



# THE FATE OF SUDAN

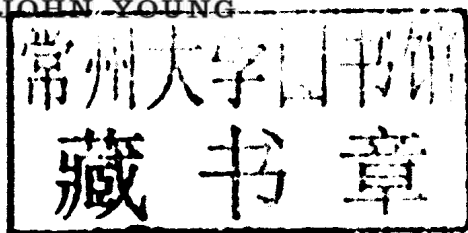
THE ORIGINS AND CONSEQUENCES  
OF A FLAWED PEACE PROCESS

JOHN YOUNG

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## **THE FATE OF SUDAN**

### **ABOUT THE AUTHOR**

JOHN YOUNG has been involved in research around peace, security, governance, federalism conflict, elections, and political parties in the Horn of Africa since 1986, but in recent years has had a particular interest in peace and security issues in Sudan. These research interests have been pursued in various capacities as an independent and UN journalist, academic researcher, Canadian government consultant, peace monitor in the north-south Sudan conflict, evaluator of various peace support programs, and, most recently, political adviser to the Carter Center for the April 2010 national elections and southern Sudan referendum.

## ACKNOWLEDGMENTS

For a book of this nature there are far too many people to thank. In addition, some cannot be thanked or quoted because given their positions it would cause them embarrassment. There are also many other ordinary but anonymous people who have informed my views. In Sudan a *sitt al-chai* (tea lady) or a soldier sharing a place in the back of a truck are often more informative than a cabinet minister or general. But, with those caveats, a few people and organizations deserve a particular note of thanks. The first must go to Mahgoub Mohamed Salih, the dean of Sudanese journalism, and the South Sudanese statesman Bona Malwal, who employed me as a neophyte journalist for the *Sudan Times* between 1986 and 1989 and to whom I still regularly go for advice and wisdom. The second note of appreciation is to the Carter Center, which employed me as a political adviser through the final heady days of the Sudan peace process and demonstrated remarkable tolerance for someone whose views were sometimes very different from their own. Lastly, two individuals must be noted. The first is my friend and frequent translator/fixer Riak 'Franco' Pouk Nyab for his advice and good humor during our many travels in South Sudan. The second is my wife, Thea Geddert, who shared some of my Sudan adventures, read and corrected drafts of this book, and has been very patient about my passion for Sudan.

## **ABBREVIATIONS**

ABC	Abyei Boundary Commission
AEC	Assessment and Evaluation Commission
AJOC	Abyei Joint Oversight Committee
ANC	African National Congress
AU	African Union
AUHIP	African Union High Level Implementation Panel
AL	Arab League
BEG	Bahr el Ghazal
CANS	Civil Administration of New Sudan
CCSS	Coordinating Council of Southern Sudan
CPA	Comprehensive Peace Agreement
DoP	Declaration of Principles
DPA	Darfur Peace Agreement
DUP	Democratic Unionist Party
EDF	Equatoria Defense Force
EPLF	Eritrean People's Liberation Front
EPRDF	Ethiopian People's Revolutionary Democratic Front
GNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of South Sudan
HAC	Humanitarian Affairs Commission
ICC	International Criminal Court
ICF	Islamic Charter Front

ICG	International Crisis Group
ICSS	Interim Constitution for Southern Sudan
IDP	Internally displaced person
IGAD	Inter-Governmental Authority on Development
IGADD	Inter-Governmental Authority on Drought and Development
IMF	International Monetary Fund
IPF	IGAD Partners' Forum
JEM	Justice and Equality Movement
JIU	Joint Integrated Units
JLEI	Joint Libyan Egyptian Initiative
LLMPC	Legitimate League of Muslim Preachers and Clerics
LRA	Lord's Resistance Army
MNR	National Resistance Movement
NASC	National Alliance for the Salvation of the Country
NBI	Nile River Basin Initiative
NCP	National Congress Party
NDA	National Democratic Alliance
NDI	National Democratic Institute
NEC	National Election Commission
NIF	National Islamic Front
NISS	National Intelligence and Security Service
NLC	National Liberation Council
NRM/A	National Resistance Movement/Army
NSCC	New Sudan Council of Churches
NUP	National Umma Party
OAG	Other armed groups
OCV	Out of country voting
OLF	Oromo Liberation Front
OLS	Operation Lifeline Sudan
PAIC	Popular Arab and Islamic Conference
PCP	Popular Congress Party
PDF	Popular Defense Force
PNC	Popular National Congress
PPLF	Political Parties Leadership Forum
RCC	Revolutionary Command Council
RoSS	Republic of South Sudan
SAF	Sudan Armed Forces



