners and the vocal Sudan Human Rights Organisation (Cairo branch). Egypt has not spoken out strongly in support of the south, although President Mubarak has discussed Darfur with Bashir and provided peacekeepers for UNAMID.\textsuperscript{18} Other Arab nations have not indicated what action they would take, if any, if Sudan reneged on the CPA; however, Egypt has warned that establishing a separate southern state could lead to regional instability.\textsuperscript{19}

**African Union countries**

African Union countries are struggling to deal with the excesses of President Mugabe in Zimbabwe, and with the increasingly odd behaviour of the 2009 AU leader, Libya's Moammar Gadhafi. In Darfur the forces provided by the AU to help Sudan resolve its problems have faced numerous setbacks, including lack of equipment and


\textsuperscript{17} ST, *Jordan dissents from Arab position on ICC warrant for Sudan's Bashir*, Amman, 23 Mar 2009.


\textsuperscript{19} ST, *Egypt says secession of south Sudan leads to poverty, conflicts*, Cairo, 27 Jul 2009.
logistical support. African peacekeepers serving with the AU, and later with UNAMID, have died in conflicts with government-backed militia. Efforts to get Bashir to deal with the conflict in Darfur have been fruitless, despite various attempts at peace conferences, and the AU has rejected Bashir as its president, even though it was Sudan's 'turn'.

GOSS, on the other hand, has strengthened links with its African neighbours. The southerners have accepted cadre training in South Africa, while aid, construction and hospitality work provides employment in the south for Ugandans and Kenyans, among others. Riek Machar has worked with Uganda, and now Congo, to try to close down the activities of the LRA. After years of taking refuge in neighbouring countries, southern politicians could be expected to understand their neighbours well and recognise the importance to the CPA of keeping those relationships strong. A move by some AU members to grant a continent-wide reprieve to Bashir following the ICC charges fell by the wayside when Botswana slammed the decision.

Kiir, not Bashir, represented Sudan at President Zuma's inauguration in Pretoria in May 2009.

China

China's increasing economic links with Sudan also give it more leverage with the government, a point not lost on the Darfur human rights lobby. Any diplomatic pressure placed by China on Sudan to resolve the Darfur crisis has tended to be behind the scenes, as with nearly all of its efforts to urge Sudan to accept UN peacekeepers for Darfur. China has appointed a special envoy for Sudan, who has visited the area a number of times and organised aid deliveries. China has taken the precaution of inviting Salva Kiir on several official visits in an attempt to foster links with the south, thinking ahead, perhaps, to ensure continued access to southern oil fields, including the Abyei region, and

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21 Inter Press Service, Sudan loses AU chair to Ghana, Johannesburg, 29 Jan 2007; Reuters, Sudan loses AU leadership because of Darfur, Addis Ababa, 29 Jan 2007.
22 ST, Botswana will not abide by AU decision on Sudan's Bashir: official, Washington, 5 Jul 2009.
25 Xinhua News Agency (Xinhua), Chinese envoy: China to provide more humanitarian aid to Darfur, Khartoum, 25 Feb 2008.
minerals, and to lucrative construction and road-building contracts. Sudan is also a market for Chinese and Russian arms, whether sourced in their country of origin or a third location such as Belarus. For Sudan, China's ability and willingness to do business regardless of international sanctions is extremely attractive; however, the Chinese would also like to go about that business without the constant tensions caused by association with the increasingly isolated Bashir. If the CPA is under threat, China could be expected to push for a speedy resolution, so it can continue to access its markets. However, in the UN Security Council both China and Russia are unlikely to support action that would threaten Bashir, instead supporting calls for the ICC to suspend prosecution of the Sudanese president.

United Nations

UN Secretary-General Ban Ki-Moon warned in January 2009 that the CPA is at a critical juncture, where any action or inaction on its provisions will have a profound impact on Sudan's future. Despite progress in implementation, daunting challenges lie ahead, emphasising the need for a tangible peace dividend, including provision of basic public services, especially in the south and border areas, to convince people of the benefits of remaining united. Ban notes that the situation in Darfur has not created an environment conducive to implementing the CPA, further complicating the political and military dynamics in Sudan. 'The parties to the Comprehensive Peace Agreement are yet to present a convincing case for unity to the people of southern Sudan,' he said, calling on them to use the next two years to explore all available options to make unity attractive. Key benchmarks to be achieved without delay included provision of census results; border demarcation; disarmament, demobilisation and reintegration, and preparations for the referendum. Ban pledged UN support for the electoral process, but noted there was still considerable insecurity in parts of the country, including Abyei, where the border remains in dispute. He expressed concern at remarks by some government officials that

29 Census results were released on 21 May 2009.
ICC charges could cause the government to redefine its relationship with UNMIS, noting that the ICC's actions were diverting attention 'at a time when outstanding issues related to the CPA require the parties' cooperation and renewed commitment'. He said there was that a lack of mutual trust between the signatories remained the major challenge to implementing the CPA, a lack of trust that 'permeates into all major benchmarks set under the agreement'. He urged the leaders of the NCP and SPLM to make an effort to improve their relationship, saying the 'onus of improving mutual trust and confidence lies with the leadership of both sides'.

**International Criminal Court**

ICC chief prosecutor Luis Moreno-Ocampo has attracted both plaudits and criticism for pursuing charges against President Bashir. While Darfur activists in some western nations held demonstrations in support of the ICC move, in Khartoum Moreno-Ocampo was vilified on billboards, including one where he was portrayed as a pig, an animal regarded as unclean by many Muslims. By March 2009 108 countries had ratified the ICC treaty. While the US is not among them, it has supported the work of the ICC in Sudan. The US wants to see progress on Sudan's existing commitments, including CPA implementation, and is likely to veto any moves to defer the ICC charges.

**Challenges ahead**

**Border demarcation**

Both the southern Ngok Dinka and the northern Misseriya lay claim to Abyei, a strategic area on the north-south border that also has oil. The CPA recognised the Abyei's special status, allowing locals to vote in a referendum in 2011 to choose if they would become part of the north or the south. The exact location of the Abyei region's borders was also a matter for debate, and to resolve the issue, the CPA sought the assistance of a
specially-convened panel of experts called the Abyei Boundaries Commission. Their role was to determine the boundaries of the area in 1905. Their report was presented in July 2005, but subsequently rejected by the Misseriya, followed by lengthy debate about whether the commission had exceeded its mandate. Eventually, the matter was sent to the Permanent Court of Arbitration in The Hague, which made its final award (ruling) in July 2009, altering some of the boundaries laid down by the commission and deciding that some areas in the east and northeast, where the Heglig and Bamboo oil fields are located, are not part of the Abyei area, with flow-on effects for distribution of oil revenue.

While these determinations were taking place, Abyei faced repeated clashes between members of the joint north-south army and police units — bloody battles in May 2008 killed dozens and left 50,000 homeless. The fighting in Abyei also brought the UN under verbal fire, with then US special envoy to Sudan, Richard Williamson, noting that UNMIS forces stayed in their garrison instead of protecting civilians who died a mere eight metres away. The matter was discussed in the Security Council, where UN Special Representative for Sudan, Ashraf Qazi, defended UNMIS forces, saying that the Sudanese forces had fought each other with tanks, multi-barrel rocket launchers, artillery and heavy machine guns, and that 'irrespective of the specific numbers of peacekeepers assigned to Abyei' there was no way they could actively intervene to suppress the fighting. The Abyei violence has highlighted the tinderbox situation in areas where north and south meet; at the same time it demonstrated the inability of UN peacekeepers to deal with fighting on this scale. The area continues to be watched closely by politicians, UN and the media in case of further outbreaks, and could be a flashpoint during elections and referendum.

34 Public International Law and Policy Group, Frequently asked questions and answers about the decision of the Abyei Arbitration Tribunal, 28 Jul 2009, pp. 1, 5.
Security

Disarmament, demobilisation and reintegration (DDR) remain major issues in the south, with the ever-present possibility of discontent, unrest and violence among former soldiers and members of other armed groups. Conflicts among serving military, police and other armed forces such as security, wildlife, prison officers and militia have resulted in loss of life in Abyei, Malakal and other areas. Tribal conflict, including fighting sparked by cattle raids, is an increasing problem, with more than 1,200 people killed in 2009 in violence exacerbated by the use of modern weapons. The LRA has continued its deadly raids into the south, displacing thousands of people in Equatoria.

