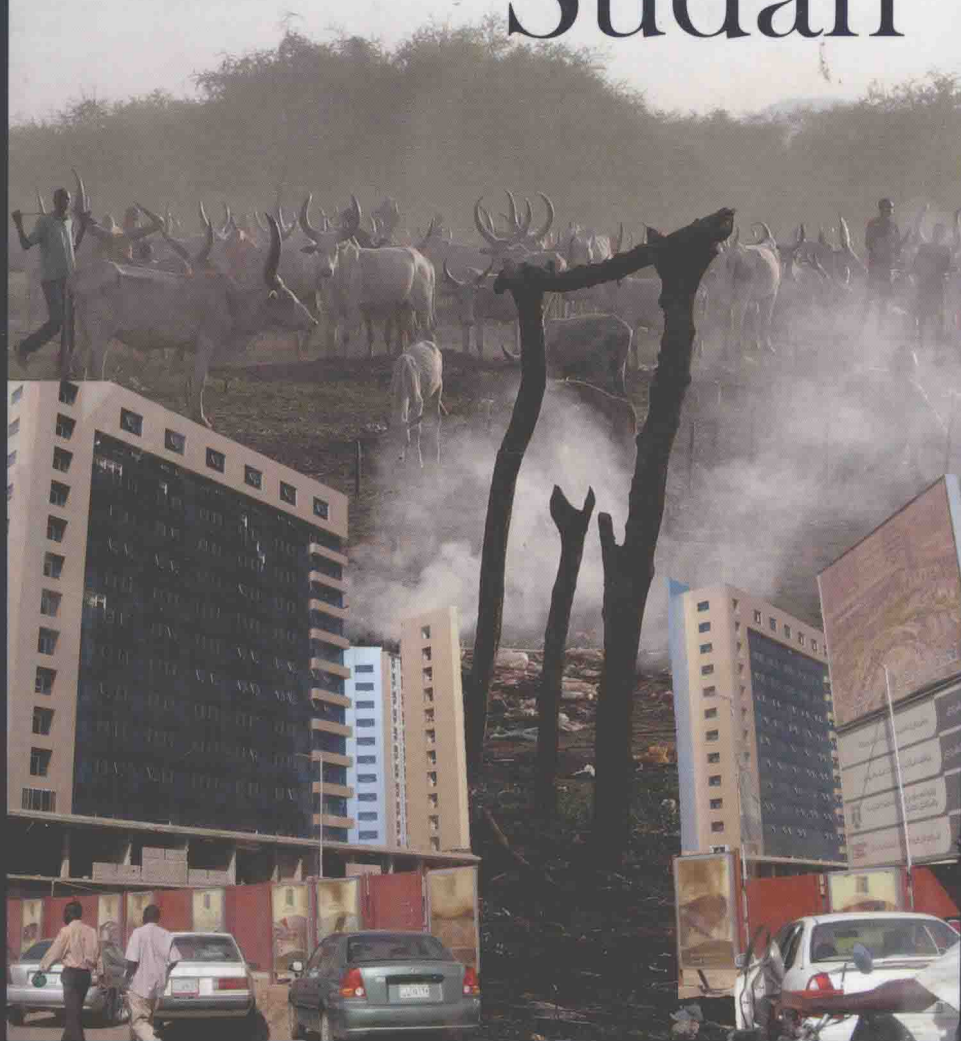


Edited by ELKE GRAWERT

After the Comprehensive Peace Agreement in Sudan



EASTERN AFRICA SERIES



*After the
Comprehensive Peace Agreement
in Sudan*

Edited by

ELKE GRAWERT



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Editor's Preface

Five years after the Comprehensive Peace Agreement (CPA) of Sudan was signed in Nairobi in January 2005, several research-based assessments of the process of implementing the agreement and the prospects for lasting peace in Sudan are now available. This book compiles scholarly analyses of the implementation of the power sharing agreement of the CPA, of the ongoing conflicts with particular respect to land issues, of the challenges of the reintegration of internally displaced people and refugees, and of the repercussions of the CPA in other regions of Sudan as well as in neighbouring countries. Most of this research was conducted in the framework of a cooperative research project on 'Governance and Social Action in Sudan after the Peace Agreement of January 9, 2005: local, national and regional dimensions', which is part of the research programme 'Knowledge for Tomorrow: Political, Social and Economic Dynamics in Sub-Saharan Africa' sponsored by the German Volkswagen Foundation. The project participants are senior and junior scholars and researchers from the University of Khartoum, University of Juba, Ahfad University for Women, Omdurman, the University of Addis Ababa, the University of Nairobi, and the University of Bremen. The papers assembled in this book were first presented during a workshop on 'After the CPA: Signs of Change?' with international participants at the Institute of World Economics and International Management of the University of Bremen in November 2006. They were submitted and updated in 2009.