SANU	Sudan African National Union
SCP	Sudan Communist Party
SLM/A	Sudan Liberation Movement/Army
SPDF	Sudan People's Democratic Front
SPLM/A	Sudan Peoples Liberation Movement/Army
SPLM-DC	SPLM-Democratic Change
SSDF	South Sudan Defense Force
SSIM	South Sudan Independence Movement
SSLA	South Sudan Legislative Assembly
SSLA	South Sudan Liberation Army
SSRB	South Sudan Referendum Bureau
SSRC	South Sudan Referendum Commission
SSRC	South Sudan Rehabilitation Commission
TMC	Transitional Military Council
TPLF	Tigray People's Liberation Front
UDF	United Democratic Front
UDSF	United Democratic Salvation Front
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UPDF	Ugandan People's Defense Force
USAP	Union of Sudan African Parties
WUN	Western Upper Nile



Map of Sudan and South Sudan, showing the de facto boundary put into effect on 9 July 2011. As this book went to print, the final boundary was yet to be determined.

## **PREFACE**

On 9 July 2011 South Sudan became an independent state. For many this represented the successful culmination of a decade-long peace process. But long before 9 July it was clear that the secession of South Sudan was not going to bring sustainable peace with its northern neighbor, the governments in Khartoum and Juba had no intention of living up to their commitments to democratic transformation, and, despite the platitudes of the diplomats, the Comprehensive Peace Agreement (CPA) was little more than an extended ceasefire. Indeed, before 9 July war had broken out in the northern states of Southern Kordofan and Blue Nile, rebellions were spreading in the Nuer lands of South Sudan, lawlessness gripped much of South Sudan, the war continued apace in Darfur, there were fears that the recently resolved conflict in eastern Sudan might be resurrected, and there were periodic clashes between the armies of Sudan and South Sudan and numerous aerial bombings of the south. And, just as during the years of north-south war, refugees from Sudan and South Sudan were fleeing to Ethiopia for security.

Former South African president Thabo Mbeki, who served as the lead mediator for the African Union trying to resolve the

post-southern referendum issues, repeatedly said that in the event of a vote for secession his objective was to see the emergence of 'two viable states'. To date that objective has not been realized. In spring 2012 when this book was going to press none of the twelve post-secession issues listed in the Referendum Law had been resolved. Not only had the international peacemakers badly failed in Sudan, but so had their chosen model of liberal peacemaking and -building.

This is not an insider's story in the sense that I have sat at a Sudanese negotiating table and served as a diplomat; I haven't. Nor can I offer up the insights of an anthropologist, historian, or constitutional lawyer. This is a study by someone who has worked in Sudan for many years as a teacher, journalist, researcher, peace monitor, political and security analyst, and most recently as a political adviser to the Carter Center's election, referendum, and popular consultation missions. It is written by a jack of many trades and thus able to consider the peace process from different perspectives, though I would not claim to be an expert in any of them. I have, however, closely followed developments in Sudan since 1986, lived in the country for about eight years, travelled extensively, met most of the leading political actors, and include many Sudanese and South Sudanese among my closest friends. I have also published many articles on political and security issues.