When it comes to assisting with security in Sudanese areas such as Abyei and Malakal, the UN has taken the middle road. In post-war Kosovo and East Timor, the situation was very different. International military forces were either given 'explicit responsibility for the maintenance of internal security, notably in the early phase of operations, or they simply assumed such responsibility', engaging in community patrols, criminal investigations and joint security operations. However, the UN could not prevent waves of violence sparked by returning refugees in Kosovo. Wallensteen outlines four dilemmas faced by the international community: whether to react or to allow local actors to play out the situation among themselves; when to start reacting and when to stop; what actions are legitimate; and which segments of the international system should be employed.

At the local level, cutting down on crime and violence among people who have lived under the gun for decades is a complex operation. The DDR operation in Sudan is

38 IRIN, Sudan: war of words after scores killed in Abyei, Nairobi, 3 Mar 2008; Reuters, Militia clash with south Sudan army in Malakal, Juba, 24 Feb 2009
40 IRIN, Sudan-Uganda: civilians fell LRA 'revenge' attacks, Mundri, 27 Jan 2009; M Mayom, LRA moving north – South Sudan army official, ST, Juba, 17 Sep 2009.
expected to be the largest in the world, with phased activities for 180,000 people – 90,000 from the north, 90,000 from the south. The first phase, launched in June 2009, targets 35,000 SPLA combatants. However, at least two million small arms are in civilian hands in the south. When GOSS conducted a joint police and military search of Juba, in September 2009, thousands of illegal and privately-owned weapons were found, including rocket-propelled grenade launchers, PK machine guns, Kalashnikovs, pistols and 12.7mm anti-aircraft machine guns. Clearly, guns are readily available in Sudan and in the short to medium term, 'a life of crime with the use of weapons learned during violent conflict is almost inevitably more lucrative than the opportunities found in civilian life.'

Elections

Voter registration took place from 1 November to 7 December 2009. In Khartoum many people did not know the process had begun, or where to find a registration centre, although in a sign of the times, mobile phone users were alerted by an information message from providers. Outside the capital there was confusion, with centres in Juba opening late, and fears that tribal violence would disenfranchise the displaced, as it was illegal to register in one place and vote in another. The election date is set for 11 April 2010, put back several times from the original date of July 2009. Keeping to this time frame is critical for the south, as further delays would ensure that the rainy season prevented people from attending polling stations, especially in rural areas. It will be the first election – free and fair or otherwise – in more than 20 years for Sudan; for many Sudanese, the first time they have voted.

44 UNMIS/UNDP, Sudan DDR program launched in southern Sudan, US$30 million pledged by GNU, Juba, 10 Jun 2009.
46 A O'Brien, Shots in the dark: The 2008 South Sudan civilian disarmament campaign, Small Arms Survey, Geneva, Jan 2009; ST, South Sudan extends search for illegal arms to all states, Juba, 12 Sep 2009.
47 H-W Jeong, 2005, p. 146.
48 O McDoom, Sudanese register for first free vote in 24 years, Reuters, Khartoum, 1 Nov 2009.
49 ST, Sudan announces slight delay to upcoming elections, Khartoum, 22 Nov 2009; Reuters, Sudan delays elections by six days, Khartoum, 23 Nov 2009.
Holding national elections is a logistical nightmare for Sudan, especially in the south and in Darfur. Unless a Darfur peace agreement is negotiated, much of western Sudan will be inaccessible to polling officials, as was the case in the south during the war.\(^5\) The elections are further complicated as they comprise multiple simultaneous polls; national, state and presidential. Nevertheless, both the census and voter registration have been conducted despite the difficulties, and despite concerns about instances of fraud and corruption\(^1\) and fears in the south that the elections have already been rigged and are merely a distraction from the referendum. Southerners who support a united Sudan want a clear space between elections and referendum, believing that a strong northern vote for the SPLM would strengthen their position. Those who prefer separation have little enthusiasm for elections at all, with the main prize being the referendum. An asset in this process is National Election Commission head and veteran politician Abel Alier, who can be expected to resist undue pressure from all sides.

Post-war elections are viewed as integral to the 'process of war termination, international disengagement and nation building'.\(^2\) Results have been mixed and while elections in Namibia (1989) and Mozambique (1994) were vital 'in making a decisive break with the past', polls in 1992 in Angola and Liberia were flawed and 'created more problems than they solved', and in Cambodia UN-administered elections in 1993 were soon overwhelmed by reality, when the 'losing' party took power through hard-line tactics.\(^3\) It is not unusual for post-war elections to prompt violence, not least because the 'first elections after a civil war take place in a situation where the parties are not fully disarmed and demobilised'. Afghanistan and Iraq faced difficulties creating a secure environment for elections; in East Timor in 1999, an overwhelming vote for independence triggered a brutal campaign by militia backed by the Indonesian Government, leading to deployment of a multinational force under Australian command.\(^4\) Those who fear they will lose power through a democratic vote may use

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\(^2\) B Reilly, 'Post-war elections: uncertain turning points of transition', in AK Jarstad & TD Sisk (eds), pp. 158-159.
\(^3\) B Reilly, p. 158.
\(^4\) K Hoglund, 'Violence in war-to-democracy transitions', in AK Jarstad & TD Sisk (eds), pp. 86-87.
violence to disrupt the process; others will use violence to influence the outcome.\textsuperscript{55} In Sudan, there is likely to be violence associated with the electoral process in some areas, just as there were deaths triggered by the census.

The structure of the national assembly following elections will send clear messages about the prospects for political accommodation ahead of the referendum. McHugh's typology\textsuperscript{56} outlines six possible scenarios, which can be grouped into three categories:

1. NCP retains a majority in the national assembly – single-party majority. Single-seat electorates will assist NCP. Medium to high likelihood.

2. SPLM secures sufficient seats for a majority in the national assembly – single party majority. It will be difficult for the SPLM to win sufficient northern single-seat electorates. Low likelihood.


4. SPLM forms a coalition to include non-NCP northern parties – stable multi-party coalition. The SPLM would have to poll extremely well to have any chance of forming a majority coalition. Low likelihood.

5. NCP and SPLM form 'grand coalition' in the national assembly – volatile multi-party coalition. Difficult to maintain this alliance. Low likelihood.

6. Unstable juxtaposition of coalitions or parties with small party/parties deciding the balance of power – volatile multi-party coalition. This would be difficult to sustain as northern parties would only enter a balancing coalition for short-term gains. Low likelihood.

Scenario 1 is the most likely, providing a situation not dissimilar to now, but perhaps with slightly stronger representation from opposition parties. All other scenarios seem unlikely in the current political climate. Meanwhile, in a rare show of unity, the

\textsuperscript{55} K Hoglund, p. 87.

SPLM and 20 minor parties have accused the NCP of widespread fraud including vote-buying and intimidation during the vote-buying process.\textsuperscript{57}

**Influencing public opinion**

Delivery of services affects many aspects of Sudan's rehabilitation and development. For refugees and IDPs service provision determines how quickly people return, whether they settle in their remote village or start again in a more populated area with better services. It affects the makeup of returning groups, that is, whether the whole family comes together, or some members delay for reasons of work or education. It impacts on job-creation for both Sudanese and expatriates, whether skilled, semi-skilled or highly-paid professionals. The salaries and payments for goods and services have set the new southern economy moving. For GOSS in particular, infrastructure projects have double value, with new buildings such as clinics and schools providing visible evidence to the community that peace has returned. For this reason, if no other, southern politicians express concern at the reluctance of international agencies to build infrastructure in the war-ravaged south. The agencies, on the other hand, see providing infrastructure as a job for the southern government. In the past, Sudanese have not held governments to account for the quality of service delivery; however, there are very high expectations in the south for major improvements in the future. Southerners say the situation is getting better, noting roads are being constructed and schools and health clinics upgraded.\textsuperscript{58} In the Three Areas, the response is less positive, with people in South Kordofan attributing any improvements to services to NGOs, while those in Blue Nile are divided on whether any progress has been made at all. Some believe that were the south to become independent there would be widespread development, and the south will be some kind of paradise. 'When we are separated, I believe we shall have 100 percent of the benefits of our oil revenue. There will be good roads, schools, hospitals, clean water, and peace in south Sudan.'\textsuperscript{59} There may be few illusions about the performance of GOSS; rebuilding after years of war was never going to be easy, and even Juba's greatest supporters

\textsuperscript{57} Reuters, *Sudan opposition delays election boycott decision*, Khartoum, 25 Nov 2009.
\textsuperscript{59} TD Cook, 30 Sep 2009, p. 64.
acknowledge it has its problems. However this will not prevent southerners from supporting the SPLM and other southern parties, in the national elections, nor will it dissuade them from voting to be first-class citizens in their own country when the time comes.