On behalf of the authors of this book, the editor wants to thank first of all the Volkswagen Foundation, which sponsored research about various issues related to the CPA through scholarships for higher qualification at the Master's and PhD levels. The sponsorship also included workshops like the one at the University of Bremen in

Editor's Preface

November 2006, where the researchers had the opportunity to discuss their findings with international experts in Sudan research, some of whom also submitted papers for this book. Last but not least, the Volkswagen Foundation contributed to this publication by taking over some of the production costs, together with the Bremen Society for Economic Research (Bremer Gesellschaft für Wirtschaftsforschung), to which we also submit our thanks.

We also owe respect and gratitude to Dr Douglas Johnson, who extensively commented on the papers in this book and helped the editor with detailed advice. In addition, we extend many thanks to Tino Urban and Jörg Wehrenberg, who committed much of their time to the technical editorial work.

Elke Grawert
Bremen



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List of Acronyms

ABC	Abyei Boundary Commission
ADP	Anuak Democratic Party
ADRA	Adventist Development and Relief Agency
AEC	Assessment and Evaluation Committee
ARRA	Administration for Refugee Affairs
AU	African Union
CBO	Community-Based Organisation
CE	County Education Committee
COER	Colloquium of the Commission on Ethnic Relations
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organisation
DC	Developed Country
DCA	Danish Church Aid
DFG	Deutsche Forschungsgemeinschaft
DICAC	Development Inter-Church Aid Commission
DOP	Declaration of Principles
DPA	Darfur Peace Agreement
DRC	Democratic Republic of Congo
DUP	Democratic Unionist Party
EDD	Empowered Deliberative Democracy
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESPA	Eastern Sudan Peace Agreement
GONU	Government of National Unity
GOS	Government of Sudan
GOSS	Government of Southern Sudan
GPDM	Gambella People's Democratic Movement
GPDUP	Gambella People's Democratic Unity Party
GPLM	Gambella People's Liberation Movement
GPNRS	Gambella People's National Regional State
GPUDM	Gambella People's Unity Democratic Movement
HAC	Humanitarian Aid Commission
ICSS	Interim Constitution of Southern Sudan
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person/People

List of Acronyms

IGAD	Intergovernmental Authority on Development
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
IRC	International Rescue Committee
IRRI	International Refugee Rights Initiative
IRW	Islamic Relief Worldwide
JEM	Justice and Equality Movement
JIU	Joint Integrated Unit
JMC	Joint Monitoring Commission
JRS	Jesuit Refugee Services
KESSULO	Kenyan-Southern Sudanese Liaison Office
LDC	Least Developed Country
LWF	Lutheran World Federation
MDP	Majangir Democratic Party
MDTF	Multi-Donor Trust Fund
MOEST	Ministry of Education, Science and Technology
NCKK	National Council of Churches of Kenya
NCP	National Congress Party
NDA	National Democratic Alliance
NDP	Nuer Democratic Party
NGO	Non-Governmental Organisation
NIF	National Islamic Front
NMPACT	Nuba Mountains Programme for Advancing Conflict Transformation
NRDP	Natural Resource Development Protection
NRF	National Redemption Front
NUP	National Unionist Party
OAG	Other Armed Groups
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OCS	Officer Commanding Station
ODI	Overseas Development Institute
OLF	Oromo Liberation Front
OLS	Operation Lifeline Sudan
PCP	Popular Congress Party
PDF	Peoples Defence Force
PTA	Parents and Teachers' Association
QUANGO	Quasi-Non-Governmental Organisation
RaDO	Rehabilitation and Development Organisation
RAMP	Riverine Arabised Muslim Power Bloc
RCT	Rational Choice Theory
SAF	Sudan Armed Forces
SANO	Sudan African National Organisation
SCC	Sudan Council of Churches