Sudanese friends have urged me to move away from writing on political subjects, which, however unintended, contribute to the one-dimensional international perception of Sudan and now South Sudan as countries populated by mad Islamists and constantly fighting tribals. Indeed, works are needed that portray the other Sudan that has always been integral to my experience in the country: a hard land with a terrible climate, but compensated by a generous, warm, good-humored people of enormous dignity who have always made me feel welcome even when I wrote and said

things they might heartily disagree with. Unfortunately this book does not meet that need and instead paints a dismal picture of failure by the international community and the country's leaders, who have badly served the interests of the good people of Sudan and South Sudan. As such it is a call for these people to end their misguided faith in the international community and undeserving leaders and take control of their collective destinies.

A book of this nature falls somewhere between history and journalism, and as a result largely relies on interviews and not secondary sources. And the large majority of the interviewees are Sudanese and South Sudanese because this is their story. Where possible I have named my informants, but often the quotations are without attribution to protect them. This is particularly necessary in the analysis of the peacemaking process, where those interviewed were assured of their anonymity.

The Introduction briefly assesses the theory underlying international approaches to peacemaking and peace-building such as that in Sudan, contending that the theorization is based on discarded notions drawn from modernization theory, invariably trading off democracy in favor of peace (a false dichotomy it will be argued here), and does not address the root causes of conflict. Invariably it favors managerial and technical approaches rather than supporting the structural changes that alone offered Sudan the prospect of realizing the CPA-stipulated goals of unity and democratic transformation. As such this chapter frames and informs what follows.

Chapter 1 provides a bare-bones history of post-colonial Sudan with a focus on the National Congress Party (NCP) and the Sudan Peoples Liberation Movement (SPLM), which alone were permitted to negotiate the fate of Sudan. Appreciating that it could not come to power through democratic elections, the NCP operated through and with military regimes to reconstruct the

state to force an Arab-Islamic identity on the country and maintain hegemony over a polyglot of tribes inhabiting an increasingly restive periphery. Not content with waging war on the south and other peripheries, under Hassan al-Turabi the NCP attempted to export its Islamist ideology to the region and beyond. As a result of the ensuing threat to the regime he was jettisoned, after which Marshall Omar al-Bashir led a more conventional authoritarian regime that still used Islamist rhetoric and institutions.<sup>1</sup>

Meanwhile, Dr John Garang established the Sudan Peoples Liberation Movement/Army in 1983 with the support of the Ethiopian military regime, which also dictated its objective of a united reformed New Sudan, an aim that had little support in the south but gained the liberation movement international assistance and adherents among the rebellious peripheries of the north. Authoritarianism, lack of a practical reform program, and militarism, however, seriously undermined the SPLA's potential and produced so much opposition as to preclude the possibility of it achieving power on its own. Thus, after being dismissed from Ethiopia with the overthrow of the Derg, Garang increasingly turned to the US and eventually agreed to a regionally based, but American-led, peace process that eventually produced the CPA.

Chapter 2 takes up the story after the NCP coup of 1989 put an end to internal peacemaking efforts, wherupon the regional-based Inter-Governmental Authority on Development (IGAD) took up the peace process. But it was only when the US threw its weight behind the IGAD process that it took off with the 2002 Machakos Protocol, which committed the NCP and SPLM to unity, but granted the south self-determination. The CPA also included protocols on power and wealth-sharing, security arrangements, and means to resolve the conflicts in the northern border territories of Abyei, Southern Kordofan, and Blue Nile, otherwise known as the Three Areas. In addition, the CPA provided for the

formation of a Government of National Unity dominated by the NCP and SPLM and the Government of South Sudan dominated by the SPLM, as well as general elections and a referendum on secession for southern Sudan. The weaknesses of the peace process began with the bilateral character of the process, which excluded other political parties, civil society, and representatives of other armed groups and ensured that neither the process nor the agreement was comprehensive. Crucially the peacemakers failed to tackle the structural problems that fueled the north-south and other conflicts in the country.