Referendum

The referendum is the key milestone for the CPA, both litmus test and gold at the end of the rainbow after years of fighting and negotiations. It allows southerners to vote on whether or not they wish to remain part of a united Sudan; in a separate poll, those from Abyei can choose whether they prefer to be part of the south or the north. There will also be 'popular consultations' for the people of the South Kordofan/Nuba Mountains and Southern Blue Nile, described in the CPA as 'a democratic right and mechanism to ascertain the views of the people' on the peace accord.60 The referendum is mandated by the CPA, with various sticking points – including laws on the southern independence vote, the Abyei referendum, and popular consultation for South Kordofan and Blue Nile61 – resolved as 2009 drew to a close and the national assembly rose ahead of the April 2010 elections. Discussions between the SPLM and the NCP focused on aspects of the referendum law, including the percentage of votes required for independence, definition of those allowed to vote, the post-referendum process, and the share of Sudan's debts the south would carry in the event of secession.62 Like the CPA negotiations, this debate was protracted. The NCP said they interpreted the CPA as asking both north and south to use the law to make the separation option difficult, and called for a quorum of 90 percent of registered voters, of whom 75 percent must vote for separation or the deal was off.63 Such a turnout would be considered high in countries that regularly hold elections, let alone in an area coming out of war such as southern Sudan. The SPLM refused the proposal, pushing for a 50 percent turnout with a 51 per cent majority for secession. They warned

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63 JG Dak, *Sudan's NCP shifts its position on referendum quorum, demands more*, ST, Juba, 25 Sep 2009.
they would consider a unilateral declaration of independence if agreement was not reached with the NCP. Finally the two parties agreed that the south could establish an independent country by a simple majority of 50 plus one, with a quorum of 66 per cent. The referendum would be held from 9-11 January 2011, and could be repeated within 60 days if the first poll failed to achieve a quorum. The NCP dropped its push to use census data — disputed by the south — for the poll; instead a special register would be created six months before the referendum, so southerners could register inside and outside Sudan. Polling stations for southerners would be located in south and north Sudan, and also at about eight locations in the diaspora, including Kenya, Uganda, Ethiopia, Egypt, USA, Australia, Britain and Canada. Post-referendum issues such as management of debt, assets, water, oil, Joint Integrated Units and international agreements are yet to be resolved. The SPLM refused to discuss a proposal by the NCP during the referendum law negotiations that all southerners living in the north would automatically lose their citizenship of the north if the referendum resulted in a vote for southern independence, and vice versa for northerners in the south, saying the issue belonged with other post-referendum matters. It took more effort to get the referendum bill through parliament. In December 2009 the NCP pushed through an amended bill, against the wishes of the SPLM, which walked out. US criticism was immediate, leading to a change of heart by the NCP, and the bill became law, allowing the south to declare independence with a 60 per cent voter turnout, of whom 51 per cent vote yes.

So there is still much to be discussed, much to be decided, and an election to be held before the referendum takes place. Despite these uncertainties, there seems to be universal certainty on one point: the likelihood that the majority of southerners will vote for separation, so much so that analysts are urging that financial and other arrangements be put in place for a gradual transition to independence over, say, four years, in the event

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67 JG Dak, 25 Sep 2009.
68 JG Dak, 16 Oct 2009.
69 K Abdelaziz, 29 Dec 2009.
70 ST, *Sudan referendum law endorsed in cabinet, 51 percent 'Yes' vote and 60 percent turnout required*, Khartoum, 13 Dec 2009.
the south votes for secession. A survey by the National Democratic Institute canvassing citizens' views on the electoral process in the south and the Three Areas found unswerving support in the south for separation. Conducted from October 2008 to February 2009, the survey comprised 78 focus groups covering 964 participants and formed part of ongoing research that began in 2004. Southerners gave a consistent answer on separation in every survey over the years, more so than on any other topic. 'Across age and ethnic groups, they have never wavered in their strong desire for political separation from the north', citing 'deeply-held grievances about past mistreatment and their longing for self-rule'. Some young men in Wau said they preferred unity so they could continue to live and trade with the north, while some younger women in Kapoeta rejected separation, as they feared a return to war, and felt GOSS was corrupt. However, the survey found that in Southern Kordofan and Blue Nile most people preferred a united Sudan, as they believed it was the only way to avoid further conflict. Some Nuba added that 'Sudan should remain united only if there is justice for all'. Although there is confusion about who can vote in which poll, the reality is that the Three Areas will not get to vote on whether or not the south stays part of Sudan. Abyei can choose to be part of the south or the north, without having a say in whether the south stays part of a united Sudan. In 2009 the SPLM presented proposals to the NCP on details of the Abyei referendum and popular consultations for Southern Kordofan and Blue Nile. Clarifying the form these consultations could ward off violence in the two areas, with Afghanistan's Shura councils suggested as a suitable model. In December 2009 the assembly passed a bill giving people in Southern Kordofan and Blue Nile two options; either to endorse the CPA as able to resolve the conflict in the two states, or to decide the CPA did not meet people's expectations. Detailed schedules were outlined for the consultations, which must be finalised by the end of the CPA interim period on 8 July 2011.

72 TD Cook, 30 Sep 2009, pp. 64-66.
73 JG Dak, 25 Sep 2009.
Where to from here?

In the wake of the ICC charges, Bashir has been able to maintain his position against the odds, despite the severe denting to his credibility as a leader, and his loss of flexibility when it comes to working the international arena. It is not yet clear whom the NCP will select as their candidate for president – it could be Bashir, or another choice could be someone such as Ali Osman Taha, the second vice-president, who worked well with Garang during the CPA negotiations. The path ahead for Sudan will be rocky for many years to come. Sketched out below are possible scenarios for events in Sudan post-election and at or around the time of the referendum. Every option includes the likelihood of fighting in some areas, just as violence has occurred throughout the interim period of the CPA. There are likely to be internal conflicts in both north and south, even if separation is peaceful. None of the options flags an alliance between the south and Darfur.

1. Sudan remains one country – low likelihood.

Tired of the years of war, and unwilling to fight again, southerners decide that it is better to deal with the devil you know and vote for unity in the referendum. They say it is a vote of confidence for the way southern and northern parties are working together in the national assembly led by Ali Osman Taha, and also a vote of confidence for the ability of GOSS to deliver services as a semi-autonomous government. They want to avoid large numbers of displaced people moving north to south, and to avoid bloodshed between opposing forces, particularly in oil areas. The move delights northerners who recognise the wrongs of the past and want a chance for national reconciliation, supported by President Taha. Unfortunately, sections of the SPLA disagree, and take to the bush with their guns, carrying out attacks near oil installations and on major transport routes. In reality, most southerners would laugh aloud at this theory. Even if Bashir stepped down, the same problems, fuelled by late oil payments to the south and every other kind of delay, would be likely to continue as these tactics have been employed for so long they

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are seen as normal. Last minute 'miracles' won't convince many southerners to give up their dream of the last two decades.


The chances that President Bashir will be parcelled up and delivered to the International Criminal Court in The Hague are zero. The NCP continues to back Bashir, and other political parties in Khartoum offer token support, including the SPLM, which has urged the NCP to pursue the issue from a legal basis. At this stage, only Hassan Al Turabi has called for Bashir to turn himself in to the ICC. It is possible but unlikely that the NCP could turn against Bashir and send him to The Hague for trial. However it is possible that Bashir could be persuaded that his only option is not to stand for election as president. There need be no loss of face for him in this, since his record as a Sudanese leader is unequalled: in June 2009, he reached his 20th anniversary in the top job, the longest-serving president in Sudan's history. He has also seen the transition from war to peace in the south, a war he fought in long before leading the country. However, removing Bashir would be only half the battle; the next step would be selecting a new president, someone able to present a more flexible approach to the country at large. It would need to be someone acceptable to the south, someone who would try to ensure that unity was attractive and tolerable even to hard-line separatists.