List of Acronyms

SCP	Sudanese Communist Party
SCS	Save the Children Sweden
SES	Socio-Economic Status
SIDO	Saharan International Development Organisation
SLM/A	Sudan Liberation Movement/Army
SMA	School Management Association
SMC	School Management Committee
SOE	Secretariat of Education
SPLM/A	Sudan People's Liberation Movement/Army
SRRC	Sudan Relief and Rehabilitation Commission
SSDF	South Sudan Democratic Forum
SSIM/A	South Sudan Independence Movement/Army
SSLM	Southern Sudan Liberation Movement
SSRC	Social Science Research Council
SSRRC	Southern Sudan Relief and Rehabilitation Commission
TPLF	Tigrayan Peoples' Liberation Front
TTI	Teachers Training Institute
UDHR	Universal Declaration of Human Rights
UDSF	United Democratic Salvation Front
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNMIS	United Nations Mission in Sudan
UNOCHA	United Nations Office for Coordination of Humanitarian Affairs
UNRISD	United Nations Research Institute for Social Development
US	United States
USA	United States of America
USAID	United States Agency for International Development
USAP	Union of Sudanese African Parties
USCIRF	United States Commission on International Religious Freedom
USIP	United States Institute of Peace
USS	United States Ship
WFP	World Food Programme
WTI	Windle Trust International
ZOA	Refugee Care Netherlands

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Introduction

ELKE GRAWERT

After a long process of peace negotiations, which started only three years after the outbreak of the second civil war in Sudan in 1983, a Comprehensive Peace Agreement (CPA) was signed on January 9, 2005 between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A). The CPA raised initial hopes that it would be the foundation stone for lasting peace in Sudan. With its key protocols on wealth and power sharing (GOS/SPLM/A 2004, 2004a), it addresses two root causes of the civil wars in southern Sudan that had devastated the region from 1955 to 1972 and again, after eleven years of peace, from 1983 to 2004. These were economic marginalisation of the South and a near-exclusion of southerners from positions in government. The following introductory sections present the details of the CPA and outline the problems facing its implementation. Finally an overview of the sections and papers in this book is provided.

Background and key issues of the CPA

The CPA officially and de facto ended the civil war in southern Sudan after a long process that had suffered many setbacks. It had started in 1986 with negotiations between factions of the formally democratic coalition government under Sadig el-Mahdi and the SPLM/A leadership. The coup d'état of 1989 by Lt. Omar Hassan el-Bashir, backed by the Muslim Brotherhood led by Hassan el-Turabi, was a heavy blow to a near-agreement. During the 1990s, negotiations intensified again under the umbrella of the Inter-governmental Authority for Development (IGAD), which includes the governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Sudan. The CPA (GOS/SPLM/A 2005) is a compilation of protocols and agreements between the GOS and the SPLM/A, which includes the Machakos Protocol of July 20, 2002, the Agreement on

Security Arrangements of September 25, 2003, the Agreement on Wealth Sharing of January 7, 2004, the Protocol on Power Sharing of May 26, 2004, the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States of May 26, 2004, and the Protocol on the Resolution of the Conflict in the Abyei Area of May 26, 2004 (see documents in appendix of Adar et al. 2004; see also GOS/SPLM/A 2004b). This process came to a successful conclusion in January 2005. However, armed conflict escalated in eastern Sudan in 2005 and reached a precarious settlement through a peace agreement in 2006. Violent conflicts in Darfur, which had started soon after the famine of 1983–5, intensified as soon as the first agreements leading to the CPA were reached in 2003, and turned into a real war which has continued in spite of a partial peace agreement concluded in 2006 (see Grawert 2008; Woodward in this volume).