As Chapter 3 details, although the SPLM and NCP did not want elections before the end of the peace process, the international backers of the process insisted. In the event the international community largely ignored the widespread electoral abuses of the ruling parties so that what they felt was the core of the peace process – the secession of southern Sudan – could be kept on track. This was accomplished at the cost of dispensing with the CPA commitment to democratic transformation; that in turn caused the embitterment of large numbers of politicians and their supporters in both the north and the south, a legacy that continued beyond the duration of the peace process. The division of spoils resulted in the NCP taking almost all the seats in the north, while the SPLM took almost all the seats in the south, thus creating *de facto* separate northern and southern states and laying the basis for southern Sudan's eventual secession.

Chapter 4 shows how increasingly the southern referendum and the inevitable vote for secession became the focus of the peace process. This brought to the fore the contradictions in the positions of the peace partners. Thus, whereas the long-standing SPLM program called for unity, during the campaign the southern government claimed to be neutral while in practice it devoted all its human and financial resources to ensure an overwhelming vote for secession. Meanwhile, the NCP conducted

a low-key campaign for unity that made clear it was resigned to southern secession, but wanted a price to be paid in terms of the outcome of outstanding issues like shared oil revenues, Abyei, border demarcation, assurance of a stable post-referendum relationship with the south, and acquiring various benefits from the international community such as debt relief. Not being given the option of confederalism and not understanding that a vote for unity would not return the south to central rule, but instead confirm present autonomous arrangements, southerners voted 98.3 percent in favor of secession.

Chapter 5 begins by discussing the Abyei Protocol, which provided for a referendum to determine whether the inhabitants of this border territory wished to be linked to the south or north. But the vote was not held and likewise no agreement was reached on the status of the Misseirya nomads, who transited and sometimes lived in Abyei for extended periods of the year. The process came to an end on 20 May 2011 when SAF expelled SPLA forces from the territory, dissolved the SPLM-dominated territorial administration, and caused a massive displacement of the population to southern Sudan. Although an agreement was reached in Addis Ababa that SAF and SPLA forces would be replaced by an Ethiopian army brigade under Security Council auspices, at the beginning of 2012 SAF was still in Abyei, most of the displaced were still in South Sudan, and there was little prospect of a referendum.

The CPA called for popular consultations in Blue Nile and Southern Kordofan to determine if the inhabitants were satisfied with the implementation of the CPA, and if not to negotiate with the national government over desired changes. But the NCP and SPLM undermined the popular consultation in Blue Nile, while the Southern Kordofan popular consultation was postponed until after state elections could be held. In the event the SPLM refused to accept the outcome of the elections and the NCP



demanding that SPLA forces in the state and Blue Nile disarm. This precipitated a war, which continued into 2012.

Chapter 6 details that, following completion of the referendum, the SPLM and NCP turned their attention to preparing constitutions for the successor states and dealing with the legacy of the peace process. Although the SPLM had long called for federalism, it pressed a largely unitary modeled constitution on the new state, while the powers it granted President Salva Kiir Mayardit brought to the fore the authoritarianism that was always a central feature of the party. But the flawed elections and efforts at constitution-building, together with maladministration and endemic corruption, stimulated a series of rebellions in Unity, Jonglei, and Upper Nile states, which were supported by the NCP.

Meanwhile, the NCP faced a crisis of legitimacy in the wake of the loss of South Sudan and endeavored to use constitution-making to divide the opposition over the role of Islam in the state and to form what it claimed would be a broad-based government. In the event, it was not until the end of 2011 that President Omar Al-Bashir was able to form an NCP-dominated government, but which included the Democratic Unionist Party (DUP) and other factions. Most of the other parties called for a popular insurrection. While the loss of the south and the growing economic crisis deepened anger, the NCP was able to contain dissent and looked hopefully to the rise of Islamist parties as a result of the Arab Spring to ensure its continuing rule.

The flawed April 2010 elections and the completion of the referendum served as a stimulus for Khartoum-assisted rebels to launch armed struggles against the SPLM in Greater Upper Nile. Compounding the problems was the inability of the SPLA and UN forces to contain endemic cattle rustling and tribal conflicts, which reached levels never witnessed before in the territory and cast into doubt the capacity of the SPLM to maintain the integrity of the fledgling state.