3. Sudan gets a divorce – medium to high likelihood.

They say that sometimes two people just can't live together, no matter how much they love each other. The same goes for some countries, it seems. Ethiopia and Eritrea, Pakistan and India, Bangladesh and Pakistan, Yugoslavia, Czechoslovakia, the Soviet Union, for different reasons and with different results, sometimes a country and its people have to go with the flow so everyone can move on. For most southerners, it is not so much a question of having fallen out of love with the north, but that they are desperate to leave the failed marriage arranged by colonial Britain in another century. It is not the first time a colonial British marriage has ended in the divorce courts – India was a patchwork of separate Muslim, Sikh and Hindu states before the British merged them into a united India that dissolved in 1947 on Britain's departure. In Sudan, the south is stay with its wartime leader and supports Kiir as the first president of independent Southern Sudan. There would be much fighting in the Three Areas, as the fault line along which Sudan
splits. Further, GNU has anticipated the referendum result and placed large numbers of troops along the border, moving them post-poll to surround oil fields, including some in the south, in what the SPLA sees as 'a direct challenge to an independent southern Sudan.' Darfur remains embroiled in conflict and the international community is lukewarm on creating another separate state in the west, especially in an area viewed as economically marginal. The national divorce brings the south a massive second wave of returnees, and while southern and state governments are already functioning, basic services such as education and health cannot cope with new influx. Substantial support is required from the international community to get the new southern nation on the road to full recovery. While the south finds its feet, in the north the split has heightened tensions between the NCP and other northern political groups, with the NCP forever marked as the political group that ensured the south would go.


There is fighting in Darfur and on the borders with Chad, tension in the Three Areas, especially Abyei, in the east, the south, and with the LRA on the borders with Uganda and Congo. It is not possible to bring the disparate forces together, no side being willing to give ground or relinquish power to ensure equal distribution of the national pie. The vote for self-determination is likely to be for separation, and Bashir is blocking the referendum – under no circumstance will the south and its oilfields be allowed to 'walk away'. Before the vote can be held, Darfur breaks into a Somali-style hotbed of competing warlords. This leads to the rapid disintegration of the whole country. In the south people resume past allegiances to militias, weakening the grip of the SPLA and promoting the rise of southern warlords, including in areas of Equatoria that are threatened by the LRA. This scenario is put forward by southerners with business interests in both north and south, who stand to lose if the south chooses self-determination. The theory is that the whole place has to fall apart before it can rise again further down the track as a united country; however, it would seem more likely that the south would decide to stand alone.

5. GOSS makes Unilateral Declaration of Independence – low to medium likelihood.

When Bashir was charged by the ICC, the SPLM sided with the NCP, continuing to support him in the top job. While SPLM Secretary-General Pagan Amum did not believe that the charges could prevent implementation of the CPA, he did warn that any reckless reaction could make things worse in Sudan, setting it on the path of Somalia and former Yugoslavia. He urged the NCP not to use the occasion as an excuse to crack down on political freedoms, but denied the SPLM planned a unilateral declaration of independence (UDI) over the charges against Bashir. Threats of a UDI resurfaced during discussions over the referendum law, with Amum saying the SPLM would resort to UDI if no agreement was reached with the NCP. A UDI would be the last card for the SPLM, a get-out-of-jail card that could leave them high and dry financially in terms of access to oil payments, but could allow separation with or without the blessing of the NCP. It could be used if attempts were made to delay the referendum, and there would certainly be military action to contend with. The south would seek guarantees of assistance from the UN and/or the US before it took this step; it would also seek support and understanding from the African Union, especially neighbouring Kenya, Uganda, Congo and Ethiopia, but would move even without such promises.

Conclusion

Sudan appears to have come to the end of the road as a united country. It has been at war with itself for the bulk of its time as an independent nation, with few attempts by the northern ruling elite to address the problems that ail it. There has also been little done by the ruling group to cater to the needs of different northern groups, inflaming the schisms in Darfur, the east and the Three Areas. Freedom of speech and movement have been curtailed, thousands have suffered as political prisoners, and the population as a whole has struggled with inadequate roads, schools and hospitals, unable to enjoy some of the benefits of services that are readily available in other developing countries.

78 ST, Sudan’s SPLM says CPA will not be impacted by Bashir arrest warrant, Khartoum, 31 Jan 2009.
79 ST, Sudan’s SPLM threatens unilateral declaration of independence, Khartoum, 10 Aug 2009.
The CPA brought a sense of euphoria after the dreary years of war, throughout the country but especially for the south. The excitement in the air was palpable as Garang arrived in Khartoum, the despair equally tangible when he met his sudden end. From that time to this, implementing the CPA has been one long political battle, a lifeless dance between two unwilling partners waiting for the day when they must let each other go. There has been progress made in building infrastructure and delivering services, roads and fields have been cleared of mines, but the work of GOSS and the state governments, has not met the expectations of southerners, who have had more than 20 years to determine how they would like thing to be run. Now security is becoming an issue again, whether LRA incursions into Equatoria, the tribal fighting in areas such as Lakes and Jonglei, or the battles between north-south troops and militia in Abyei and Malakal. The peace dividends may have been limited and slow in coming thus far, but those disappointments pale beside the fear of a return to fighting.

At present, all politicians in the national, southern and state parliaments have been appointed rather than elected, and it is reasonable to expect that the SPLM or even the NCP may lose some seats in the elections. The strength and stability of the new national government will determine whether Sudan achieves long-term peace, as one country or two, or faces increased conflict and instability. For the south, no matter what problems are faced by GOSS in delivering services, no matter how difficult the security situation, it is unlikely that southerners will vote for anything other than separation in the referendum. The NCP has done little, if anything, to make unity attractive, and the opportunity for rapprochement between north and south, if it was there at all, has slipped away. It won't be an easy divorce, but then it was never much of a marriage. Once the dust has settled, the guns have been put away, and the soldiers returned to their barracks, there may be the chance for north and south to devote their energies to building up their countries, rather than battling each other. This will take strong and stable leadership that understands the wisdom of cooperation and has the confidence to promote a peaceful future. Without such leadership in both north and south, the bitterness on both sides is likely to taint their relationship for generations to come.
APPENDIX 1

CHRONOLOGY

Middle Ages: Christian kingdoms along the Nile coexist with Muslim neighbours.
End of Middle Ages: Collapse of Christian kingdoms, rise of Funj Sultanate.
17th century: Emergence of Sultanate of Darfur.
1821: Turko-Egyptian conquest of Sudan ‘unifies’ small independent Sudanese states.
1885: Mahdist forces (of Mohamed Ahmed ‘Al Mahdi’) capture Khartoum after a long
siege, killing British General Charles Gordon.
1885: Al Mahdi dies, Khalifa Abdullahi takes over.
1898: Anglo-Egyptian forces led by General Kitchener overthrow the Mahdist state.
1899: Anglo-Egyptian Condominium agreement signed for joint rule of Sudan.
1900-1920s: ‘Pacification’ of the country, frequently characterised by violence.
1930: Southern Policy isolates the south culturally and linguistically from the north.
1930s-1940s: Nationalist sentiments develop in the north.
1947: Juba Conference organised by colonial government. Southern chiefs and northern
nationalists agree to pursue a united Sudan. A crash program of integration follows.
1953: Self-rule is introduced. In the south, Sudanisation is seen as northernisation.
1955: In Equatoria, the Torit mutiny of southern soldiers refusing transfer north starts the
first civil war. Massacres of northern administrators, teachers and traders in the south.
1 Jan 1956: Independence. Ismail Al Azhari is first Prime Minister of national
government comprising Democratic Unionist (DUP) and Umma parties.
1958: Military coup by General Abboud, political parties dissolved.
1962: Civil war intensifies with Anyanya movement in the south.
1964: Abboud steps up military action; southerners flee to neighbouring countries.
Oct 1964: General strike and popular uprising topple government, transitional civilian
government installed.
Mar 1965: Round Table Conference on the ‘southern problem’ attended by most parties
from south and north.
1965: Elections, Umma’s Mohamed Ahmed Mahjoub becomes Prime Minister
1966-7: Umma’s Sadiq Al Mahdi is Prime Minister for ten months.
1967: Sudan sides with Arab world, declares war on Israel, breaks ties with US, looks to
Soviet Union for support.
May 1969: Colonel Gaafar Mohamed Nimeiri takes power with communist support.
1970: Joseph Lagu becomes leader of united Anyanya fighters.
Jul 1971: Nimeiri survives communist coup, purges leftists from army and government.
1972: Relations improve with US and the West.
1973: Large-scale Sudanese migration to Gulf states for work.