The CPA stipulates the transformation of political groups and movements into democratic parties (GOS/SPLM/A 2004a: 1.4.6). In the current process of implementation, which is scheduled for six years up to 2011, the interests of the former GOS are represented by the National Congress Party (NCP). This party is led by the Sudanese President Omar el-Bashir, who is part of an Arabised Muslim elite originating from the triangle between the Blue and White Nile with Khartoum, Omdurman and Khartoum North as the centre of power. This 'riverine Arab-Muslim Power Bloc' (RAMP) (El-Battahani 2002) has dominated government in Sudan since independence, most of the time in terms of military rule, but with three short formally democratic intermezzi (1956–8, 1966–9, 1986–9). The SPLM is the civilian wing of the SPLA, which has been led by a southern Sudanese elite, largely consisting of Dinka, one of the largest ethnic groups in southern Sudan, since 1983. In the process of transforming this militant movement into a political party that strives for political legitimacy, the SPLM claims to represent the interests of all marginalised groups in Sudan (SPLM Economic Commission 2004: 57).

The successful part of the peace process is mainly due to one aspect of power sharing: the guarantee of the regional autonomy of southern Sudan. This includes the foundation of a regional Government of Southern Sudan (GOSS) (GOS/SPLM/A 2004a: 3.5), based on a secular regional constitution, with a SPLM-dominated Regional Assembly and Cabinet and the institution of the President of Southern Sudan (*ibid.*: 2.3.7), the establishment of an independent judiciary (*ibid.*: 3.6, 3.7), and the right of the population of southern Sudan to decide about independence through a referendum in 2011 (GOS/SPLM/A 2002: 2.5 and 2.10.1.5).

A further reason for peace between the government of Sudan and the SPLM/A is the proportionate inclusion of the SPLM in the national government of Sudan, with 28 per cent of the ministries and seats in the National Assembly. This government is now labelled Government of National Unity (GONU) and includes a 52 per cent majority of the NCP and 20 per cent drawn from several other northern and southern Sudanese

parties (GOS/SPLM/A 2004a: 2.2.5). A Constitutional Court has been established in order to facilitate an independent judiciary (*ibid.*: 2.11.2.1). Moreover, local governments have been appointed in 26 federal states, ten of which are located in southern Sudan. According to the CPA, the members of the national, regional and state assemblies were supposed to be replaced by elected members following a nationwide ballot in 2009 (*ibid.*: 1.8.3). A further dimension of power sharing is civil service sector reform which is to ensure proportional occupation of higher positions by southerners (*ibid.*: 2.6.1.5 and 2.6.2). These arrangements for a more balanced political representation are an attempt to overcome the marginalisation of large parts of Sudanese society through institutional reform. The fair share of southern Sudanese personnel in leading positions is expected to create the potential to balance the vested interests of the old-established RAMP elite with those of the so far excluded parts of Sudanese society.

The CPA also stipulates devolution to states with their own constitutions that have to be compatible with the national and regional constitutions (GOS/SPLM/A 2004a: 4.4.4). Moreover, it includes a section on the repatriation, resettlement and reintegration of internally displaced persons (IDP) and refugees as well as the rehabilitation and reconstruction of the war-affected areas to which these groups return (GOS/SPLM/A 2002: 1.5.4).

The other crucial reason for the current absence of war in southern Sudan is the formula of wealth sharing. Accordingly, the GONU and the GOSS are each entitled to one half of the total oil revenues stemming from the southern Sudanese oil production, after deduction of 2 per cent for each oil-producing state in the South (GOS/SPLM/A 2004: 3.2, 5.5 and 5.6). The CPA also provides for determined development efforts in the war-torn South (Adar et al. 2004: 37–57). The agreement on the reallocation of revenues and enhanced economic investment in the South reflects the will of the signatories to achieve an equitable standard of living for the populations in northern and southern Sudan (GOS/SPLM/A 2004: 7.3). This has been backed by Western donor countries, which pledged US\$ 4.5 billion for two multi-donor trust funds, one at the national level and one for the South, established for development and infrastructural measures (Sudan Multidonor Trust Funds 2005). The southern fund is administered by the World Bank. The GONU and the GOSS are supposed to contribute a due share of oil revenues for development expenditures.

Another important aspect of wealth sharing is the regulation of control over land. The CPA stipulates that land commissions are to be established at national, regional and state levels in order to initiate a process that will amend and develop the relevant land laws towards the incorporation of customary laws and practices (GOS/SPLM/A 2004: 2.5, 2.6 and 2.7; GOS/SPLM/A 2004d: 9.3).

The CPA also provides steps towards the solution of particular problems in three critical areas on the boundary between northern and southern Sudan (GOS and SPLM/A 2004c, d). Part of these areas, the