1 Sources include BBC News, Timeline: Sudan, 29 July 2009; P Verney et al, Sudan: Conflict and
minorities, Britain: Minority Rights Group, 1995; P Woodward, Sudan 1898-1989: The Unstable State,
1978: Oil discovered by Chevron at Bentiu in the south.
May 1983: South divided into three and single regional government abolished, abrogating the Addis Ababa Agreement.
May 1983: Bor garrison mutinies, Colonel John Garang de Mabior later forms SPLM/A
Sep 1983: Nimeiri introduces Sharia or September laws.
1984-5: Severe famine in west and east Sudan follows years of drought.
Apr 1985: Strikes and demonstrations lead to overthrow of Nimeiri by his chief-of-staff, General Abdel Rahman Sowar Al Dahab. Transitional Military Council installed.
1985: SPLA enters the Nuba Mountains. Government supplies arms to Baggara.
Mar 1986: Koka Dam Agreement in Ethiopia produces peace formula supported by Umma, rejected by DUP and National Islamic Front (NIF).
Apr 1986: Elections. Sadiq Al Mahdi becomes Prime Minister of Umma/DUP government, half of south can't vote due to insecurity.
1987: Koka Dam Agreement abandoned by Al Mahdi, state of emergency declared, government begins forcing displaced southerners out of Khartoum.
Mar 1987: Ed Dhein massacre – more than 1000 Dinka killed by Rizeigat Arabs, including many burnt alive in railway carriages. Reports of slavery of southerners.
1988: Famine in south, 250,000 die from hunger-related diseases. Government, militia and SPLA scorched earth and relief denial policies are primary cause of food shortages.
Mar 1989: Sadiq Al Mahdi begins peace talks with SPLM, ceasefire announced; UN Operation Lifeline Sudan starts to bring famine relief to the south.
30 Jun 1989: Lt-Gen Omer Hassan Al Bashir takes power with covert NIF support. All political parties banned.
Oct 1989: SPLA/Khartoum ceasefire breaks down, National Democratic Alliance formed from north/south parties including Umma, DUP, Communists and later, SPLM.
Dec 1990: Bashir introduces Sharia in north.
May 1991: 500,000 southern refugees fleeing to Sudan from Ethiopian camps after fall of Mengistu are bombed by Sudanese air force.
Sep 1991: Malnutrition increases, especially in west, tens of thousands die.
Oct 1991: Government seals off Nuba Mountains, tries to drive out Nuba and SPLA.
Nov 1991: 200,000 Dinka flee Bor after 5000 massacred by SPLA-United.
Jan 1992: Mass protests in Khartoum after 16 killed when government bulldozes homes of displaced.
1993: Peace talks collapse at Abuja. 100,000 southerners flee to Uganda, Ethiopia and Congo in August after government offensive against SPLA in Equatoria.
1993: US adds Sudan to list of states sponsoring terrorists.
1993: Ethiopia, Eritrea, Uganda and Kenya establish committee to resolve war under umbrella of Inter-Governmental Authority on Drought and Development.
Jul 1994: 50,000 people expelled from Khartoum in two weeks of night raids.
Aug 1994: Beja Congress in Cairo reports government terrorising the east.
1996: US lists Sudan as terrorist sponsor again, bans financial transactions.
1997: Riek Machar and Southern Sudan Independence Movement sign peace agreement with Khartoum.

May 1998: Construction starts on 1610 km oil pipeline linking Heglig oilfield in Kordofan with terminal on Red Sea coast.


Apr 1999: Pipeline ready, refinery to process 2.5m tonnes of crude oil per year.

1999: Bashir dissolves National Assembly and declares state of emergency, following power struggle with parliamentary speaker Hassan Al Turabi.

2000: Governor of Khartoum decrees women barred from working in public places.

Dec 2000: Bashir re-elected for another five years in elections boycotted by opposition.


27 Jul 2002: Bashir and Garang meet for the first time in Kampala through mediation of Ugandan President Yoweri Museveni.

Feb 2003: Darfur rebels rise against government, claiming region is neglected.

Jan 2004: Army moves to quell uprising in Darfur, thousands flee to Chad.


9 Jul 2005: Garang sworn in as first vice president in Khartoum.

30 Jul 2005: Garang dies in a helicopter crash. He is succeeded by Salva Kiir.


Oct 2005: Government of Southern Sudan (GOSS) formed.

May 2006: Darfur Peace Agreement signed by Khartoum and Darfur's Sudan Liberation Movement, but smaller groups reject deal and fighting continues.

Nov 2006: Hundreds killed in fighting in Malakal between northern and southern troops.

Oct 2006: Top UN official in Sudan, Jan Pronk, is expelled.

Jul 2007: UN approves 26,000-strong joint peacekeeping force with African Union for Darfur, Sudan agrees to cooperate.

Apr 2008: National census held.

May 2008: Darfur rebels attack Omdurman, Sudan accuses Chad of involvement.

May 2008: Heavy fighting in Abyei between northern and southern troops.

2009: Increased violence in south, including cattle raids and tribal clashes.

Feb 2009: Heavy fighting in Malakal between northern and southern troops.

Mar 2009: International Criminal Court issues a warrant for Bashir on charges of war crimes and crimes against humanity in Darfur.


The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
APPENDIX 3

ETHNOGRAPHICAL MAP OF SUDAN


APPENDIX 4

FIFTH POPULATION AND HOUSING CENSUS
SUDAN, 2008

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUDAN</td>
<td>39,154,490</td>
<td>100</td>
</tr>
<tr>
<td>NORTH</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Khartoum</td>
<td>5,074,321</td>
<td></td>
</tr>
<tr>
<td>South Darfur</td>
<td>4,039,594</td>
<td></td>
</tr>
<tr>
<td>Al Jazeera</td>
<td>3,575,280</td>
<td></td>
</tr>
<tr>
<td>North Kordofan</td>
<td>2,920,992</td>
<td></td>
</tr>
<tr>
<td>Southerners living in the north</td>
<td>520,000</td>
<td></td>
</tr>
<tr>
<td>SOUTH</td>
<td>8,260,490</td>
<td>21</td>
</tr>
<tr>
<td>Jonglei</td>
<td>1,358,602</td>
<td></td>
</tr>
<tr>
<td>Central Equatoria</td>
<td>1,103,592</td>
<td></td>
</tr>
<tr>
<td>Warrap</td>
<td>972,928</td>
<td></td>
</tr>
<tr>
<td>Upper Nile</td>
<td>964,353</td>
<td></td>
</tr>
<tr>
<td>Eastern Equatoria</td>
<td>906,126</td>
<td></td>
</tr>
<tr>
<td>Northern Bahr Al Ghazal</td>
<td>720,898</td>
<td></td>
</tr>
<tr>
<td>Lakes</td>
<td>695,730</td>
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<tr>
<td>Western Equatoria</td>
<td>619,029</td>
<td></td>
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<tr>
<td>Unity</td>
<td>588,801</td>
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<tr>
<td>Western Bahr Al Ghazal</td>
<td>333,431</td>
<td></td>
</tr>
</tbody>
</table>

2 Sudan Tribune, *Sudan announces details of contested census results*, Khartoum, 21 May 2009. Table shows the most populous states in north and south Sudan. Census figures disputed by GOSS.
APPENDIX 5

LIVELIHOOD SYSTEMS
BY ADMINISTRATIVE BOUNDARIES

Legend
- Nomadic Pastoral
- Agro-Pastoral Semi-Desert
- Agro-Pastoral Low Rainfall Savannah
- Agro-Pastoral High Rainfall Savannah
- Extensive Agro-Pastoral
- Irrigation Semi-Mechanized Ranching
- Intensive Agriculture
- Urban

APPENDIX 6

CPA: SHARING OF NON-OIL REVENUE
AND TAXATION MATTERS

6. Sharing of Non-Oil Revenue

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:

6.1.1 National Personal Income Tax;
6.1.2 Corporate or Business Profit Tax;
6.1.3 Customs Duties and import taxes;
6.1.4 Sea-ports and Airports Revenue;
6.1.5 Service charges;
6.1.6 Oil revenues as set out herein;
6.1.7 National Government Enterprises and projects;
6.1.8 VAT or GST or other retail taxes on goods and services;
6.1.9 Excise Tax;
6.1.10 Any other tax as agreed upon in these negotiations;
6.1.11 Loans, including borrowing from the Central Bank and the public.

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;
6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;
6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);
6.2.4 Oil revenues as is set out in this Agreement;
6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;
6.2.6 Service charges of the Government of Southern Sudan;
6.2.7 Government of Southern Sudan enterprises and projects;
6.2.8 Grants in Aid and Foreign Aid;
6.2.9 Taxes and levies on small and medium business;
6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;
6.2.11 Southern Sudan Personal Income Tax;
6.2.12 Any other taxes as may be agreed to from time to time;
6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below-listed sources:

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6.3.1 State/Regional Land and property tax and royalties;
6.3.2 Service charges for state/regional services;
6.3.3 Licences;
6.3.4 State/Regional Personal Income Tax;
6.3.5 Levies on Tourism;
6.3.6 State/Regional share of oil Revenues as is set out in paragraphs 5.5 and 5.6 of this Agreement;
6.3.7 State/Regional Government projects and state/regional nature parks;
6.3.8 Stamp duties;
6.3.9 Agricultural Taxes;
6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;
6.3.11 Excise taxes;
6.3.12 Border Trade charges or levies in accordance with National Legislation;
6.3.13 Other state/region taxes which do not encroach on national or Southern Sudan Government taxes;
6.3.14 Any other tax as may be agreed to from time to time; and
6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

7. Equalization and Allocation to the National, Southern Sudan and State/Regional Levels of Government in Respect of Revenue Collected Nationally

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.

7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.

7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan.

7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.

7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.
APPENDIX 7

OIL CONCESSIONS IN SUDAN

El Geneina
°Yei
Disclaimers: Map is informational only. ECOS does not warrant its accuracy or suitability for any particular purpose.

Block 1, 2, 4, CNPOC
- 40% CNPC
- 30% Petronas
- 25% ONGC Videsh
- 5% Sudapet

Block 3, 7, PDOC
- 41% CNPC
- 40% Petronas
- 8% Sudapet
- 5% Al Thani

Block 5A, WNPOC-1
- 68.75% Petronas
- 24.125% ONGC Videsh
- 7% Sudapet

Block 5B, WNPOC-2
10% awarded to GOSS; composition to be renegotiated
- 38.5% Petronas
- 24.5% Lundin
- 9% ONGC Videsh
- 5% Sudapet

Block 6, CNPCIS
- 45% CNPC
- 55% Sudapet

Block 8, WNPOC-3
- 77% Petronas
- 15% Sudapet
- 8% Hi Tech

Block 9, Sudapak I
- 85% Zafir
- 15% Sudapet

Block 10, Free

Block 11, Free

Block 12A, Qahtani & Others
- 33% Qahtani
- 20% Ansam
- 20% Sudapet
- 7% Hi Tech
- 5% A.A. In.

Block 12B, Free

Block 13, CNPC, Pertamina & Sudapet
- 40% CNPC
- 15% Pertamina
- 15% Sudapet
- 10% Dindir Petroleum
- 10% Express Petroleum & Gas
- 10% Africa Energy

Block 14, Petro SA
- 80% Petro SA
- 20% Sudapet

Block 15, RSPOC
- 35% Petronas
- 35% CNPC
- 15% Sudapet
- 10% Express Petroleum & Gas
- 5% Hi Tech

Block 16, Lundin

Block 17, Ansan
- 86% Ansan
- 14% Sudapet

Block A, Sudapak II
- 83% Zafir
- 17% Sudapet

Block B, Total
- 32.5% Total
- 27.5% Kufpec
- 10% Sudapet
- 10% GOSS
- 10% open

Block C, APCO
- 65% Hi Tech
- 17% Sudapet
- 10% Khartoum State
- 8% Hegleg

Block E, Free

ECOS website: www.ecosonline.org
Contact: info@ecosonline.org

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APPENDIX 8

GOSS EXPENDITURE, 2008-2011

Table 3: Cost of top six GOSS expenditure priorities, 2008-2011, US$m

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<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Total</th>
</tr>
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<tr>
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<td>605</td>
<td>607</td>
<td>604</td>
<td>587</td>
<td>2,403</td>
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<tr>
<td>Roads</td>
<td>401</td>
<td>444</td>
<td>464</td>
<td>491</td>
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<td>Health</td>
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<td>193</td>
<td>222</td>
<td>234</td>
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<td>Education</td>
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<td>204</td>
<td>249</td>
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<td>Production</td>
<td>30</td>
<td>53</td>
<td>67</td>
<td>78</td>
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<tr>
<td>Rural water</td>
<td>29</td>
<td>35</td>
<td>37</td>
<td>37</td>
<td>138</td>
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<tr>
<td>Emerging Priorities (Public Sector Reform)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,411</td>
<td>1,553</td>
<td>1,657</td>
<td>1,749</td>
<td>6,369</td>
</tr>
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</table>

Table 4: Overall GOSS financing needs, 2008-2011, US$m

<table>
<thead>
<tr>
<th>Sector</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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<td>Total</td>
<td></td>
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<tr>
<td>Accountability</td>
<td>47</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>197</td>
<td>2%</td>
</tr>
<tr>
<td>Economic Functions</td>
<td>42</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>192</td>
<td>2%</td>
</tr>
<tr>
<td>Education</td>
<td>184</td>
<td>234</td>
<td>284</td>
<td>347</td>
<td>1,050</td>
<td>9%</td>
</tr>
<tr>
<td>Health</td>
<td>198</td>
<td>218</td>
<td>252</td>
<td>269</td>
<td>937</td>
<td>8%</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>579</td>
<td>644</td>
<td>664</td>
<td>691</td>
<td>2,577</td>
<td>23%</td>
</tr>
<tr>
<td>Natural Resources</td>
<td>125</td>
<td>169</td>
<td>184</td>
<td>195</td>
<td>672</td>
<td>6%</td>
</tr>
<tr>
<td>Public Administration</td>
<td>145</td>
<td>145</td>
<td>145</td>
<td>145</td>
<td>560</td>
<td>5%</td>
</tr>
<tr>
<td>Rule of Law</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>1,100</td>
<td>10%</td>
</tr>
<tr>
<td>Security</td>
<td>607</td>
<td>612</td>
<td>609</td>
<td>592</td>
<td>2,420</td>
<td>21%</td>
</tr>
<tr>
<td>Social &amp; Humanitarian Affairs</td>
<td>106</td>
<td>100</td>
<td>100</td>
<td>75</td>
<td>381</td>
<td>3%</td>
</tr>
<tr>
<td>Block Transfers to States</td>
<td>159</td>
<td>250</td>
<td>275</td>
<td>300</td>
<td>984</td>
<td>9%</td>
</tr>
<tr>
<td>Reserves</td>
<td>18</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>168</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,485</td>
<td>2,798</td>
<td>2,937</td>
<td>3,039</td>
<td>11,258</td>
<td>100%</td>
</tr>
</tbody>
</table>

---

Table 5: Estimated financing gap for GOSS, 2008-2011, US$m

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GoSS Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil</td>
<td>1,656</td>
<td>2,311</td>
<td>2,231</td>
<td>2,129</td>
<td>8,326</td>
</tr>
<tr>
<td>Other</td>
<td>76</td>
<td>80</td>
<td>86</td>
<td>94</td>
<td>336</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,732</td>
<td>2,391</td>
<td>2,316</td>
<td>2,223</td>
<td>8,662</td>
</tr>
<tr>
<td><strong>Expenditure Needs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs of 6 Expenditure Priorities</td>
<td>1,411</td>
<td>1,553</td>
<td>1,657</td>
<td>1,749</td>
<td>6,369</td>
</tr>
<tr>
<td>Other GoSS Needs</td>
<td>1,074</td>
<td>1,245</td>
<td>1,280</td>
<td>1,290</td>
<td>4,889</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,485</td>
<td>2,798</td>
<td>2,937</td>
<td>3,039</td>
<td>11,258</td>
</tr>
<tr>
<td><strong>Committed Donor Funds</strong></td>
<td>305</td>
<td>135</td>
<td>132</td>
<td>33</td>
<td>605</td>
</tr>
<tr>
<td><strong>Financing Gap</strong></td>
<td>448</td>
<td>271</td>
<td>488</td>
<td>784</td>
<td>1,992</td>
</tr>
<tr>
<td><strong>Total Donor Funding</strong></td>
<td>753</td>
<td>407</td>
<td>621</td>
<td>816</td>
<td>2,596</td>
</tr>
</tbody>
</table>
**APPENDIX 10**

**UNMIS FACTS AND FIGURES**

<table>
<thead>
<tr>
<th>Headquarters</th>
<th>Khartoum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duration</strong></td>
<td>March 2005 to present</td>
</tr>
<tr>
<td><strong>Authorisation</strong></td>
<td>Until 30 April 2010</td>
</tr>
<tr>
<td><strong>Special Representative/Head of Mission</strong></td>
<td>Ashraf Jehangir Qazi (Pakistan)</td>
</tr>
<tr>
<td><strong>Deputy Special Representative</strong></td>
<td>Jasbir Singh Lidder (India)</td>
</tr>
<tr>
<td><strong>Deputy Special Representative/Humanitarian Coordinator</strong></td>
<td>George Charpentier (Finland)</td>
</tr>
<tr>
<td><strong>Force Commander</strong></td>
<td>Major-General Paban Jung Thapa (Nepal)</td>
</tr>
<tr>
<td><strong>Police Commissioner</strong></td>
<td>Rajesh Dewan (India)</td>
</tr>
<tr>
<td><strong>Authorised strength</strong></td>
<td>Up to 10,000 military personnel including 750 military observers, up to 715 police, and an appropriate civilian component</td>
</tr>
<tr>
<td><strong>Strength as of 30 Sept 2009</strong></td>
<td>9,961 total uniformed personnel, including 8,793 troops, 486 military observers and 682 police, supported by 797 international civilian personnel, 2,385 local civilian and 271 UN volunteers</td>
</tr>
</tbody>
</table>

**Contributors of personnel**

**Military**
- Australia, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cambodia, Canada, China, Croatia, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, Gabon, Germany, Greece, Guatemala, Guinea, India, Indonesia, Iran, Japan, Jordan, Kenya, Kyrgyzstan, Malaysia, Mali, Moldova, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Sierra Leone, Sri Lanka, Sweden, Tanzania, Thailand, Turkey, Uganda, United Kingdom, Yemen, Zambia, Zimbabwe

**Police**
- Australia, Bangladesh, Bosnia and Herzegovina, Brazil, Canada, China, Egypt, El Salvador, Ethiopia, Fiji, Gambia, Germany, Ghana, India, Indonesia, Jamaica, Jordan, Kenya, Kyrgyzstan, Malaysia, Mali, Namibia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Philippines, Russian Federation, Rwanda, Samoa, Sri Lanka, Sweden, Turkey, Uganda, Ukraine, United States, Uruguay, Yemen, Zambia, Zimbabwe

**Total fatalities: 48**
- 16 troops, 2 police, 3 military observers, 7 international civilians, 20 local civilians

---


6 Statistics for international and local civilians as at 30 June 2009.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
APPENDIX 12

UNAMID FACTS AND FIGURES

<table>
<thead>
<tr>
<th>Headquarters</th>
<th>El Fasher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration</td>
<td>31 July 2007 to present</td>
</tr>
<tr>
<td>Authorisation</td>
<td>Until 30 April 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Joint AU/UN Special Representative</th>
<th>Ibrahim Gambari (Nigeria)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Joint AU/UN Representative</td>
<td>Mohamed Yonis (Somalia)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Force Commander</th>
<th>Lieutenant-General Patrick Nyamvumba (Rwanda)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Commissioner</td>
<td>Michael J Fryer (South Africa)</td>
</tr>
</tbody>
</table>

| Authorised strength              | Up to 19,555 military personnel; 6,432 police, including 3,772 police personnel and 19 formed police units comprising up to 140 personnel each; and a significant civilian component |

| Strength as of 30 Sept 2009      | 18,775 total uniformed personnel, including 14,638 troops, 196 military observers, 3,941 police officers, supported by 999 international civilian personnel, 2,258 local civilian and 372 UN volunteers |

<table>
<thead>
<tr>
<th>Contributors of personnel</th>
<th>Bangladesh, Bolivia, Burkina Faso, Burundi, Cameroon, China, Egypt, Gambia, Germany, Ghana, Guatemala, Indonesia, Italy, Jordan, Kenya, Malawi, Mali, Mozambique, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Republic of Korea, Rwanda, Sierra Leone, South Africa, Tanzania, Thailand, Togo, Turkey, Uganda, United Kingdom, Yemen, Zambia, Zimbabwe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military</td>
<td>Bangladesh, Bolivia, Burkina Faso, Burundi, Cameroon, China, Cote d'Ivoire, Egypt, El Salvador, Fiji, Finland, France, Gambia, Germany, Ghana, Indonesia, Jamaica, Jordan, Kyrgyzstan, Madagascar, Malawi, Malaysia, Namibia, Nepal, Nigeria, Pakistan, Palau, Philippines, Rwanda, Samoa, Senegal, Sierra Leone, South Africa, Switzerland, Tajikistan, Tanzania, Turkey, Uganda, Vanuatu, Yemen, Zambia</td>
</tr>
</tbody>
</table>

| Police                           | Bangladesh, Burundi, Cameroon, China, Cote d'Ivoire, Egypt, El Salvador, Fiji, Finland, France, Gambia, Germany, Ghana, Indonesia, Jamaica, Jordan, Kyrgyzstan, Madagascar, Malawi, Malaysia, Namibia, Nepal, Nigeria, Pakistan, Palau, Philippines, Rwanda, Samoa, Senegal, Sierra Leone, South Africa, Switzerland, Tajikistan, Tanzania, Turkey, Uganda, Vanuatu, Yemen, Zambia |

| Total fatalities: 46             | 25 troops, 10 police, 1 military observer, 2 international civilians, 8 local civilians |

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8 Statistics for international and local civilians as at 30 June 2009.
APPENDIX 13

STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

As of 21 July 2009, 110 countries are States Parties to the Rome Statute of the International Criminal Court. Of these, 30 are African, 14 Asian, 17 from Eastern Europe, 24 Latin American and Caribbean and 25 are Western European and other states.

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria. Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi.

Cambodia, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Croatia, Cyprus, Czech Republic.

Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic. Ecuador, Estonia.

Fiji, Finland, France.

Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Guyana.

Honduras, Hungary.

Iceland, Ireland, Italy.

Japan, Jordan.

Kenya.

Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg.

Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Mongolia, Montenegro.

Namibia, Nauru, Netherlands, New Zealand, Niger, Nigeria, Norway.

Panama, Paraguay, Peru, Poland, Portugal.

Republic of Korea, Romania.

Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Surinam, Sweden, Switzerland.

Tajikistan, The Former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago.

Uganda, United Kingdom, United Republic of Tanzania, Uruguay.

Venezuela.

Zambia.

Resolution 1593 (2005)

Adopted by the Security Council at its 5158th meeting, on 31 March 2005

The Security Council,

Taking note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (S/2005/60),

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute and encouraging States to contribute to the ICC Trust Fund for Victims,

Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

2. Decides that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully;

3. Invites the Court and the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;

4. Also encourages the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;
5. Also emphasizes the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary;

6. Decides that nationals, current or former officials or personnel from a contributing State outside Sudan which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction has been expressly waived by that contributing State;

7. Recognizes that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

8. Invites the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

9. Decides to remain seized of the matter.
Resolution 1870 (2009)

Adopted by the Security Council at its 6116th meeting, on 30 April 2009

The Security Council,

Recalling all its resolutions and presidential statements concerning the situation in the Sudan,


Taking note of the report of the Secretary-General on Sudan dated January 30, 2009 (S/2009/61), the report on Children and Armed Conflict in Sudan dated February 10, 2009 (S/2009/84), including his recommendations, and taking note of the report on Children and Armed Conflict in the Sudan (S/2007/520) dated 29 August 2007, and recalling the conclusions endorsed by the Security Council Working Group on Children and Armed Conflict in the Sudan S/AC.51/2008/7,

Reaffirming its commitment to the sovereignty, unity, independence, and territorial integrity of the Sudan and to the cause of peace throughout the region,

Commending the work of the United Nations Mission in Sudan (UNMIS) in support of the Comprehensive Peace Agreement (CPA), and commending the continuing commitment by troop and police contributing countries in support of this mission,

Stressing its firm commitment to the cause of peace and stability throughout Sudan and the region, noting the importance of the full implementation of the Comprehensive Peace Agreement of January 9, 2005 and recognizing that the CPA has reached a critical stage,

Encouraging all parties to continue to take positive action in order to consolidate and build upon the achievements since 2005 and reaffirming UNMIS' invaluable support for these efforts,

* Reissued for technical reasons.
Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in Sudan and the region, and deploiring its effect in particular on women and children,

Stressing the importance of providing humanitarian assistance to the civilian populations throughout Sudan, in particular in the Three Areas after the events of March 4 and 5 2009, and for implementation of the CPA, and taking note of the joint assessment being conducted in the Three Areas and the need for continued cooperation between the Government of Sudan, the United Nations and humanitarian organizations,

Commending the continuing work of the Assessment and Evaluation Commission (AEC),

Recalling the commitment of the international community to support the CPA process, including through development assistance, and urging donors to support implementation of the CPA and to honour all pledges of financial and material support,

Recalling the importance of free and fair elections, including the planned national elections, for national reconciliation, consolidation of democracy, and the restoration of peace and stability,

Noting with deep concern the inability to reach agreement on the funding of the Abyei Interim Administration thereby preventing it from reducing political instability and insecurity in the Abyei region,

Welcoming increased cooperation among UNMIS, the UN Mission in the Democratic Republic of the Congo (MONUC), the UN Mission in Darfur (UNAMID), and the UN Mission in the Central African Republic and Chad (MINURCAT), and looking forward to the sharing of information among them to help counter regional threats such as the LRA,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

1. Decides to extend the mandate of UNMIS until April 30, 2010, with the intention to renew it for further periods as may be required;

2. Requests the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, progress on implementation of the CPA, and respect for the ceasefire, and to provide an assessment and recommendations on measures UNMIS might take to further support elections and advance the peace process;

3.Welcomes the military capability review conducted into UNMIS’ deployment, stresses the importance of appropriate and flexible deployment of UNMIS in order to address the most likely points of conflict, in particular in areas where civilians are under threat of violence, and requests regular reviews of deployment and implementation of recommendations to ensure that the force is best placed to support the implementation of the CPA;

4. Stresses the importance of full, and expeditious implementation of all elements of the CPA, implementation of the Abyei Roadmap, agreements on Darfur, and the October 2006 Eastern Sudan Peace Agreement, and calls upon all parties to respect and abide by their commitments to these agreements without delay;
5. Welcomes the parties' sustained commitment to work together in the Government of National Unity (GNU) and urges the continued cooperation of the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) in carrying out their responsibilities in further implementing the CPA;

6. Stresses the critical role of the AEC in overseeing and reporting on implementation of the CPA; and urges all parties to cooperate fully with the AEC and implement its recommendations;

7. Calls for all parties to cooperate with full and unrestricted access to UNMIS in monitoring and verification of the Abyei region, without prejudice to the final agreement on the Abyei boundaries, and urges UNMIS, consistent with its current mandate and within its means and capabilities, to consult with the parties, and to deploy, as appropriate, sufficient personnel to the Abyei region to improve conflict prevention efforts and security to the civilian population;

8. Welcomes the parties agreement to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal at the Permanent Court of Arbitration for resolution; calls upon the parties to abide by and implement the Tribunal's decision on the final settlement of the Abyei boundary dispute; urges the parties to reach agreement on providing the funding of the Interim Administration in accordance with the CPA; and urges all parties to redeploy their military forces away from the disputed 1 January 1956 border;

9. Welcomes the completion of the enumeration phase and technical analysis of the national census; expresses concern about the delay in announcing the results; and urges the parties to reach agreement expeditiously on the 2008 national census results in a way that does not increase tensions;

10. Urges all Sudanese parties to continue to demonstrate their full commitment to the democratic process by preparing expeditiously for the conduct of peaceful, transparent, and credible elections in February 2010 as recommended by the NEC;

11. Requests UNMIS, consistent with its mandate and within its current capabilities, to support the NEC in preparing for credible national elections, including through provision of assistance and advice, as required, with security preparations and coordinating UN election support efforts in close collaboration with UNDP, and ensuring that UNMIS' efforts are complementary to those of the international community and the parties to the CPA, and urges the international community to provide technical and material assistance, including electoral observation capacity as requested by the GNU, to support credible elections;

12. Recalls the CPA's provision for referenda, including the parties' responsibility to pursue efforts to make unity attractive, and reaffirming UNMIS' support for these efforts, requests that UNMIS be prepared to provide assistance to the parties, if requested, to support preparations for a Referendum in 2011;

13. Expresses its concern for the health and welfare of the civilian populations in Sudan; calls upon the parties to the CPA and the communiqué signed between the United Nations and the GNU in Khartoum on 28 March 2007 to support, protect and facilitate all humanitarian operations and personnel in the Sudan; and urges the Government of Sudan to continue working with the United
Nations to support the three track approach delineated by the Secretary-General to ensure continuity of humanitarian assistance;

14. Requests UNMIS to make full use of its current mandate and capabilities to provide security to the civilian population, humanitarian and development actors and UN personnel under imminent threat of violence as stated in resolution 1590 (2005), stresses that this mandate includes the protection of refugees, displaced persons and returnees, and emphasizes in particular the need for UNMIS to make full use of its current mandate and capabilities with regard to the activities of militias and armed groups such as the Lord’s Resistance Army in Sudan, as stated in resolution 1663 (2006);

15. Deplores the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and the continuing potential for violence and calls upon UNMIS to strengthen its conflict management capacity by completing as soon as possible its integrated strategy to support local tribal conflict resolution mechanisms in order to maximize protection of civilians; welcomes the development of a comprehensive strategy on the protection of civilians and encourages UNMIS to continue and complete its work on the strategy in a timely manner; and calls again upon UNMIS, consistent with its current mandate and capabilities, to pro actively conduct patrols in areas at high risk of localized conflict;

16. Notes that conflict in one area of Sudan affects conflict in other areas of Sudan and in the region, and therefore urges UNMIS, consistent with its current mandate, to cooperate closely with all UN entities operating in the region, including the AU-UN Joint Mediation Support Team and other stakeholders, so that implementation of these bodies' mandates supports the overall objective of peace in Sudan and the region;

17. Requests UNMIS, acting within its current mandate and within its current means and capabilities, to provide technical and logistical support to the Technical ad hoc Border Committee, as requested, to help the parties urgently conclude the process of demarcation of the 1956 North/South border, in accordance with the CPA;

18. Stresses the important role of the JIUs for the full implementation of the CPA, calls upon the Joint Defense Board to exercise command, control and management of the JIUs; requests UNMIS to explore ways to support Sudanese efforts to build JIU capabilities, and urges donors to offer support, both materiel and training, coordinated by UNMIS in consultation with the Joint Defense Board, to enable the full establishment and operational effectiveness of JIUs and JIPUs as soon as possible;

19. Encourages UNMIS, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the CPA in promoting the rule of law, restructuring the police and corrections services throughout Sudan, assisting in the training of civilian police and corrections officers;

20. Encourages the parties to undertake a prioritized roll-out of disarmament, demobilization, and reintegration (DDR) in all states, and requests UNMIS to work closely with the Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA) to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of DDR under the CPA;
21. Further urges donors to respond to calls for assistance to the DDR process, in particular the reintegration phase, and calls on donors to honour their obligations and pledges made at the Oslo Donors' Conferences of 2005 and 2008;

22. Requests UNMIS, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of children recruited to and participating with armed forces and armed groups, to increase its support for the National DDR Coordination Council and the Northern and Southern DDR Commissions with special emphasis on reintegrating such children with their families, and to monitor the reintegration process;

23. Welcomes the continuing organized return of internally displaced persons and refugees to the Three Areas and southern Sudan, and encourages the promotion of efforts, including the provision of necessary resources to the Office of the United Nations High Commissioner for Refugees and implementing partners, to ensure that such returns are voluntary and sustainable; and requests UNMIS, within its current mandate, capabilities and areas of deployment, to coordinate with partners to facilitate sustainable returns, including by helping to establish and maintain the necessary security conditions;

24. Calls upon the GNU to cooperate fully with all the United Nations operations within its territory in the implementation of their mandates;

25. Reiterates its concern over the restrictions and impediments placed on UNMIS personnel and materiel, and the adverse impact such restrictions and impediments have on UNMIS' ability to perform its mandate effectively and on the ability of the humanitarian community to reach affected persons; and calls in this regard for all parties to cooperate fully with UNMIS and to facilitate the performance of its mandate, and to abide by their obligations under international humanitarian law;

26. Stresses the importance of achievable and realistic targets against which the progress of UN peacekeeping operations can be measured; in this regard, requests the Secretary-General to develop benchmarks for measuring and tracking progress in the implementation of UNMIS mandate; further requests the Secretary-General to include in his next quarterly report an assessment of progress made against these benchmarks, as well as any consequent recommendations regarding UNMIS' configuration;

27. Underscores the importance that the military concept of operations and rules of engagement be regularly updated and be fully in line with the provisions of the UNMIS mandate under relevant Security Council resolutions, requests the Secretary-General to report on them to the Security Council and Troop Contributing Countries, and to provide the Security Council, with the same regularity as referred to in paragraph 2, with a specific update on the security situation;

28. Requests the Secretary-General to continue to take the necessary measures to ensure full compliance by UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council fully informed, and urges troop contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

29. Decides to remain actively seized of this matter.
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